

STATE OF UTAH

# **SENATE JOURNAL**

NINTH EXTRAORDINARY SESSION OF  
THE  
FIFTY-EIGHTH LEGISLATURE

Convened and Adjourned on  
Wednesday, June 23, 2010

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Ninth Extraordinary Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Ninth Extraordinary Session convening on Wednesday, June 23, 2010, and adjourning sine die on the same day.

**Annette B. Moore**  
Secretary of the Senate

**Leslie McLean**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

**STATE OF UTAH**  
**SENATE JOURNAL**

**NINTH EXTRAORDINARY SESSION**  
**of the**  
**FIFTY-EIGHTH LEGISLATURE**

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

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

Prayer – Senator Mark Madsen

Pledge – Senator Jon Greiner

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

**PROCLAMATION**

WHEREAS, since the close of the 2010 General Session of the 58th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Senate in Extraordinary Session;

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 58th Legislature into the Ninth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 23rd day of June, 2010 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2010 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand  
and caused to be affixed the  
Great Seal of the State of Utah.  
Done at the Utah State Capitol  
in Salt Lake City, Utah, this 8th  
day of June, 2010.

Gary R. Herbert  
Governor

Greg Bell  
Lieutenant Governor

#### **CERTIFICATION**

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of June 8, 2010, and signed by Governor Gary R. Herbert, is a true and correct copy of the original Proclamation calling the Senate only into a Ninth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 23rd day of June, 2010, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2010 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 22nd day of June 2010.

Greg Bell  
Lieutenant Governor

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

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

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

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

### **COMMUNICATION FROM THE GOVERNOR**

Mr. President:

May 4, 2010

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

Thank you for your timely consideration and confirmation of Judge Dale.

Gary R. Herbert  
Governor

\* \* \*

Mr. President: June 9, 2010

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

Scott K. Jenkins, Chair

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

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

\* \* \*

Mr. President: May 10, 2010

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

Thank you for your timely consideration and confirmation of Judge Brady.

Gary R. Herbert  
Governor

\* \* \*

Mr. President: June 16, 2010

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

Scott K. Jenkins, Chair

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

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

\* \* \*

Mr. President: May 28, 2010

I am pleased to inform you that I have appointed Thomas R. Lee as a Justice of the Utah Supreme Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A-10-101.

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

Gary R. Herbert  
Governor

\* \* \*

Mr. President: June 15, 2010

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

Scott K. Jenkins, Chair

Senator Hillyard moved to consent to the appointment of Mr. Thomas R. Lee. The motion passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

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

**COMMITTEE OF THE WHOLE**

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

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

**COMMUNICATION FROM THE GOVERNOR**

Mr. President: June 8, 2010

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

**State Board of Regents:**

Daniel Wayne Campbell is appointed to replace Anthony Morgan as a member of the State Board of Regents, the remaining portion of the term will expire June 30, 2013. See Utah Code Ann. 53B-1-104.



**Real Estate Appraiser Licensing and Certification Board:**

Daniel V. Brammer is appointed to replace Ronald M. Smith as a state-certified general appraiser member of the Real Estate Appraiser Licensing and Certification Board, a term to expire July 1, 2014. See Utah Code Ann. 61b-2b-7.

**Workers Compensation Fund Board of Directors:**

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

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

**Board of Water Resources**

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

**Utah Radiation Control Board:**

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

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

Christian Kem Gardner is reappointed as a member of the Utah Radiation Control Board, a term to expire July 1, 2014. See Utah Code Ann. 19-3-103.

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

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

**Judicial Conduct Commission:**

Elaine E. Englehardt is reappointed as a member of the Judicial Conduct Commission, a term to expire June 30, 2014. See Utah Code Ann. 78A-11-103.

**Great Salt Lake Advisory Council:**

Dave Livermore is appointed to replace William Fenimore as a member of the Great Salt Lake Advisory Council, the remaining portion of the term will expire June 1, 2012. See Utah Code Ann. 73–30–201.

**Department of Human Services:**

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

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

Gary R. Herbert  
Governor

Mr. President:

June 15, 2010

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

Allen M. Christensen, Chair

\* \* \*

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

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

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Goodfellow
Greiner	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative was:** Senator Hillyard

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Romero
H. Stephenson			

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

Senator Valentine reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Jenkins, and at 12:55 p.m., the Senate adjourned sine die.



STATE OF UTAH

# **SENATE JOURNAL**

TENTH EXTRAORDINARY SESSION OF  
THE  
FIFTY-EIGHTH LEGISLATURE

Convened and Adjourned on  
Wednesday, August 18, 2010

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Tenth Extraordinary Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Tenth Extraordinary Session convening on Wednesday, August 18, 2010, and adjourning sine die on the same day.

**Annette B. Moore**  
Secretary of the Senate

**Leslie McLean**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

**STATE OF UTAH**

**SENATE JOURNAL**

**TENTH EXTRAORDINARY SESSION**  
**of the**  
**FIFTY-EIGHTH LEGISLATURE**

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

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

Prayer – Senator Stuart Adams

Pledge – Senator Gene Davis

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

**PROCLAMATION**

WHEREAS, since the close of the 2010 General Session of the 58th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Senate in Extraordinary Session;

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 58th Legislature into the Tenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of August, 2010 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2010 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand  
and caused to be affixed the  
Great Seal of the State of Utah.  
Done at the Utah State Capitol  
in Salt Lake City, Utah, this 3rd  
day of August, 2010.

Gary R. Herbert  
Governor

Greg Bell  
Lieutenant Governor

#### **CERTIFICATION**

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of August 3, 2010, is a true and correct copy of the original Proclamation calling the Senate only into a Tenth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 18th day of August, 2010, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2010 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I  
have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah at Salt  
Lake City, Utah, this 3rd day of  
August 2010.

Greg Bell  
Lieutenant Governor

Roll call – All Senators present except Senators Jones and Morgan, excused.



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

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

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

**COMMUNICATION FROM THE GOVERNOR**

Mr. President: May 4, 2010

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

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

Gary R. Herbert  
Governor

\* \* \*

Mr. President: August 9, 2010

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

Scott K. Jenkins, Chair

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Jones                      Madsen                      Morgan

\* \* \*

Mr. President:

June 24, 2010

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

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

Gary R. Herbert  
Governor

\* \* \*

Mr. President:

August 9, 2010

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

Scott K. Jenkins, Chair

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Jones                      Madsen                      Morgan                      H. Stephenson

**COMMITTEE OF THE WHOLE**

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

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

### **ADVISE AND CONSENT**

Mr. President:

August 3, 2010

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

#### **State Records Committee:**

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

John "Lex" Alexander Hemphill is reappointed as the News Media representative on the State Records Committee, a term to expire July 1, 2014. See Utah Code Ann. 63G-2-501.

#### **Purchasing From Persons with Disabilities Advisory Board:**

Stephen R. Richards is reappointed as the Private Business Community representative on the Purchasing From Persons with Disabilities Advisory Board, a term to expire September 20, 2013. See Utah Code Ann. 63G-56-425-2 (a).

#### **Real Estate Commission:**

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

#### **School and Institutional Trust Lands Board of Trustees:**

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

#### **Defined Contribution Risk Adjuster Board of Directors:**

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

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

Gary R. Herbert  
Governor

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

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

Senator Bramble reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Jenkins, and at 12:40 p.m., the Senate adjourned sine die.

STATE OF UTAH

# **SENATE JOURNAL**

**ELEVENTH EXTRAORDINARY  
SESSION OF THE  
FIFTY-EIGHTH LEGISLATURE**

Convened and Adjourned on  
Wednesday, September 15, 2010

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Eleventh Extraordinary Session of the Fifty-Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Eleventh Extraordinary Session convening on Wednesday, September 15, 2010, and adjourning sine die on the same day.

**Annette B. Moore**  
Secretary of the Senate

**Leslie McLean**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

**STATE OF UTAH**  
**SENATE JOURNAL**  
**ELEVENTH EXTRAORDINARY SESSION**  
**of the**  
**FIFTY-EIGHTH LEGISLATURE**

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

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

Prayer – Senator Brent Goodfellow

Pledge – Senator Curtis Bramble

**SPECIAL CITATION**

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

\* \* \*

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

**PROCLAMATION**

WHEREAS, since the close of the 2010 General Session of the 58th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Senate in Extraordinary Session;

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 58th Legislature into the Eleventh Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of September, 2010 at 1:30 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2010 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand  
and caused to be affixed the  
Great Seal of the State of Utah.  
Done at the Utah State Capitol  
in Salt Lake City, Utah, this 1st  
day of September, 2010.

Gary R. Herbert  
Governor

Greg Bell  
Lieutenant Governor

#### **CERTIFICATION**

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of September 1, 2010, is a true and correct copy of the original Proclamation calling the Senate only into a Eleventh Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 15th day of September, 2010, at 1:30 p.m., for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2010 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I  
have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah at Salt  
Lake City, Utah, this 1st day of  
September 2010.

Greg Bell  
Lieutenant Governor

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



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

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

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

**COMMUNICATION FROM THE GOVERNOR**

Mr. President: July 21, 2010

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

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

Gary R. Herbert  
Governor

\* \* \*

Mr. President: September 1, 2010

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

Scott K. Jenkins, Chair

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars                      H. Stephenson

\* \* \*

Mr. President: June 24, 2010

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

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

Gary R. Herbert  
Governor

\* \* \*

Mr. President: September 9, 2010

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

Scott K. Jenkins, Chair

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars                      H. Stephenson

\* \* \*

Mr. President: July 21, 2010

I am pleased to inform you that I have appointed Noel S. Hyde as a Judge of the Second District Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A-10-101.

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

Gary R. Herbert  
Governor

\* \* \*

Mr. President: September 1, 2010

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

Scott K. Jenkins, Chair

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars                      H. Stephenson

\* \* \*

Mr. President: July 21, 2010

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

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

Gary R. Herbert  
Governor

\* \* \*

Mr. President: September 1, 2010

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

Scott K. Jenkins, Chair

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars H. Stephenson

\* \* \*

Mr. President: July 27, 2010

I am pleased to inform you that I have appointed Karla Staheli as a Judge of the Fifth District Juvenile Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A-10-101.

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

Gary R. Herbert  
Governor

\* \* \*

Mr. President: September 1, 2010

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

Scott K. Jenkins, Chair

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars                      H. Stephenson

**COMMITTEE OF THE WHOLE**

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

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

**ADVISE AND CONSENT**

Mr. President: September 1, 2010

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

**Alcoholic Beverage Control Commission:**

Kathleen Collinwood is appointed to replace Bobbie Coray as a member of the Alcoholic Beverage Control Commission, a term to expire July 1, 2014. See Utah Code Annotated 32A-1-106.

**Utah State Retirement Board:**

Sheri Nelson is appointed to replace Larry W. Evans as the Utah Public Employee's Association representative, the remaining portion of the term will expire July 1, 2011. See Utah Code Annotated 49-11-202.

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

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

Gary R. Herbert  
Governor

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

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Buttars	H. Stephenson
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President Waddoups directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Liljenquist reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Jenkins, and at 2:55 p.m., the Senate adjourned sine die.

STATE OF UTAH

# **SENATE JOURNAL**

**TWELFTH EXTRAORDINARY SESSION  
OF THE  
FIFTY-EIGHTH LEGISLATURE**

Convened and Adjourned on  
Wednesday, October 20, 2010

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Twelfth Extraordinary Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Twelfth Extraordinary Session convening on Wednesday, October 20, 2010, and adjourning sine die on the same day.

**Annette B. Moore**  
Secretary of the Senate

**Leslie McLean**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk



**STATE OF UTAH**  
**SENATE JOURNAL**

**TWELFTH EXTRAORDINARY SESSION**  
**of the**  
**FIFTY-EIGHTH LEGISLATURE**

*The Senate of the Fifty-Eighth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Twelfth Extraordinary Session at 1:30 p.m. on Wednesday, October 20, 2010.*

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

Prayer – Senator Luz Robles

Pledge – Senator David Hinkins

\* \* \*

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

**PROCLAMATION**

WHEREAS, since the close of the 2010 General Session of the 58th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Senate in Extraordinary Session;

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 58th Legislature into the Twelfth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 20th day of October, 2010 at 1:30 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2010 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the Utah State Capitol in Salt  
Lake City, Utah, this 5th day of  
October, 2010.

Gary R. Herbert  
Governor

Greg Bell  
Lieutenant Governor

#### **CERTIFICATION**

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

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2010 General Session of the Utah State Legislature.

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

Greg Bell  
Lieutenant Governor

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

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

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

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

### **ADVISE AND CONSENT**

Mr. President: October 5, 2010

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

#### **Utah Digital Health Service Commission:**

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

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

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

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

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

#### **Utah Arts Council Board of Directors:**

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

**Health Data Committee:**

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

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

**Utah Conservation Commission:**

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

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

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

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

**Utah Capital Investment Board:**

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

**Weber State Board of Trustees:**

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

**Utah State University Board of Trustees:**

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

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

Gary R. Herbert  
Governor

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

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

Senator Stevenson reported that the committee had notified the Governor’s representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Jenkins, and at 2:10 p.m., the Senate adjourned sine die.



STATE OF UTAH

# **SENATE JOURNAL**

**SECOND SPECIAL SESSION  
OF THE  
FIFTY-EIGHTH LEGISLATURE**

Convened and Adjourned on Wednesday, November 17, 2010

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Second Special Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Second Special Session convening on Wednesday, November 17, 2010, and adjourning sine die the same day.

**Annette B. Moore**  
Secretary of the Senate

**Leslie McLean**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk



**SENATE JOURNAL**  
**SECOND SPECIAL SESSION**  
**of the**  
**FIFTY–EIGHTH LEGISLATURE**  
**November 17, 2010**

*Pursuant to the proclamation of His Excellency, Governor Gary R. Herbert, the Senate of the Fifty–Eighth Legislature of the State of Utah met in the Senate Chamber of the State Capitol in a Special Session at 1:00 p.m. on Wednesday, November 17, 2010.*

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

**Prayer** – Senator Pat Jones

**Pledge of Allegiance** – Senator Peter Knudson

**Roll Call** – All Senators present except Senator Davis, excused.

Annette Moore read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the adjournment of the 2010 General Session of the Fifty–Eighth Legislature of the State of Utah, matters have arisen that require immediate legislative attention; and,

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do by this Proclamation call the Fifty–Eighth Legislature of the State of Utah into a Second Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 17th day of November 2010, at 1:00 p.m., for two purposes only:

- (1) to exercise its statutory authority under Title 63J, Part 5, Federal Funds Procedures Act, relating to federal funds allocated by the United States Congress under the 2010 Education Jobs Fund bill; and

(2) for the Senate to consent to appointments made by the Governor since the close of the 2010 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the Utah State Capitol in Salt  
Lake City, Utah, this 10th day  
of November, 2010.

Gary R. Herbert  
Governor

### CERTIFICATION

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

I FURTHER TESTIFY THAT the membership of the Utah State Senate has not changed from that Certification of the 2010 General Session.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah at Salt  
Lake City, this 16th day of  
November, 2010.

Greg Bell  
Lieutenant Governor

\* \* \*

On motion of Senator Buttars, the Senate voted to adopt the Senate Rules of the 2010 General Session of the Fifty–Eighth Legislature as the rules for the Second Special Session.

President Waddoups appointed a committee comprised of Senators Howard Stephenson, Jon Greiner, and Brent Goodfellow to notify Governor Gary R. Herbert's representative that the Senate is convened in the Second Special Session in accordance with his proclamation and is organized and ready to receive any communication from him.

President Waddoups appointed a committee comprised of Senators David Hinkins, Mark Madsen, and Ben McAdams to notify the House of Representatives that the Senate is organized and ready to do business.

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

Senator Hinkins reported that the House has been notified.

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

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

## **ADVISE AND CONSENT**

### **COMMUNICATIONS FROM THE GOVERNOR**

Mr. President:

October 19, 2010

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

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

Gary R. Herbert  
Governor

Mr. President: November 10, 2010

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

Scott K. Jenkins, Chair

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator  
Davis

\* \* \*

Mr. President: October 19, 2010

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

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

Gary R. Herbert  
Governor

Mr. President: November 10, 2010

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

Scott K. Jenkins, Chair

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator  
Davis

\* \* \*

Mr. President: November 2, 2010

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

**Utah Valley University Board of Trustees:**

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

**State Tax Commission**

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

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

Gary R. Herbert  
Governor

\* \* \*

Mr. President: November 16, 2010

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

Commissioner Bruce Johnson

Wayne L. Niederhauser, Chair

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator  
Davis

### COMMITTEE OF THE WHOLE

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

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

### INTRODUCTION OF BILLS

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

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

### SECOND READING CALENDAR

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

Dayton explained the bill. Senators Jones and Hillyard commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble                      Davis

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

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: November 17, 2010

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

Sandy D. Tenney, Chief Clerk

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

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

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

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: November 17, 2010

The House passed, as amended, **S.J.R. 201**, JOINT RULES RESOLUTION – APPROPRIATIONS SUBCOMMITTEE AMENDMENTS, by Senator M. Dayton, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

## SECOND READING CALENDAR

On motion of Senator Dayton, the Senate voted to lift **H.J.R. 201** from the Rules Committee and place it on the Second Reading Calendar.

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

Senator Jones proposed the following amendment:

1. Page 2, Lines 37 through 38

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

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

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

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

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

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

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

**Voting in the affirmative were:** Senators

Buttars	Dayton	Greiner	Hinkins
Madsen	H. Stephenson	Stowell	Urquhart



**Voting in the negative were:** Senators

Adams	Bramble	Christensen	Goodfellow
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator

Davis

Senators Valentine, Madsen, Buttars, and Goodfellow commented.

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

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

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Buttars	Dayton	Madsen	H. Stephenson
Stowell	Urquhart		

**Absent or not voting was:** Senator

Davis

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

### CONCURRENCE CALENDAR

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator

Davis

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

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

November 17, 2010

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

Sandy D. Tenney, Chief Clerk

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

\* \* \*

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

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

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

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

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

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SENATE AND HOUSE BILLS AND RESOLUTIONS

FIFTY-EIGHTH LEGISLATURE  
SECOND SPECIAL SESSION

Convened and Adjourned on  
Tuesday, November 17, 2010

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STATE OF UTAH

# **SENATE JOURNAL**

**THIRTEENTH EXTRAORDINARY  
SESSION OF THE  
FIFTY-EIGHTH LEGISLATURE**

Convened and Adjourned on  
Tuesday, December 14, 2010

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Thirteenth Extraordinary Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Thirteenth Extraordinary Session convening on Tuesday, December 14, 2010, and adjourning sine die on the same day.

**Annette B. Moore**  
Secretary of the Senate

**Leslie McLean**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

**STATE OF UTAH**  
**SENATE JOURNAL**

**THIRTEENTH EXTRAORDINARY SESSION**  
**of the**  
**FIFTY-EIGHTH LEGISLATURE**

*The Senate of the Fifty-Eighth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Thirteenth Extraordinary Session at 12:45 p.m. on Tuesday, December 14, 2010.*

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

Prayer – Senator Brent Goodfellow

Pledge – Senator Kevin Van Tassell

\* \* \*

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

Dear Senators: December 3, 2010

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

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

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

As President of the Senate, and by authority vested in me by Article VIII, Section 8, of Utah Constitution, I hereby call the Utah Senate into a Thirteenth Extraordinary Session on Tuesday, December 14, 2010, at 12:45 p.m. in the

Senate Chambers of the Utah State Capitol, for the purpose of considering the governor's appointment of Ms. Julie Lund.

Michael G. Waddoups  
President of the Senate

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

\* \* \*

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

### ADVISE AND CONSENT

Mr. President: November 9, 2010

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

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

Gary R. Herbert  
Governor

\* \* \*

Mr. President: December 8, 2010

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

Scott K. Jenkins, Chair

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

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

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Hillyard	Jenkins	Jones



Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Greiner	Hinkins
---------	---------	---------	---------

**COMMITTEE OF THE WHOLE**

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

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

\* \* \*

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



STATE OF UTAH

# **SENATE JOURNAL**

2011 GENERAL SESSION  
OF THE  
FIFTY-NINTH LEGISLATURE

Convened  
Monday, January 24, 2011

Adjourned Sine Die  
Thursday, March 10, 2011

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the 2011 General Session of the Fifty–Ninth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the General Session convening on Monday, January 24, 2011, and adjourning sine die on Thursday, March 10, 2011.

**Annette B. Moore**  
Secretary of the Senate

**Leslie McLean**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

# PRESIDENT OF THE SENATE



## 2011 General Session Fifty–Ninth Legislature

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

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

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

Highlights of the 2011 session can be found at [http://le.utah.gov/session/2011/pdfdoc/selected\\_highlights.pdf](http://le.utah.gov/session/2011/pdfdoc/selected_highlights.pdf) for those who are interested in more detailed information.

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

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



## SENATE LEADERSHIP

### MAJORITY LEADERSHIP (Republican)



Scott Jenkins  
*Majority Leader*



Wayne Niederhauser  
*Majority Whip*

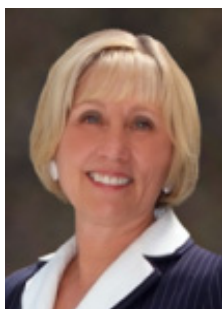


Peter Knudson  
*Asst. Majority Whip*

### MINORITY LEADERSHIP (Democrat)



Ross Romero  
*Minority Leader*



Karen Morgan  
*Minority Whip*



Patricia Jones  
*Asst. Minority Whip*

### SENATE STAFF



Annette B. Moore  
*Secretary of  
the Senate*



Leslie McLean  
*Manager  
Senate Services*



Mary Andrus  
*Journal Clerk*





## **SENATE LEADERSHIP**

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

## **HOUSE LEADERSHIP**

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

## **STATE OFFICIALS**

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

## **CONGRESSIONAL DELEGATION**

Senator . . . . . Mike Lee  
Senator . . . . . Orrin G. Hatch  
Congressman . . . . . Jim Matheson  
Congressman . . . . . Rob Bishop  
Congressman . . . . . Jason Chavetz

## **UTAH SUPREME COURT**

Chief Justice . . . . . Christine M. Durham  
Assoc. Chief Justice . . . . . Matthew B. Durrant  
Justice . . . . . Thomas R. Lee  
Justice . . . . . Jill Parrish  
Justice . . . . . Ronald E. Nehring

# MEMBERS OF THE SENATE



Annette Mason  
Secretary of the Senate



Lyle W. Hildard



Howard A. Stephenson



John L. Valentine



Gene Davis



Curtis S. Donable



D. Chris Duttore



Robert Gardner  
Speaker/Acting



Peter C. Knudsen  
Majority Aides Whip



Wayne L. Niederhuser  
Majority Whip



Scott K. Jenkins  
Majority Leader



Michael G. Waldrop  
President of the Senate



Ross J. Rosenc  
Minority Leader



Karen W. Morgan  
Minority Whip



Patricia W. Jones  
Minority Aides Whip



Alan M. Christensen



Mark B. Madson



Dennis E. Snowell



Kevin T. Van Tassel



Margaret Dayton



Karen Mygno



David R. Hildreth



Dan Leggett



Ralph Oberland



Stephen H. Uppshurst



Lisa Robles



Stuart Adams



Benjamin M. McAdams



Jerry Stevenson



Stuart C. Reed



David W. Tinscher

## 59th Legislature - Utah State Senate - 2011 Session

## MEMBERS OF THE SENATE

### Fifty–Ninth Legislature

Senator	District	County(ies)	Party	Address & Telephone No.
<b>Luz Robles</b>	<b>1</b>	Salt Lake	(D)	1004 N Morton Dr Salt Lake City Ut 84116 Home/Office (801) 953–0905
<b>Benjamin McAdams</b> <i>Minority Caucus Mgr:</i>	<b>2</b>	Salt Lake	(D)	817 17th Ave Salt Lake City Ut 84103 Home (801) 618–1946
<b>Gene Davis</b>	<b>3</b>	Salt Lake	(D)	865 Parkway Ave Salt Lake City Ut 84106 Home (801) 484–9428
<b>Patricia Jones</b> <i>Asst. Minority Leader</i>	<b>4</b>	Salt Lake	(D)	4571 Sycamore Dr Holladay Ut 84117 Home (801) 278–7667
<b>Karen Mayne</b>	<b>5</b>	Salt Lake	(D)	5044 W Bannock Cir West Valley City Ut 84120 Home (801) 968–7756
<b>Michael G Waddoups</b> <i>President</i>	<b>6</b>	Salt Lake	(R)	2868 Matterhorn Dr Taylorsville Ut 84084 Home (801) 967–0225
<b>Ross I Romero</b> <i>Minority Leader</i>	<b>7</b>	Salt Lake	(D)	1150 S 1400 E Salt Lake City Ut 84105 Home (801) 364–2451
<b>Karen W. Morgan</b> <i>Minority Whip</i>	<b>8</b>	Salt Lake	(D)	8378 Austrian Way Salt Lake City Ut 84121 Home (801) 943–0067
<b>Wayne L Niederhauser</b> <i>Majority Whip</i>	<b>9</b>	Salt Lake	(R)	3182 E Granite Woods Lane Sandy Ut 84092 Home (801) 942–3398
<b>D Chris Buttars</b>	<b>10</b>	Salt Lake	(R)	9241 S Lisa Ave West Jordan Ut 84088 Home (801)561–0535
<b>Howard A Stephenson</b>	<b>11</b>	Salt Lake, Utah	(R)	1038 E 13590 S Draper Ut 84020 Home (801) 576–1022

<b>Daniel Thatcher</b>	<b>12</b>	Salt Lake, Tooele	(R)	6352 City Vistas Way West Valley City, Ut 84128 Cell (801) 759-4746
<b>Mark B Madsen</b>	<b>13</b>	Tooele, Utah	(R)	P O Box 572 Lehi Ut 84043 Office (801) 361-4787
<b>John L Valentine</b>	<b>14</b>	Utah	(R)	857 E 970 N Orem Ut 84097 Home (801) 224-1693
<b>Margaret Dayton</b>	<b>15</b>	Utah	(R)	97 W Westview Dr Orem Ut 84058 Home (801) 221-0623
<b>Curtis S Bramble</b>	<b>16</b>	Utah	(R)	3663 N 870 E Provo Ut 84604 Home (801)226-3663
<b>Peter C Knudson</b> <i>Assistant Majority Whip</i>	<b>17</b>	Box Elder, Cache,Tooele	(R)	1209 Michelle Dr Brigham City Ut 84302 Home (435) 723-2035
<b>Stuart C Reid</b>	<b>18</b>	Davis, Weber	(R)	2155 Grant Ave #125 Ogden Ut 84403 Cell (801) 686-7944
<b>Allen M Christensen</b>	<b>19</b>	Morgan, Summit, Weber,	(R)	1233 E 2250 N North Ogden Ut 84414 Home (801) 782-5600
<b>Scott K Jenkins</b> <i>Majority Leader</i>	<b>20</b>	Weber	(R)	4385 W 1975 N Plain City Ut 84404 Home (801) 731-5120
<b>Jerry Stevenson</b>	<b>21</b>	Davis	(R)	466 S 1700 W Layton Ut 84041 Home (801) 455-5172
<b>Stuart Adams</b>	<b>22</b>	Davis	(R)	3271 E 1874 N Layton Ut 84040 Home (801) 593-1776
<b>Dan Liljenquist</b>	<b>23</b>	Davis	(R)	553 S Davis Blvd Bountiful Ut 84010 Home (801) 294-2378

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



**STATE OF UTAH**  
**SENATE JOURNAL**  
**2011 GENERAL SESSION**  
**of the**  
**FIFTY–NINTH LEGISLATURE**  
**FIRST DAY**  
**MORNING SESSION**  
**January 24, 2011**

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

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

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

Oh God, Our Eternal Father in Heaven,

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

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

We are blessed to be governed in this great country of the United States of America who rule by law, the foundation of which is an inspired Constitution.

During the time of its formation, the founding fathers wanted to make certain it would guarantee our God-given right of liberty. Before final approval of this inspired document, the framers of the Constitution added the Bill of Rights which insures freedom of worship, freedom of speech, and the right to peaceable assemble. Our state of Utah has historically strengthened and supported this Constitution.

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

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

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

## **POSTING OF COLORS & PLEDGE OF ALLEGIANCE**

### **UTAH NATIONAL GUARD**

Members of the Color Guard

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

Pledge of Allegiance – Colonel Scot Olsen

### **SPECIAL MUSICAL PRESENTATION**

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

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



Evans and the Utah State University Chamber Singers for their participation in the opening of the Utah State Senate.

\* \* \*

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

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

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

SECOND DISTRICT: County of Salt Lake

**Ben McAdams**

THIRD DISTRICT: County of Salt Lake

**Gene Davis**

FOURTH DISTRICT: County of Salt Lake

**Patricia W. Jones**

FIFTH DISTRICT: County of Salt Lake

**Karen Mayne**

SEVENTH DISTRICT: County of Salt Lake

**Ross I. Romero**

NINTH DISTRICT: County Salt Lake

**Wayne Niederhauser**

ELEVENTH DISTRICT: Counties of Salt Lake, Utah

**Howard A. Stephenson**

TWELFTH DISTRICT: Counties of Salt Lake, Tooele

**Daniel W. Thatcher**

FIFTEENTH DISTRICT: County of Utah

**Margaret Dayton**

SEVENTEENTH DISTRICT: Counties of Box Elder, Cache, Tooele

**Peter C. Knudson**

EIGHTEENTH DISTRICT: Counties of Davis, Weber

**Stuart C. Reid**

TWENTY–FIRST DISTRICT: County of Davis

**Jerry W. Stevenson**

TWENTY–SECOND DISTRICT: County of Davis

**J Stuart Adams**

TWENTY–SEVENTH DISTRICT: Counties of Carbon, Emery, Grand, San Juan, Utah

**David P. Hinkins**

TWENTY–SIXTH DISTRICT: Counties of Daggett, Duchesne, Summit, Uintah, Wasatch

**Kevin T. Van Tassell**

TWENTY–EIGHTH DISTRICT: Counties of Beaver, Garfield, Iron, Kane, Millard, Washington

**Dennis E. Stowell**

Furthermore, in the General Election held within and for the State of Utah on Tuesday, November 4, 2008, the following named persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Utah Senate, each for a term of four years, beginning the first day of the 2009 annual general session. Subsequent to the canvass, I sent a Certificate of Election to each of the following:

FIRST DISTRICT: County of Salt Lake

**Luz Robles**

SIXTH DISTRICT: County of Salt Lake

**Michael G. Waddoups**

EIGHTH DISTRICT: County of Salt Lake

**Karen W. Morgan**

TENTH DISTRICT: County of Salt Lake

**D. Chris Buttars**

THIRTEENTH DISTRICT: Counties of Tooele, Utah

**Mark B. Madsen**

FOURTEENTH DISTRICT: County of Utah

**John L. Valentine**

SIXTEENTH DISTRICT: County of Utah

**Curtis S. Bramble**

NINETEENTH DISTRICT: Counties of Morgan, Summit, Weber

**Allen M. Christensen**

TWENTIETH DISTRICT: County of Weber

**Scott K. Jenkins**

TWENTY–THIRD DISTRICT: County of Davis

**Daniel R. Liljenquist**

TWENTY-FOURTH DISTRICT: Counties of Juab, Piute, Sanpete, Sevier, Tooele, Wayne

**Ralph Okerlund**

TWENTY-FIFTH DISTRICT: Counties of Cache, Rich

**Lyle W. Hillyard**

TWENTY-SEVENTH DISTRICT: Counties of Carbon, Emery, Grand, San Juan, Utah

**David P. Hinkins**

TWENTY-NINTH DISTRICT: County of Washington

**Stephen H. Urquhart**

Greg Bell  
Lieutenant Governor

Communication filed.

\* \* \*

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

**Roll Call** – All Senators present.

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

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

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

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

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

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

### WELCOMING REMARKS BY PRESIDENT WADDOUPS

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

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

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

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

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

I, like Langdon, believe the United States is highly favored of Heaven, and our Constitution, though not carved in tablets of stone, was inspired by our maker. Today we took an oath to defend and obey the constitution. I adjure each of you to find out what it means to honor and obey the Constitution from our positions as legislators. Even though we are not taking the time to read it here on the floor as they did in Washington, I have recently read it again, and marvel at the wisdom and inspiration of our forefathers. I think we all could benefit by reviewing it again. George Washington himself acknowledged divine help as he fought for freedom, as he worked the Continental Congress, and again as he lead an infant nation destined to become the greatest nation in the world.

Samuel Langdon gave some good advise that is valid for us today because I believe it references qualities that you, as elected representatives of the people, possess. He said, "Fix your eyes upon men of good understanding and known honesty; men of knowledge, improved by experience, men who fear God, and hate covetousness; who love truth and righteousness, and sincerely wish the public welfare." The author then asked if we should not strive to save our nation – and I add our state – from the plight that befell ancient Israel.

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

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

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

alcohol impaired driving fatalities. Government Technology grades Utah an "A." Kauffman says we are #1 for Dynamic Economy. And it goes on.

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

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

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

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

jump right out and get you as you walk by. This one did. As I was taking a picture, it hooked on to my slacks.

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

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

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

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

\* \* \*

On motion of Senator Niederhauser, 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 59th Legislature 2011 General Session:

President – Michael G. Waddoups  
Majority Leader – Scott K. Jenkins  
Majority Whip – Wayne L. Niederhauser  
Asst. Majority Whip – Peter C. Knudson  
Minority Leader – Ross I. Romero  
Minority Whip – Karen W. Morgan  
Asst. Minority Whip – Patricia W. Jones  
Minority Caucus Manager – Benjamin McAdams

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

Senators Romero and Jenkins delivered welcoming remarks.

\* \* \*

President Waddoups appointed a Senate Rules Committee comprised of Senator Margaret Dayton, Chair, Senators D. Chris Buttars, Peter Knudson, Dan Liljenquist, Mark Madsen, Kevin Van Tassell, Patricia Jones, and Karen Mayne to formulate the Senate Rules and work with the House of Representatives in formulating Joint Rules.

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

On motion of Senator Margaret Dayton, the 2010 Senate Rules, Joint Rules and Interim Rules of the Fifty–Eighth Legislature were adopted with the understanding that changes to these rules for the Fifty–Ninth Legislature will be considered and adopted as soon as possible.

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

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

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

On motion of Senator Dayton, as allowed by the Utah Constitution and Joint Rules of the Legislature, the Senate voted to continue its practice of reading only



the short title of bills and resolutions as they are introduced or considered on the Senate calendar and not read the long title of the bills and resolutions unless a majority of the Senate directs the reading of the long title, short title, or both of any House or Senate bill or resolution. The motion passed on the following roll call vote:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Adams	Buttars	Hillyard	Hinkins
Mayne	Reid	Robles	Thatcher

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

Senator Adams, Chairman of the Committee to Notify the Governor, reported that His Excellency, Governor Gary R. Herbert, has been notified that the Legislature is organized and ready to do business.

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

**SENATE STANDING COMMITTEES**

**Business and Labor**

John Valentine, *Chair*  
 Curtis Bramble  
 David Hinkins  
 Daniel Liljenquist  
 Steve Urquhart  
 Kevin Van Tassell  
 Gene Davis  
 Karen Mayne

**Education**

Howard Stephenson, *Chair*  
 Lyle Hillyard  
 Wayne Niederhauser  
 Jerry Stevenson  
 Daniel Thatcher  
 Karen Morgan

**Natural Resources, Agriculture  
and Environment**

Ralph Okerlund, *Chair*  
Allen Christensen  
Margaret Dayton  
David Hinkins  
Dennis Stowell  
Gene Davis

**Health and Human Services**

D. Chris Buttars, *Chair*  
Allen Christensen  
Mark Madsen  
Stuart Reid  
Patricia Jones  
Luz Robles

**Workforce Services and  
Community and Economic  
Development**

Stuart Reid, *Chair*  
Ralph Okerlund  
Jerry Stevenson  
Michael Waddoups  
Patricia Jones  
Karen Morgan

**Judiciary, Law Enforcement and  
Criminal Justice**

Mark Madsen, *Chair*  
Lyle W. Hillyard  
Steve Urquhart  
Michael Waddoups  
Ben McAdams  
Ross Romero

**Revenue and Taxation**

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

**Government Operations and  
Political Subdivisions**

Peter Knudson, *Chair*  
Margaret Dayton  
Scott Jenkins  
Daniel Thatcher  
Luz Robles

**Ethics**

Daniel Liljenquist, *Chair*  
Chris Buttars  
Scott Jenkins  
John Valentine  
Karen Mayne  
Benjamin McAdams  
Karen Morgan  
Luz Robles

**Transportation and Public  
Utilities and Technology**

Kevin Van Tassell, *Chair*  
Stuart Adams  
Scott Jenkins  
Peter Knudson  
Karen Mayne

**Retirement and Independent  
Entities**

Daniel Liljenquist, *Chair*  
Curtis Bramble  
Stuart Reid  
Daniel Thatcher  
Karen Mayne  
Luz Robles

**Senate Rules**

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

**SENATE MEMBERS JOINT  
APPROPRIATIONS SUBCOMMITTEES  
2011 – 2012**

**EXECUTIVE  
APPROPRIATIONS  
COMMITTEE**

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

**BUSINESS, ECONOMIC  
DEVELOPMENT & LABOR**

Sen. Jerry Stevenson *Co-Chair*  
Sen. Curtis Bramble  
Sen. Ralph Okerlund  
Sen. Stuart Reid  
Sen. Steve Urquhart  
Sen. Gene Davis

**EXECUTIVE OFFICES AND  
CRIMINAL JUSTICE**

Sen. Daniel Thatcher, *Co-Chair*  
Sen. Peter Knudson  
Sen. Howard Stephenson  
Sen. John Valentine  
Sen. Michael Waddoups  
Sen. Ben McAdams

**HIGHER EDUCATION**

Sen. Steve Urquhart, *Co-Chair*  
 Sen. Scott Jenkins  
 Sen. Stuart Reid  
 Sen. Jerry Stevenson  
 Sen. John Valentine  
 Sen. Ross Romero

**INFRASTRUCTURE &  
GENERAL GOVERNMENT**

Sen. Stuart Adams, *Co-Chair*  
 Sen. Lyle Hillyard  
 Sen. David Hinkins  
 Sen. Mark Madsen  
 Sen. Kevin Van Tassell  
 Sen. Karen Mayne

**NATURAL RESOURCES,  
AGRICULTURE &  
ENVIRONMENTAL QUALITY**

Sen. David Hinkins, *Co-Chair*  
 Sen. Margaret Dayton  
 Sen. Ralph Okerlund  
 Sen. Dennis Stowell  
 Sen. Kevin Van Tassell  
 Sen. Gene Davis

**PUBLIC EDUCATION**

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

**RETIREMENT &  
INDEPENDENT ENTITIES**

Sen. Daniel Liljenquist, *Co-Chair*  
 Sen. Curtis Bramble  
 Sen. Stuart Reid  
 Sen. Daniel Thatcher  
 Sen. Karen Morgan  
 Sen. Luz Robles

**SOCIAL SERVICES**

Sen. Allen Christensen, *Co-Chair*  
 Sen. Margaret Dayton  
 Sen. Peter Knudson  
 Sen. Daniel Liljenquist  
 Sen. Wayne Niederhauser  
 Sen. Patricia Jones  
 Sen. Luz Robles

**LEGISLATIVE MANAGEMENT COMMITTEE**

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

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

**EMPLOYEE COMMITTEE REPORT**

Senator Christensen introduced the Senate Staff.

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

Glenn Hildebrand	Security
Jason Hildebrand	Security
Paul Jacobs	Security
Leo Perry	Security
Roger Winslow	Security
Gayle C. Petersen	Page Supervisor
Linda Cornaby	Asst. Page Supervisor
Jewel Doxey	Page
Deanne Evans	Page
Sue Gaskill	Page
Janet Packham	Page
Leslie Rice	Page
Dianne Richards	Page
Shirley Taylor	Page
Georgianna Knudson	Docket Clerk Aide
Eileen Miller	Public Address System/Comp Operator
Shelley Robinson	Visitor Services Liaison
Richard Block	Computer Specialist
Claudette Eastman	Hostess
Katherine Gardner	Hostess
Vicky Barber	Public Information Officer
Rebecca Rawson	Public Information Officer
Ellen Schoffield	Public Information Officer
Sarah Buhr	New Senate Media
Liz Oldroyd	Administrative Assistant

### INTRODUCTION OF INTERNS

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

Sen. Stuart Adams	Dan Birdsall
Sen. Curtis Bramble	Ryan Sims
Sen. D. Chris Buttar	Scott Loveless
Sen. Allen Christensen	David Ellis
Sen. Gene Davis	William Espanol
Sen. Margaret Dayton	Jordan Hess
Sen. Lyle Hillyard	Brandon Smith
Sen. David Hinkins	Taylor Adams
Sen. Scott Jenkins	Katie Jenkins
Sen. Patricia Jones	Molly Wheeler
Sen. Peter Knudson	Sam Barlow
Sen. Daniel Liljenquist	Sydney Barfuss

Sen. Mark Madsen  
 Sen. Karen Mayne  
 Sen. Benjamin McAdams  
 Sen. Karen Morgan  
 Sen. Wayne Niederhauser  
 Sen. Ralph Okerlund  
 Sen. Stuart Reid  
 Sen. Luz Robles  
 Sen. Ross Romero  
 Sen. Howard Stephenson  
 Sen. Jerry Stevenson  
 Sen. Dennis Stowell  
 Sen. Daniel Thatcher  
 Sen. Stephen H. Urquhart  
 Sen. John Valentine  
 Sen. Kevin Van Tassell  
 Pres. Michael Waddoups

David Ellis  
 Teresa Dieringer  
 Taylor Maryon  
 Samantha JS Kern  
 Jake Cannon  
 Joey Carlson  
 Dan Birdsall  
 William Espanol  
 Tyler Anderson  
 Thomas Schultz  
 Taylor Adams  
 Joey Carlson  
 Jordan Airhart  
 Sydney Barfuss  
 Jeff R. Watkins  
 Jordan Airhart  
 Michael Lehr

The following were introduced as assistants to Senators

Sen. Adams	Lyle Gibson
Sen. Davis	Joslyn Stevens
Sen. Morgan	Emily Hollingshead
Sen. Stephenson	Chase Everton
Sen. Stowell	Kelly Stowell
Sen. Thatcher	Jessica Thorsen
Sen. Urquhart	Abbie Pike

## INTRODUCTION OF BILLS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**S.B. 27, Sale of State Property** (P. Knudson), was read the first time by short title and referred to the Rules Committee.



**S.B. 28, Alcohol or Drug Related Offense Amendments** (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

**S.B. 94, Uniform Requirements for Constables** (K. Mayne), was read the first time by short title and referred to the Rules Committee.

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

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

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

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

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

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

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

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

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

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

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

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

**S.B. 107, Higher Education Success Stipend Program** (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

**S.B. 108, Joint Use of Water Infrastructure** (D. Stowell), was read the first time by short title and referred to the Rules Committee.

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

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

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

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

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

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

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

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

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

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

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

**S.J.R. 4, Joint Resolution Approving Scenic Byway Corridor Management Plan** (D. Stowell), was read the first time by short title and referred to the Rules Committee.

**S.J.R. 5, Joint Rules Resolution on Fiscal Note Process** (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

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

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

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

## **AFTERNOON SESSION**

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

### **COMMITTEE OF THE WHOLE**

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

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

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

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

Also present today are the members of Utah's Judicial Council, the governing body for the judicial branch, which had its regular monthly meeting this morning in Salt Lake City. The Council has constitutional authority for the Rules of Judicial Administration, the preparation and monitoring of the budget, and the development of policy for the judiciary, while the Supreme Court is responsible for rules of evidence and procedure and regulation of the practice of law. The Council members are elected by each of the trial and appellate court levels in the

state, along with one lawyer appointed by the State Bar, and dedicate a great deal of their time and talent to the oversight of Utah's judiciary. I would also like to publicly recognize the work of the Council over the last two years in responding boldly to our fiscal challenges and charting a course that has been both responsible and innovative, as I will share with you in these remarks. The Administrative Office of the Courts, headed by the extremely able Dan Becker, serves as staff to the Judicial Council and is responsible for implementing Council policy throughout the state courts. The Justice Courts are locally operated and funded, but the Administrative Office provides technical and educational support to them, and they participate in the work of the Council.

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

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

Of even more significance, however, is the kind of cases these filings represent. State courts decide where children will live after divorce and how much is due for their support, whether a tenant is evicted, whether a small business can

collect its unpaid accounts, whether a property owner gets a zoning variance. It is in state courts that vulnerable citizens like children and the disabled can be protected from exploitation and abuse, that troubled families seek final resolution and fair disposition of their disputes, that persons who disrupt the social order by criminal behavior are held accountable, that property owners end disputes without violence, that commercial and business transactions gone awry get resolved, and that citizens can seek redress from government over-reaching when it occurs. This list could go on for pages—it is the merest summary of the kinds of human problems that depend on a fair and impartial forum, open to all, for their solutions.

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

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

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

principles. We believe that we have done all of these things, that we are an example of good government.

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

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

As of today, our non-judicial workforce has been downsized permanently by nine percent, while our case filings—for the third straight year—are 16 percent above their pre-recession 2008 levels. Everyone is concerned these days about having to do more with less; in the courts we are worried about doing far more with much less. So what are we doing? It would be extremely difficult, I think, to find any operation more paper intensive than courts; tens of millions of pieces of paper are handled multiple times by multiple people in Utah's courts annually. This is

about to change radically and rapidly as we move to what we are calling “e–everything.” Plans for this shift have been underway for some time, but our budget losses and personnel cuts have persuaded us to accelerate the process dramatically. We are moving to the use of an electronic record for all court business at all court levels—something that has yet to be done in any state court system. As you can imagine this is stressful for our judges, our court clerks, and particularly our information technology staff, but I am very proud of the dedication and innovation being shown throughout our system.

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

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

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



Civil Procedure that we hope will streamline the process dramatically, reducing delay and cost, and thereby improving access to and confidence in the courts.

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

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

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

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

For all the good news about these innovations and changes, however, I don’t want to minimize the pressures that they are exerting on all parts of our system,

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

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

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

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

\* \* \*

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

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

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 24, 2011

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

#### **Business and Labor Committee**

**S.B. 35**                      Construction Licensees Related Amendments  
(Sen. K. Mayne)

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

**Education Committee**

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

**Government Operations and Political Subdivisions Committee**

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

**Health and Human Services Committee**

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

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

- S.B. 28** Alcohol or Drug Related Offense Amendments  
(Sen. S. Jenkins)  
**S.B. 34** Uniform Interstate Family Support Act (Sen. L. Hillyard)  
**S.B. 36** Concealed Firearm Act Amendments (Sen. J. Valentine)  
**S.B. 94** Uniform Requirements for Constables (Sen. K. Mayne)  
**S.B. 96** Alimony Amendments (Sen. L. Hillyard)  
**S.B. 104** Probate Law Amendments (Sen. J. Valentine)  
**S.B. 106** Sexual Exploitation Amendments (Sen. D. Hinkins)

**Natural Resources, Agriculture and Environment Committee**

- S.B. 25** Share Certificates in Water Companies  
(Sen. R. Okerlund)
- S.B. 32** Agriculture Amendments (Sen. R. Okerlund)
- S.B. 102** Temporary Water Shortage Emergency – Military  
Facilities (Sen. R. Okerlund)
- S.B. 108** Joint Use of Water Infrastructure (Sen. D. Stowell)

**Revenue and Taxation Committee**

- S.B. 21** Tax Revisions (Sen. W. Niederhauser)

**Transportation, Public Utilities and Technology Committee**

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

**Workforce Services and Community and Economic Development Committee**

- S.B. 31** Rural Fast Track Program Amendments  
(Sen. R. Okerlund)
- S.B. 37** Emergency Food Agency Amendments (Sen. P. Knudson)

Margaret Dayton  
Rules Committee Chair

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

**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 24, 2011  
The Rules Committee recommends that the following bills be placed on the  
Second Reading Calendar:

- S.B. 10** Local District Amendments (Sen. D. Stowell)
- S.B. 12** Alcoholic Beverage Control Act – Modifications  
(Sen. J. Valentine)
- S.B. 13** Per Diem and Travel Modifications (Sen. P. Knudson)
- S.B. 14** Local Election Amendments (Sen. P. Knudson)
- S.B. 15** Surety Requirements for Mining (Sen. D. Stowell)

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

Margaret Dayton  
Rules Committee Chair

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

### INTRODUCTION OF BILLS

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

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

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

**S.B. 116, Homestead Exemption Modification** (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

**S.C.R. 5, Bear Lake Concurrent Resolution** (P. Knudson), was read the first time by short title and referred to the Rules Committee.

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

\* \* \*

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

## SECOND DAY

**January 25, 2011**

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

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

**Pledge of Allegiance** – Senator Kevin Van Tassell

**Roll Call** – All Senators present

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

#### STANDING COMMITTEE REPORTS

Mr. President:

January 24, 2011

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

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

1. Page 5, Lines 122 through 129:

122        {~~1~~}        {~~(5)~~}        (6)        Notwithstanding Subsection  
123        (1), directors may not be elected by written consent

123        except by unanimous written consent of all shares entitled to vote  
124        for the election of directors.        {~~1~~}

124        {~~(6)~~}        (7)        If not otherwise determined under  
125        Sections 16–10a–703 or 16–10a–707, the record

125        date for determining shareholders entitled to take action without a  
126        meeting or entitled to be

126        given notice under Subsection (2) [~~of action so taken~~] or (3) is the  
127        date the first shareholder

127        delivers to the corporation a writing upon which the action is taken  
128        pursuant to Subsection (1).

128        {-(7)-}        (8)    Action taken under this section has the same effect as action taken at a meeting of

129 shareholders and may be so described in any document. ; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 99**, MOTOR VEHICLE INSURANCE – NAMED DRIVER EXCLUSION AMENDMENTS, by Senator L. Hillyard.

John L. Valentine, Chair

Mr. President:

January 24, 2011

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

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

Howard Stephenson, Chair

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

### INTRODUCTION OF BILLS

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

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

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

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

### SECOND READING CALENDAR

**S.B. 10, LOCAL DISTRICT AMENDMENTS**, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:



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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Liljenquist	Madsen	H. Stephenson
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\* \* \*

**S.B. 12, ALCOHOLIC BEVERAGE CONTROL ACT – MODIFICATIONS,** was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator

Madsen

\* \* \*

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

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

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins

Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Madsen	Robles	H. Stephenson
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**S.B. 14, LOCAL ELECTION AMENDMENTS**, was read the second time. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:

1. Page 20, Lines 609 through 613

609 (3) A local district board may cancel an election as described in Section 17B-1-306 if:

610 (a) (i) (A) {~~all~~} any local district officers are elected in an at-large election; and

611 (B) the number of local district officer candidates for the at-large local district offices,

612 including any eligible write-in candidates under Section 20A-9-601, does not exceed the

613 number of open at-large local district offices for which the candidates have filed; or

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator  
Buttars

\* \* \*

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator  
Van Tassell

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

\* \* \*

**S.B. 17, STATE TAX COMMISSION LEVY PROCESS USING DEPOSITORY INSTITUTION DATA MATCH SYSTEM**, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan

Niederhauser	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Waddoups	

**Absent or not voting were:** Senators

Robles	Van Tassell
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\* \* \*

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

**Yeas, 26; Nays, 0; Absent, 3.****Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Robles	Van Tassell
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**S.B. 19, DEPARTMENT OF WORKFORCE SERVICES' REGIONAL WORKFORCE SERVICE AREAS AMENDMENTS,** was read the second time. Senator Jones explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.****Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble                      Robles                      Van Tassell

\* \* \*

**S.B. 20, MANAGEMENT OF WATER RIGHTS AMENDMENTS**, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Robles                      Van Tassell

\* \* \*

**S.B. 22, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS**, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Madsen                      Robles                      Van Tassell

\* \* \*

On motion of Senator Okerlund, **S.B. 23, STATE HIGHWAY SYSTEM MODIFICATIONS**, was read the second time and circled.

\* \* \*

On motion of Senator Okerlund, **S.B. 24, MOTOR VEHICLE DIVISION FEE AMENDMENTS**, was read the second time and circled.

\* \* \*

**S.B. 26, WATER LAW MODIFICATIONS**, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Robles	Van Tassell
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\* \* \*

**S.B. 27, SALE OF STATE PROPERTY**, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Robles	Van Tassell
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\* \* \*

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

\* \* \*

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

### INTRODUCTION OF BILLS

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

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

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

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

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

\* \* \*

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

# THIRD DAY

**January 26, 2011**

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

**Prayer** – Mayor Joe Burgess, Cedar City, Utah

**Pledge of Allegiance** – Senator Mark Madsen

**Roll Call** – All Senators present

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

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 25, 2011

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

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

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

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

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

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

The House passed **H.B. 27**, WORKERS' COMPENSATION RATE FILINGS, by Representative T. Kiser, and it is transmitted for consideration; and



The House passed **H.B. 28**, PENALTIES FOR UNAUTHORIZED USE OF RECORDS, by Representative R. Greenwood, and it is transmitted for consideration; and

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

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

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

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

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

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

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

Sandy D. Tenney, Chief Clerk

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

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 25, 2011

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

#### **Business and Labor Committee**

- |                 |  |
|-----------------|--|
| <b>S.B. 40</b>  | Employment Practices and Protection from Violence<br>(Sen. P. Jones) |
| <b>S.B. 42</b>  | Regulation of Sign Companies (Sen. P. Jones)                         |
| <b>S.B. 117</b> | Community Association Act Amendments<br>(Sen. S. Urquhart)           |
| <b>S.B. 121</b> | New Automobile Franchise Act Amendments<br>(Sen. D. Liljenquist)     |

**Education Committee**

- S.B. 115** School Performance Reporting (Sen. H. Stephenson)  
**S.B. 119** School District Superintendents Amendments  
(Sen. H. Stephenson)  
**S.J.R. 9** Joint Resolution – Governance of Public and Higher  
Education (Sen. S. Reid)

**Government Operations and Political Subdivisions Committee**

- S.B. 114** Municipal Prosecutorial Discretion (Sen. D. Thatcher)  
**S.C.R. 5** Bear Lake Concurrent Resolution (Sen. P. Knudson)  
**S.J.R. 8** Ronald Reagan Day Joint Resolution (Sen. D. Liljenquist)

**Health and Human Services Committee**

- S.B. 93** Child Welfare Legislative Oversight Panel Reporting  
Amendments (Sen. A. Christensen)  
**S.J.R. 7** Fibromyalgia Awareness Day Joint Resolution  
(Sen. P. Knudson)

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

- S.B. 39** Children’s Justice Center Program Amendments  
(Sen. R. Okerlund)  
**S.B. 116** Homestead Exemption Modification (Sen. S. Urquhart)

**Natural Resources, Agriculture and Environment Committee**

- S.C.R. 3** Concurrent Resolution Supporting Continued Federal  
Funding of the Central Utah Project (Sen. R. Okerlund)

**Retirement and Independent Entities Committee**

- S.B. 112** Retirement System Divestment (Sen. C. Bramble)  
**S.B. 120** Career Service Amendments (Sen. D. Liljenquist)

**Transportation, Public Utilities and Technology Committee**

- S.B. 110** Driver License Suspension Amendments  
(Sen. D. C. Buttars)  
**S.B. 118** Multistate Highway Transportation Agreement  
Amendments (Sen. K. Van Tassell)  
**S.C.R. 4** Communications Spectrum Translator System Concurrent  
Resolution (Sen. R. Okerlund)

**Workforce Services and Community and Economic Development  
Committee**

**S.C.R. 2** Financial Responsibility Concurrent Resolution  
(Sen. P. Jones)

Margaret Dayton  
Rules Committee Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: January 24, 2011

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

D. Chris Buttars, Chair

Mr. President: January 25, 2011

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

Peter C. Knudson, Chair

Mr. President: January 25, 2011

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

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

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

Ralph Okerlund, Chair

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

### STANDING COMMITTEE REPORTS

Mr. President: January 24, 2011

The Health and Human Services Committee reports a favorable recommendation on **S.B. 33**, HEALTH DISPARITIES AND RELATED AMERICAN INDIAN PROGRAMS, by Senator K. Van Tassell, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **S.C.R. 1**, CRISIS INTERVENTION TEAM PROGRAM CONCURRENT RESOLUTION, by Senator P. Jones, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Lines 14 through 16:

14 This resolution:

15 ► recognizes the Crisis Intervention Team  
 {~~Training~~} Program training as the model of best

16 practice for law enforcement intervention with persons who have a  
 mental illness;

2. Page 3, Lines 76 through 77:

76 WHEREAS, Utah CIT law enforcement officers are provided  
 with effective skills to

77 interact with persons in psychiatric crisis and to assist with  
 {~~escalating~~} de-escalating volatile situations;

D. Chris Buttars, Chair

Mr. President: January 25, 2011

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

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 37**, EMERGENCY

FOOD AGENCY AMENDMENTS, by Senator P. Knudson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Ralph Okerlund, Chair

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

### INTRODUCTION OF BILLS

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

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

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

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

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

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

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

### THIRD READING CALENDAR

**S.B. 10, LOCAL DISTRICT AMENDMENTS**, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

**Absent or not voting were:** Senators  
Hinkins                      H. Stephenson

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

\* \* \*

**S.B. 12, ALCOHOLIC BEVERAGE CONTROL ACT – MODIFICATIONS,** was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators  
McAdams                      H. Stephenson

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

\* \* \*

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

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

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser

Okerlund	Reid	Robles	Romero
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators  
 McAdams                    H. Stephenson

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

\* \* \*

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator  
 H. Stephenson

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

**SPECIAL PRESENTATION**

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

**THIRD READING CALENDAR**

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Robles	H. Stephenson
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**S.B. 15** was transmitted to the House for consideration.

\* \* \*

**S.B. 17**, STATE TAX COMMISSION LEVY PROCESS USING DEPOSITORY INSTITUTION DATA MATCH SYSTEM, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

McAdams	Robles
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**S.B. 17** was transmitted to the House for consideration.

\* \* \*

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

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



**Voting in the affirmative were:** Senators

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

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

\* \* \*

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

Senator Jones proposed the following amendment:

1. Page 9, Lines 274 through 275

274 (a) a mechanism for getting consumer and public feedback on department programs in each economic service area;

(b) projected analysis of the workforce needs of employers and clients;

275 ~~{-(b)-}~~ (c) policy standards in programs and process when required by statute or considered

2. Page 10, Lines 278 through 288:

278 ~~{-(e)-}~~ (d) state outcome-based standards for measuring program performance to ensure

279 equitable service to all clients;

280 ~~{-(d)-}~~ (e) state oversight systems to review ~~[regional]~~ economic service area compliance with

281 state policies;

282 ~~{-(e)-}~~ (f) elements of ~~[regional-workforce services]~~ economic service area plans that relate to

283 statewide initiatives and programs;

284        {-(f)-}    (g)        strategies to ensure program  
responsiveness, universal access, unified case

285 management;

286        {-(g)-}    (h)        strategies to eliminate unnecessary  
barriers to access services; and

287        {-(h)-}    (i)        strategies to provide assistance to  
employees facing employment dislocation and

288 their employers.

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

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

**Voting in the affirmative were:** Senators

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

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

\* \* \*

**S.B. 20**, MANAGEMENT OF WATER RIGHTS AMENDMENTS, was read the third time and explained by Senator Stowell. Senator Valentine commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

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

**SPECIAL PRESENTATION**

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

**THIRD READING CALENDAR**

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator Davis

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

\* \* \*

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

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

**Voting in the affirmative were:** Senators

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

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

\* \* \*

**S.B. 27**, SALE OF STATE PROPERTY, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Hillyard	Niederhauser
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**S.B. 27** was transmitted to the House for consideration.

### **SPECIAL PRESENTATION**

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

### **SECOND READING CALENDAR**

**1st Sub. S.B. 11**, WORKER CLASSIFICATION COORDINATED ENFORCEMENT, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid

Robles	Romero	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hillyard	Liljenquist	Niederhauser	H. Stephenson
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\* \* \*

**S.B. 95, SHAREHOLDER ACTION WITHOUT MEETING**, was read the second time. Senator McAdams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.****Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Niederhauser	H. Stephenson
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**SPECIAL PRESENTATION**

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

**SECOND READING CALENDAR**

**S.B. 99, MOTOR VEHICLE INSURANCE – NAMED DRIVER EXCLUSION AMENDMENTS**, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.****Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins

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

**Absent or not voting were:** Senators

Bramble                      H. Stephenson

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **S.B. 16**, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS, and it was before the Senate. Senator Niederhauser made the motion to return the bill to the Rules Committee.

\* \* \*

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

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative was:** Senator

Dayton

**Absent or not voting was:** Senator

H. Stephenson

\* \* \*

On motion of Senator Jenkins and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 27, 2011.

## JOINT CONVENTION

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

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

President Waddoups appointed a Joint Committee comprised of Senators Scott Jenkins, Wayne Niederhauser and Ross Romero, and Representatives Brad Dee, Greg Hughes, and David Litvack to notify Governor Gary R. Herbert that the 2011 General Session of the Fifty–Ninth Legislature is in Joint Convention and ready to hear his State–of–the–State address.

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

Senator Scott Jenkins made a motion that the Legislature resolve into a Joint Convention and Committee of the Whole for the purpose of hearing Governor Herbert’s State–of–the–State address.

The Joint Committee escorted Governor Herbert to the House rostrum.

### **STATE–OF–THE–STATE ADDRESS BY GOVERNOR GARY R. HERBERT**

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

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

It is fitting and right, at a time of international conflict, that we recognize those who defend and protect us, both on the battlefield abroad and here at home. We appreciate your sacrifice and we honor your service. One whose life was nearly lost is Brody Young, a State Park Ranger and, more importantly, husband of Wendy Young, and father to Stryder, Jade, and Jagger. On the night of November

19th, while on patrol at Poison Spider Mesa trailhead, he was shot nine times. I spoke with him earlier today. He is healing and his spirits are strong. While we highlight Brody for his heroism, we also acknowledge the service and sacrifice of all other public safety officers and their families. Tonight Brody and his family are watching this broadcast on television. Please join me in honoring Brody and all our dedicated peace officers.

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

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

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

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

Like any sound structure, Utah's future prosperity will be built upon four cornerstones – education, energy development, job creation, and Utah's ability to



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

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

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

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

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

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

job-ready. I have also seen the data. The message is clear – investing in our children today benefits all of us tomorrow.

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

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

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

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

Just as I know of Utah's extraordinary natural resources, I am convinced we have even greater human resources. In Utah, we have some of the best energy minds and the greatest expertise of any place in the world. Our universities and industries must rise to the occasion and create new technologies that will make our

traditional resources more economically and environmentally viable. In Utah, we have a spirit of technical innovation and pioneer determination that will enable us to keep energy affordable, supplies stable, and our economic future secure.

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

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

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

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

announce tonight, will be Utah's own World Trade Center, located in downtown Salt Lake City.

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

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

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

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

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

In fact, we and 26 other states are asserting our right and our obligation to say no to an unconstitutional federal health care program. Over the past three years we have worked closely with you in the Legislature to create solutions to reform Utah's health care system. We are also taking the lead to rein in outrageous cost increases in federally mandated entitlement programs, before those costs further impair our ability to fund education and other vital state services.

In the election last November, the people sent a message that federal domination must give way to mutual collaboration. Unfortunately, that message was promptly ignored. Two days before Christmas, while most of us were spending time with family and friends, federal officials at the US Department of Interior secretly prepared an order to announce a new wild lands designation on public lands. With NO public input, with NO state input, this pronouncement threatens years of collaboration and rural economic progress. Let me be clear –this process and the resulting policy are FLAT OUT WRONG!

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

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

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

My pledge to you tonight is that I will do not only the simple things; I will do the difficult things to enable growth and a return to prosperity. Education, energy development, job creation, and self-determination are at the heart of what has made America great. And they are the four cornerstones of Utah's strength.

This is the State of our State, and I stand proudly for who we are and where we are going. I want to take time to thank you for your service and dedication. May God bless you in your efforts, and may God continue to bless America and the great State of Utah.

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

Representative Brad Dee made a motion that the complete text of the Governor's State-of-the-State address be spread upon the pages of the Senate and House Journals, that the Joint Convention and Committee of the Whole be dissolved, and that the Senate and House adjourn until 10:00 a.m., Wednesday, January 27, 2011.

# FOURTH DAY

**January 27, 2011**

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

**Prayer** – Senator Luz Robles

**Pledge of Allegiance** – Senator Margaret Dayton

**Roll Call** – All Senators present

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

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 26, 2011

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

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

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

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

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

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

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

Sandy D. Tenney, Chief Clerk

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

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 26, 2011

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

**Business and Labor Committee**

- H.B. 27** Workers' Compensation Rate Filings (Rep. T. Kiser)  
(Sen. J. Valentine)
- H.B. 29** Business Entity Mergers (Rep. J. Dunnigan)  
(Sen. J. Stevenson)
- S.B. 100** Securities Whistleblower Program Act  
(Sen. B. McAdams)

**Education Committee**

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

**Government Operations and Political Subdivisions Committee**

- S.B. 44** State Commission Amendments (Sen. M. Dayton)
- H.B. 30** Election Officials' Funds (Rep. N. Hendrickson)  
(Sen. P. Knudson)
- H.B. 41** State Capitol Preservation Board Fee Revisions  
(Rep. N. Hendrickson) (Sen. G. Davis)

**Health and Human Services Committee**

- H.B. 14** Catastrophic Mental Health Coverage – Sunset Act  
(Rep. J. Dunnigan) (Sen. J. Valentine)
- H.B. 15** Controlled Substance Database – Licensing Amendments  
(Rep. B. Daw) (Sen. C. Bramble)

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

- H.B. 12** Personal Injury Claims by Personal Representative  
(Rep. T. Kiser) (Sen. L. Hillyard)
- H.B. 21** Statutorily Required Reports Amendments  
(Rep. D. Ipson) (Sen. L. Hillyard)

**Natural Resources, Agriculture and Environment Committee**

- H.B. 25** Mineral and Petroleum Literacy (Rep. J. Draxler)  
(Sen. M. Dayton)



**H.B. 39** Water Rights Amendments (Rep. J. Draxler)  
(Sen. R. Okerlund)

**Revenue and Taxation Committee:**

**S.B. 16** State Tax Commission Tax, Fee, or Charge  
Administration and Collection Amendments  
(Sen. W. Niederhauser)

**S.B. 122** Tax Exemption for Cedar Band of Paiute Tribe  
(Sen. D. Stowell)

**H.B. 35** Sales and Use Tax Act Revisions (Rep. W. Harper)  
(Sen. C. Bramble)

**H.B. 36** Assessment, Collections, and Refunds Act Amendments  
(Rep. T. Kiser) (Sen. J. S. Adams)

**H.B. 38** Severance Tax Amendments (Rep. E. Vickers)  
(Sen. J. S. Adams)

**Transportation, Public Utilities, and Technology Committee**

**H.B. 26** High Occupancy Toll Lane Customer Information  
(Rep. Julie Fisher) (Sen. K. Van Tassell)

**H.B. 28** Penalties for Unauthorized Use of Records  
(Rep. R. Greenwood) (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 25, 2011

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

1. Page 20, Lines 599 through 605:

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

600 (i) deny the person's license [~~until the person is 21 years of age or for a period of 120~~

601 days, ~~whichever is longer,~~ until the person complies with the provisions of Subsection (11)(b)(i) but for a period of not less than six months beginning on the 30th day after the date

602 of arrest for a first offense under Subsection (2)(a) committed on or after July 1, 2009;

603 ~~[(b)]~~ (ii) suspend the person's license until the person complies with the provisions of Subsection (11)(b)(i) and until the person is 21 years of age or for a period

604 of two years, whichever is longer, beginning on the 30th day after the date of arrest for a

605 second or subsequent offense under Subsection (2)(a):

2. Page 20, Lines 608 through 610:

608 ~~[(c)]~~ (iii) deny the person's application for a license or learner's permit ~~[until the person~~

609 ~~is 21 years of age or for a period of one year, whichever is longer,]~~ until the person complies with the provisions of Subsection (11)(b)(i) but for a period of not less than six months

610 if:

3. Page 20, Lines 614 through 615:

614 ~~[(d)]~~ (iv) deny the person's application for a license or learner's permit until the person complies with the provisions of Subsection (11)(b)(i) and until the person

615 is 21 years of age or for a period of two years, whichever is longer, if:

4. Page 21, Lines 629 through 634:

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

630 (i) deny the person's license until the person complies with the provisions of Subsection (11)(b)(i) but for a period of {~~two~~ years } not less than one year beginning on the 30th day after

631 the date of arrest for a first offense under Subsection (2)(a) committed on or after July 1, 2009;

632 (ii) suspend the person's license until the person complies with the provisions of Subsection (11)(b)(i) and until the person is 21 years of age or for a period of

633 two years, whichever is longer, beginning on the 30th day after the date of arrest for a second

634 or subsequent offense under Subsection (2)(a):

5. Page 21, Lines 637 through 638:

637 (iii) deny the person's application for a license or learner's permit until the person complies with the provisions of Subsection (11)(b)(i) but for a period of {~~two~~

638 years } not less than one year if:

6. Page 21, Lines 642 through 643:

642 (iv) deny the person's application for a license or learner's permit until the person complies with the provisions of Subsection (11)(b)(i) and until the person is 21

643 years of age or for a period of two years, whichever is longer, if:  
; and

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

1. Page 6, Lines 169 through 173:

169 [(48)] (23) "Responding state" means a state in which a [proceeding] petition {~~of~~ } or

170 comparable pleading for support or to determine parentage of a child is filed or to which a

171 [proceeding] petition or comparable pleading is forwarded for filing from [an initiating state

172 under this chapter or a law or procedure substantially similar to this chapter] another state or a

173 foreign country. ; and

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

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 94**, UNIFORM REQUIREMENTS FOR CONSTABLES, by

Senator K. Mayne, be replaced and favorably recommends **1st Sub. S.B. 94**, REQUIREMENTS FOR CONSTABLES.

Mark B. Madsen, Chair

Mr. President:

January 26, 2011

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

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

1. Page 2, Line 39:

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

2. Page 2, Line 41:

41 division rules {~~2~~} ; and  
 (B) does not include a sign installation contractor or nonelectrical outdoor advertising sign contractor, as classified and defined in division rules, that is subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act. ; and

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

John L. Valentine, Chair

Mr. President:

January 26, 2011

The Education Committee reports a favorable recommendation on **S.J.R. 1**, JOINT RESOLUTION ON STATE BOARD OF EDUCATION AUTHORITY, by Senator D. C. Butters; and

The Education Committee reports a favorable recommendation on **S.J.R. 9**, JOINT RESOLUTION – GOVERNANCE OF PUBLIC AND HIGHER EDUCATION, by Senator S. Reid.

Howard A. Stephenson, Chair

Mr. President: January 26, 2011

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

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

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

Kevin T. Van Tassell, Chair

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

### INTRODUCTION OF BILLS

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

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

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

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

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

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

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

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

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

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

### THIRD READING CALENDAR

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

Senator Mayne proposed the following amendment:

1. Page 1, Lines 18 through 20

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

2. Page 2, Lines 26 through 27:

26    AMENDS:

27                   {~~52-4-205, as last amended by Laws of Utah 2010,~~  
 Chapters 35, 60, and 239 }

3. Page 3, Lines 85 through 86:

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

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

128    Section 5. Section 52-4-205 is amended to read

129 ~~{ 52-4-205. Purposes of closed meetings.~~

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

131 ~~(a) discussion of the character, professional competence, or physical or mental health~~

132 ~~of an individual;~~

133 ~~(b) strategy sessions to discuss collective bargaining;~~

134 ~~(c) strategy sessions to discuss pending or reasonably imminent litigation;~~

135 ~~(d) strategy sessions to discuss the purchase, exchange, or lease of real property;~~

136 ~~including any form of a water right or water shares, if public discussion of the transaction~~

137 ~~would:~~

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

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

140 ~~(e) strategy sessions to discuss the sale of real property, including any form of a water~~

141 ~~right or water shares, if:~~

142 ~~(i) public discussion of the transaction would:~~

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

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

145 ~~(ii) the public body previously gave public notice that the property would be offered for~~

146 ~~sale; and~~

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

148 ~~sale;~~

149 ~~(f) discussion regarding deployment of security personnel, devices, or systems;~~

150 ~~(g) investigative proceedings regarding allegations of criminal  
misconduct;~~

151 ~~(h) as relates to the Independent Legislative Ethics  
Commission, conducting business~~

152 relating to the receipt or review of ethics complaints;

153 ~~(i) as relates to an ethics committee of the Legislature, a purpose  
permitted under~~

154 ~~Subsection 52-4-204(1)(a)(iii)(B);~~

155 ~~(j) as relates to a county legislative body, discussing  
commercial information as~~

156 ~~defined in Section 59-1-404; [or]~~

157 ~~(k) as relates to the Worker Classification Coordinated  
Enforcement Council, created~~

158 ~~in Section 34-47-201, discussing a specific civil, criminal, or  
administrative action or audit if~~

159 ~~discussing the action or audit in an open meeting could reasonably  
be expected to:~~

160 ~~(i) interfere with an investigation undertaken for purposes of  
enforcement, discipline,~~

161 ~~licensing, certification, or registration;~~

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

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

164 ~~(iv) disclose the identity of a source who is not generally known  
outside of government~~

165 ~~if disclosure would compromise the source; or~~

166 ~~(v) disclose investigative or audit techniques, procedures,  
policies, or orders not~~

167 ~~generally known outside of government if disclosure would  
interfere with enforcement or audit~~

168 ~~efforts; or~~

169 ~~[(k)] (1) a purpose for which a meeting is required to be closed  
under Subsection (2).~~



- 170 ~~(2) The following meetings shall be closed:~~
- 171 ~~(a) a meeting of the Health and Human Services Interim~~
- 172 ~~Committee to review a fatality~~
- 173 ~~review report described in Subsection 62A-16-301(1)(a), and the~~
- 174 ~~responses to the report~~
- 175 ~~described in Subsections 62A-16-301(2) and (4); and~~
- 176 ~~(b) a meeting of the Child Welfare Legislative Oversight Panel~~
- 177 ~~to:~~
- 178 ~~(i) review a fatality review report described in Subsection~~
- 179 ~~62A-16-301(1)(a), and the~~
- 180 ~~responses to the report described in Subsections 62A-16-301(2)~~
- 181 ~~and (4); or~~
- 182 ~~(ii) review and discuss an individual case, as described in~~
- 183 ~~Subsection 62A-4a-207(5).~~
- 184 ~~(3) A public body may not interview a person applying to fill an~~
- 185 ~~elected position in a~~
- 186 ~~closed meeting. }~~

Renumber remaining subsections accordingly

Senator Mayne’s motion to amend passed on a voice vote and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

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

\* \* \*

**S.B. 95, SHAREHOLDER ACTION WITHOUT MEETING,** was read the third time, explained by Senator McAdams, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars	Robles
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**S.B. 95** was transmitted to the House for consideration.

\* \* \*

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Adams	Buttars	Robles
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**S.B. 99** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Mayne, **1st Sub. S.J.R. 3**, ADULT IMMUNIZATION AWARENESS MONTH JOINT RESOLUTION, will be considered Tuesday, February 8, 2011 at 11:00 a.m.

**S.B. 107**, HIGHER EDUCATION SUCCESS STIPEND PROGRAM, was read the third time and explained by Senator Niederhauser. Senator Romero commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Buttars	Madsen	Robles
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**S.B. 107** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator

Madsen

\* \* \*

On motion of Senator Van Tassell, the circle was removed from **S.B. 24**, MOTOR VEHICLE DIVISION FEE AMENDMENTS, and it was before the

Senate. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Adams	Madsen
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\* \* \*

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Adams	Madsen	Thatcher
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\* \* \*

On motion of Senator Valentine, the circle was removed from **S.B. 30**, EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS, and it was before the Senate. Senator Valentine explained the bill. On motion of Senator Valentine, the bill was returned to the Rules Committee.

\* \* \*

**S.B. 38, K-3 READING AMENDMENTS**, was read the second time. Senator Morgan explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Adams	Bramble	Dayton	Madsen
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\* \* \*

**S.J.R. 6, JOINT RESOLUTION URGING CONGRESS TO LIMIT THE FREEZE ON LONGER COMBINATION VEHICLE USE IN THE WESTERN STATES**, was read the second time. Senator Jenkins explained the bill. Senators Van Tassell and Buttars commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	H. Stephenson
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\* \* \*

**S.B. 25, SHARE CERTIFICATES IN WATER COMPANIES**, was read the second time. Senator Okerlund explained the bill. Senator Van Tassell commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator

Bramble

\* \* \*

**S.B. 32, AGRICULTURE AMENDMENTS**, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Dayton	Liljenquist	Madsen
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\* \* \*

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

\* \* \*

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

# FIFTH DAY

**January 28, 2011**

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

**Prayer** – Elder Don Keyes, 5th Quorum of Seventy, Church of Jesus Christ of Latter-Day Saints

**Pledge of Allegiance** – Senator Jerry Stevenson

**Roll Call** – All Senators present

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

### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 27, 2011

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

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

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

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

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

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

The House passed **H.B. 209**, WORKERS' COMPENSATION PREMIUM ASSESSMENT, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 213**, STATUTORY CONSTRUCTION AMENDMENTS, by Representative D. Brown, and it is transmitted for consideration; and

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

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

Sandy D. Tenney, Chief Clerk

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

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 27, 2011

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

#### **Business and Labor Committee**

- S.B. 128** Regulatory Amendments (Sen. C. Bramble)  
**H.B. 22** Fire Prevention and Fireworks Act Amendments  
 (Rep. J. Dunnigan) (Sen. J. Valentine)

#### **Government Operations and Political Subdivisions Committee**

- S.B. 123** Restrictions on Lobbying Expenditures – Public  
 Education (Sen. S. Jenkins)  
**S.B. 126** Local District Service Amendments (Sen. J. S. Adams)  
**S.B. 130** Surplus Property Amendments (Sen. S. Reid)  
**H.B. 186** Utah Code Technical Amendments (Rep. B. Galvez)  
 (Sen. S. Reid)

#### **Health and Human Services Committee**

- S.B. 48** Alzheimer’s State Plan Task Force (Sen. K. Morgan)  
**S.B. 124** Leaving a Child Unattended in a Motor Vehicle  
 (Sen. B. McAdams)  
**H.B. 215** Fatality Review Act Amendments (Rep. M. Newbold)  
 (Sen. A. Christensen)

#### **Retirement and Independent Entities Committee**

- S.B. 127** Post Retirement Employment Amendments  
 (Sen. D. Liljenquist)



**Revenue and Taxation Committee**

- S.B. 30** Extension of Recycling Market Development Zone Act and Related Tax Credits (Sen. J. Valentine)
- S.B. 125** Property Tax Exemption Amendments (Sen. C. Bramble)
- H.B. 37** Determination of State Taxable Income (Rep. E. Vickers) (Sen. J. S. Adams)

**Workforce Services and Community and Economic Development Committee**

- H.B. 44** Italian–american Heritage Month Designation (Rep. C. Watkins) (Sen. D. Hinkins)
- H.B. 219** State Firearm Designation (Rep. C. Wimmer) (Sen. M. Madsen)
- H.J.R. 9** Navajo Code Talkers’ Joint Resolution (Rep. C. Watkins) (Sen. D. Hinkins)

Margaret Dayton  
Rules Committee Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: January 27, 2011

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

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

John L. Valentine, Chair

Mr. President: January 27, 2011

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

1. Page 4, Line 90:

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

2. Page 4, Lines 93 through 94:

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

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

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

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

Howard A. Stephenson, Chair

Mr. President:

January 27, 2011

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

D. Chris Buttars, Chair

Mr. President:

January 27, 2011

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

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

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

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

1. Page 1, Lines 15 through 16:

15 ► provides for the placement of a performance note on legislation that creates a new

16 program or agency;

▶ provides that deadlines for fiscal notes and performance notes be calculated by business days rather than legislative days;

2. Page 2, Line 37:

37 Legislative Rules Affected:

AMENDS:

JR4-2-403

3. Page 2, Line 42:

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

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

JR4-2-403. Fiscal Notes.

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

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

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

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

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

(c) The sponsor may:

(i) approve the release of the fiscal note;

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

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

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

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

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

(2) If an amendment or a substitute to legislation appears to substantively change the fiscal impact of the legislation, the Legislative

Fiscal Analyst shall prepare an amended fiscal note for the legislation.

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

4. Page 6, Lines 156 through 157:

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

157 programs and agencies under Section  
 { 35-12-15 } 36-12-15 .

Renumber remaining sections accordingly

Peter C. Knudson, Chair

Mr. President: January 27, 2011

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

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

Mark B. Madsen, Chair

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

### STANDING COMMITTEE REPORTS

Mr. President: January 27, 2011

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

John L. Valentine, Chair

Mr. President: January 27, 2011

The Health and Human Services Committee recommends **S.J.R. 7**, FIBROMYALGIA AWARENESS DAY JOINT RESOLUTION, by Senator P. Knudson, be replaced and favorably recommends **1st Sub. S.J.R. 7**,

FIBROMYALGIA AWARENESS DAY JOINT RESOLUTION and that it be considered read for the second time and placed on the Consent Calendar.

D. Chris Butters, Chair

Mr. President:

January 26, 2011

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

Mark B. Madsen, Chair

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

### INTRODUCTION OF BILLS

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

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

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

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

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

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

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

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

**S.B. 136, Boating Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

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

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

### THIRD READING CALENDAR

**S.B. 23, STATE HIGHWAY SYSTEM MODIFICATIONS**, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

McAdams	Robles	Valentine
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**S.B. 23** was transmitted to the House for consideration.

\* \* \*

**S.B. 24, MOTOR VEHICLE DIVISION FEE AMENDMENTS**, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Buttars	McAdams	Robles
Valentine			

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

\* \* \*

**S.B. 29**, UNIFORM DRIVER LICENSE ACT AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars	Robles	Valentine
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**S.B. 29** was transmitted to the House for consideration.

\* \* \*

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

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

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Okerlund	Reid
Romero	H. Stephenson	Stowell	Thatcher
Urquhart	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Madsen	Niederhauser	Robles
J. Stevenson	Valentine		

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

\* \* \*

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Morgan	Robles	J. Stevenson	Valentine
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**S.J.R. 6** was transmitted to the House for consideration.

\* \* \*

**S.B. 25**, SHARE CERTIFICATES IN WATER COMPANIES, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Robles	J. Stevenson	Valentine
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**S.B. 25** was transmitted to the House for consideration.

\* \* \*

**S.B. 32**, AGRICULTURE AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars	Robles	Valentine
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**S.B. 32** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

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

\* \* \*

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

Senator Okerlund proposed the following amendment:

1. Page 1, Line 13

13 This bill:  
 ► defines “military facility”;

2. Page 2, Lines 28 through 32:

28 (1) As used in this section {~~-, “temporary—~~} ;  
(a) “Military facility” means an installation, base, air field, camp,

post, station, yard, center, or other facility owned, leased, or operated by, or under the jurisdiction of, the United States Department of Defense or the National Guard.

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

29 water:

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

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

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

2. Page 2, Line 43:

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

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

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

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	J. Stevenson
Stowell	Thatcher	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Liljenquist	Robles	H. Stephenson	Urquhart
Valentine			

\* \* \*

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

\* \* \*

On motion of Senator Okerlund, **1st Sub. S.B. 36**, CONCEALED FIREARM ACT AMENDMENTS, was read the second time and circled.

\* \* \*

**1st Sub. S.B. 94, REQUIREMENTS FOR CONSTABLES**, was read the first and second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Waddoups	

**Absent or not voting were:** Senators

Hillyard	Liljenquist	Robles	Urquhart
Valentine	Van Tassell		

\* \* \*

**1st Sub. S.B. 35, CONSTRUCTION LICENSEES RELATED AMENDMENTS**, was read the second time. Senator Mayne explained the bill. Senators Niederhauser, Bramble, Liljenquist, and Buttars commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Hillyard	Valentine
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\* \* \*

**S.B. 42, REGULATION OF SIGN COMPANIES**, was read the second time. Senator Jones explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Hillyard	Valentine
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\* \* \*

On motion of Senator Liljenquist, **S.B. 121**, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, was read the second time and circled.

\* \* \*

On motion of Senator Buttars, **S.J.R. 1**, JOINT RESOLUTION ON STATE BOARD OF EDUCATION AUTHORITY, was read the second time and circled.

\* \* \*

On motion of Senator Reid, **S.J.R. 9**, JOINT RESOLUTION – GOVERNANCE OF PUBLIC AND HIGHER EDUCATION, was read the second time and circled.

\* \* \*

**S.B. 111**, UTILITIES – UNDERGROUND FACILITIES AND PIPELINES, was read the second time. Senator Jenkins explained the bill. Senator Van Tassell commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Davis	Hillyard	Mayne
Valentine			

\* \* \*

**S.B. 118, MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT AMENDMENTS**, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars	Davis	Hillyard	Valentine
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\* \* \*

**S.C.R. 4, COMMUNICATIONS SPECTRUM TRANSLATOR SYSTEM CONCURRENT RESOLUTION**, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars	Hillyard	Niederhauser	Robles
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\* \* \*

On motion of Senator Valentine, the circle was removed from **1st Sub. S.B. 36, CONCEALED FIREARM ACT AMENDMENTS**, and it was before the Senate. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 3, Lines 74 through 79

74 (4) (a) In addition to meeting the other qualifications for the  
issuance of a concealed

75 firearm permit under this section, a nonresident applicant who  
resides in a state that recognizes the validity of the Utah permit or has  
reciprocity with Utah's concealed firearm permit law shall:

76 (i) hold a current concealed firearm or concealed weapon  
permit issued by the

77 appropriate permitting authority of the nonresident applicant's  
state of residency { - ~~that recognizes~~

78 the validity of the Utah permit in that state or has reciprocity with  
Utah's concealed firearm

79 permit law } ; and

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator  
 Hillyard

## INTRODUCTION OF BILLS

**S.B. 52, Tortious Act Arbitration** (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

**S.C.R. 7, Concurrent Resolution Opposing the Federal Restoring Our American Mustangs Act** (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

**SECOND READING CALENDAR**

On motion of Senator Hillyard, the circle was removed from **S.B. 34, UNIFORM INTERSTATE FAMILY SUPPORT ACT**, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

- 1. Page 1, Lines 20 through 21

20 Other Special Clauses:

21           {~~None~~}       This bill takes effect on July 1, 2013.

- 2. Page 36, Lines 1082 through 1083:

1082    (2) to register, recognize, enforce, or modify a prior support order, determination, or

1083 agreement, whenever issued or entered.

Section 59. Effective Date.

This bill takes effect on July 1, 2013.

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

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

**Voting in the affirmative were:** Senators

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

\* \* \*

On motion of Senator Jenkins and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Monday, January 31, 2011.

# EIGHTH DAY

**January 31, 2011**

The Senate was called to order at 10:05 a.m., with President Michael Waddoups presiding.

**Prayer** – Senator Ralph Okerlund

**Pledge of Allegiance** – Senator Stuart Reid

**Roll Call** – All Senators present

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

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 28, 2011

The House passed, as substituted, **1st Sub. H.B. 24**, CLEAN FUEL VEHICLE DECAL, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 34**, DEPARTMENT OF TRANSPORTATION SETTLEMENT AGREEMENT AMENDMENTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 45**, VEHICLE IMPOUND AMENDMENTS, by Representative J. Peterson, and it is transmitted for consideration; and

The House passed **H.B. 52**, LIMITATION OF ACTIONS – CRIMINAL OFFENSES, by Representative B. Wilson, and it is transmitted for consideration; and

The House passed **H.B. 56**, EXPUNGEMENT AMENDMENTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 57**, JOINT PROFESSIONAL SCHOOL OF VETERINARY MEDICINE, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 192**, CONTROLLED SUBSTANCES ADVISORY COMMITTEE AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and



The House passed, as substituted, **1st Sub. H.B. 20**, ACCIDENT RESPONSIBILITY AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

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

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 28, 2011

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

#### **Business and Labor Committee**

- S.B. 101** Utah Uniform Securities Act Enforcement  
(Sen. B. McAdams)
- S.B. 109** Child Protection Registry Amendments (Sen. C. Bramble)
- H.B. 43** Errors and Omissions Coverage for Insurance Producers  
(Rep. J. Bird)(Sen. K. Van Tassell)
- H.B. 188** Labor Commission Related Amendments  
(Rep. M. Morley) (Sen. K. Mayne)
- H.B. 194** Service Contracts Act Amendments (Rep. J. Anderson)  
(Sen. D. Thatcher)
- H.B. 209** Workers' Compensation Premium Assessment  
(Rep. M. Morley) (Sen. K. Mayne)

#### **Education Committee**

- H.B. 218** Clubs in Public Schools (Rep. S. Sandstrom)  
(Sen. J. Valentine)

#### **Government Operations and Political Subdivisions Committee**

- S.B. 49** Oversight of Bonding by Counties (Sen. J. Stevenson)
- H.B. 187** State Fire Code Appeals (Rep. M. Morley)  
(Sen. J. S. Adams)
- H.B. 213** Statutory Construction Amendments (Rep. D. Brown)  
(Sen. S. Urquhart)

#### **Health and Human Services Committee**

- S.B. 137** Medicaid Amendments (Sen. A. Christensen)
- H.B. 23** Controlled Substance Modifications (Rep. G. Froerer)  
(Sen. A. Christensen)

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

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

**S.B. 50** Enhanced Penalties for HIV Positive Offender Amendments (Sen. J. Stevenson)  
**S.B. 133** Grand Jury Amendments (Sen. J. Valentine)  
**H.B. 10** Renewal of Judgment Act (Rep. G. Froerer) (Sen. W. Niederhauser)

**Revenue and Taxation Committee**

**S.B. 132** Sales and Use Tax Exemption for an Energy Efficient Stove or Energy Efficient Stove Fuel (Sen. G. Davis)

**Transportation, Public Utilities and Technology Committee**

**S.B. 47** Driver License and Identification Card Amendments (Sen. C. Bramble)  
**S.B. 136** Boating Amendments (Sen. C. Bramble)

**Workforce Services and Community and Economic Development Committee**

**S.B. 134** Transparency in Health Care Provider Advertising (Sen. J. Stevenson)  
**S.C.R. 6** Concurrent Resolution Honoring the Sorenson Legacy Foundation (Sen. C. Bramble)

Margaret Dayton  
 Rules Committee Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: January 28, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 12**, PERSONAL INJURY CLAIMS BY PERSONAL REPRESENTATIVE, by Representative T. Kiser.

Mark B. Madsen

Mr. President: January 28, 2011

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.C.R. 3**, CONCURRENT RESOLUTION

SUPPORTING CONTINUED FEDERAL FUNDING OF THE CENTRAL UTAH PROJECT, by Senator R. Okerlund; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 25**, MINERAL AND PETROLEUM LITERACY, by Representative J. Draxler; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 39**, WATER RIGHTS AMENDMENTS, by Representative J. Draxler, with the following amendments:

1. Page 2, Line 52:

52        ~~(7)~~ Every assignment of an application [~~which shall not be~~] that  
is not    {~~–recorded–~~}        filed    as

2. Page 2, Line 55:

55    the subsequent assignee's own assignment [~~shall be~~] is first duly  
{~~–recorded–~~}        filed    .

Ralph Okerlund, Chair

Mr. President:

January 28, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.J.R. 4**, JOINT RESOLUTION APPROVING SCENIC BYWAY CORRIDOR MANAGEMENT PLAN, by Senator D. Stowell.

Kevin T. Van Tassell, Chair

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

### INTRODUCTION OF BILLS

**S.B. 53, Eligibility for Interscholastic Activities in Secondary Schools** (M. Madsen), was read the first time by short title and referred to the Rules Committee.

**S.B. 54, Physician Supervision of Cosmetic Medical Procedures** (P. Knudson), was read the first time by short title and referred to the Rules Committee.

**S.B. 139, Revocation of Motor Vehicle Registration** (S. Reid), was read the first time by short title and referred to the Rules Committee.

**S.B. 140, State Charter School Board Amendments** (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

**S.B. 141, Burglary Offense Amendments** (M. Madsen), was read the first time by short title and referred to the Rules Committee.

**S.B. 142, Public Official Contact Information** (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

### CONSENT CALENDAR

**S.B. 33, HEALTH DISPARITIES AND RELATED AMERICAN INDIAN PROGRAMS**, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Buttars	Liljenquist	Madsen
Thatcher			

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

\* \* \*

**S.C.R. 1, CRISIS INTERVENTION TEAM PROGRAM CONCURRENT RESOLUTION**, was read the third time, explained by Senator Jones, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Buttars	Christensen	Liljenquist
Madsen	McAdams	Waddoups	

**S.C.R. 1** was transmitted to the House for consideration.

\* \* \*

**S.B. 31**, RURAL FAST TRACK PROGRAM AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Buttars	Christensen	Liljenquist
Madsen	McAdams	Robles	

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

\* \* \*

**S.B. 37**, EMERGENCY FOOD AGENCY AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Buttars	Liljenquist	McAdams
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**S.B. 37** was transmitted to the House for consideration.

**THIRD READING CALENDAR**

**S.B. 102, TEMPORARY WATER SHORTAGE EMERGENCY – MILITARY FACILITIES**, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Buttars	Liljenquist
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**S.B. 102** was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 94, REQUIREMENTS FOR CONSTABLES**, was read the third time and explained by Senator Mayne. Senators Jenkins and Valentine commented.

On motion of Senator Mayne, the bill was circled.

\* \* \*

**1st Sub. S.B. 35, CONSTRUCTION LICENSEES RELATED AMENDMENTS**, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams

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

**Absent or not voting were:** Senators

Bramble	Buttars	Liljenquist
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**1st Sub. S.B. 35** was transmitted to the House for consideration.

\* \* \*

**S.B. 42, REGULATION OF SIGN COMPANIES,** was read the third time, explained by Senator Jones, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Buttars	Dayton	Liljenquist
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**S.B. 42** was transmitted to the House for consideration.

\* \* \*

**S.B. 111, UTILITIES – UNDERGROUND FACILITIES AND PIPELINES,** was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund

Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Liljenquist
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**S.B. 111** was transmitted to the House for consideration.

\* \* \*

**S.B. 118**, MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Liljenquist
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**S.B. 118** was transmitted to the House for consideration.

\* \* \*

**S.C.R. 4**, COMMUNICATIONS SPECTRUM TRANSLATOR SYSTEM CONCURRENT RESOLUTION, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid



Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Liljenquist	Madsen
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**S.C.R. 4** was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 36, CONCEALED FIREARM ACT AMENDMENTS,** was read the third time and explained by Senator Valentine. Senator Robles commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Liljenquist
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**1st Sub. S.B. 36** was transmitted to the House for consideration.

\* \* \*

**S.B. 34, UNIFORM INTERSTATE FAMILY SUPPORT ACT,** was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble                      Liljenquist                      Madsen

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

### SECOND READING CALENDAR

On motion of Senator Dayton, **S.B. 46**, HIGHER EDUCATION RESIDENCY REQUIREMENTS, was read the second time and circled.

\* \* \*

**S.B. 115**, SCHOOL PERFORMANCE REPORTING, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Adams                      Bramble                      Liljenquist                      Madsen

\* \* \*

**S.B. 119**, SCHOOL DISTRICT SUPERINTENDENT AMENDMENTS, was read the second time. Senator Stephenson explained the bill. Senators Hillyard, Buttars, Jenkins, and Robles commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid

Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Liljenquist
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\* \* \*

On motion of Senator Dayton, the circle was removed from **S.B. 46, HIGHER EDUCATION RESIDENCY REQUIREMENTS**, and it was before the Senate. Senator Dayton explained the bill. Senators Hillyard, Niederhauser, Valentine, and Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Liljenquist	Robles	Urquhart
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\* \* \*

**S.B. 93, CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL REPORTING AMENDMENTS**, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble                      Liljenquist                      Urquhart

\* \* \*

On motion of Senator Dayton, **S.B. 44**, STATE COMMISSION AMENDMENTS, was read the second time and circled.

\* \* \*

**S.J.R. 5**, JOINT RESOLUTION ON FISCAL NOTE PROCESS, was read the second time. Senator Niederhauser explained the bill. Senators McAdams, Davis, Robles, Knudson, and Romero commented.

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

**1st Sub. S.J.R. 5 Joint Rules Resolution on Fiscal Note Process**  
(W. Niederhauser)

The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

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

**Voting in the negative were:** Senators

Buttars                      Christensen

**Absent or not voting were:** Senators

Bramble                      Liljenquist                      Valentine

### INTRODUCTION OF BILLS

**S.J.R. 10, Joint Resolution Closing Orem Court Facility** (J. Valentine), was read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Jenkins and at 12:00 noon., the Senate adjourned until 10:00 a.m., Tuesday, February 1, 2011.

# NINTH DAY

## February 1, 2011

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

**Prayer** – Reverend France Davis, Calvary Baptist

**Pledge of Allegiance** – Senator Steve Urquhart

**Roll Call** – All Senators present

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

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 31, 2011

The House passed **H.B. 9**, NATIONAL GUARD, VETERANS’ AFFAIRS, AND LEGISLATURE BASE BUDGET, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 46**, COUNTY RECORDER AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed **H.B. 64**, HUMAN BLOOD PROCUREMENT AND USE, by Representative S. Handy, and it is transmitted for consideration; and

The House passed **H.B. 198**, TOBACCO RELATED PENALTY AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 201**, TOBACCO LICENSING AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 206**, SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 208**, ADMINISTRATIVE SERVICES AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

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

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 31, 2011

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

**Business and Labor Committee**

**S.B. 139** Revocation of Motor Vehicle Registration  
(Sen. S. Reid)

**Education Committee**

**S.B. 140** State Charter School Board Amendments  
(Sen. H. Stephenson)

**Government Operations and Political Subdivisions Committee**

**S.B. 142** Public Official Contact Information (Sen. H. Stephenson)

**Health and Human Services Committee**

**S.B. 54** Physician Supervision of Cosmetic Medical Procedures  
(Sen. P. Knudson)

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

**S.B. 52** Tortious Act Arbitration (Sen. S. Urquhart)

**S.B. 141** Burglary Offense Amendments (Sen. M. Madsen)

**H.B. 52** Limitation of Actions – Criminal Offenses  
(Rep. B. Wilson) (Sen. J. S. Adams)

**H.B. 192** Controlled Substances Advisory Committee Amendments  
(Rep. P. Ray) (Sen. D. C. Buttars)

**Natural Resources, Agriculture and Environment Committee**

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

**Transportation, Public Utilities and Technology Committee**

**1st Sub. H.B. 20** Accident Responsibility Amendments (Rep. C. Herrod)  
(Sen. C. Bramble)

**1st Sub. H.B. 24** Clean Fuel Vehicle Decal (Rep. Julie Fisher)  
(Sen. K. Van Tassell)

**1st Sub. H.B. 34** Department of Transportation Settlement Agreement Amendments (Rep. Julie Fisher) (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: January 31, 2011

The Business and Labor Committee reports a favorable recommendation on **H.B. 22, FIRE PREVENTION AND FIREWORKS ACT AMENDMENTS**, by Representative J. Dunnigan; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 43, ERRORS AND OMISSIONS COVERAGE FOR INSURANCE PRODUCERS**, by Representative J. Bird, with the following amendments:

1. Page 8, Lines 231 through 235:

231 (5) Notwithstanding the other provisions of this section, a resident individual producer

232 is exempt from the requirement to maintain coverage as provided in this section during a

233 period in which the resident individual producer is not either:

234 (a) appointed by an insurer under this title; or

235 (b) designated by an agency under this title.

(6) A limited lines producer is exempt from this section. ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 188, LABOR COMMISSION RELATED AMENDMENTS**, by Representative M. Morley, with the following amendments:

1. Page 2, Lines 43 through 46:

43 ~~[(2)]~~ (3) The rules made under this section shall protect the rights of the parties and include procedures to:

44 (a) dispose of [cases] a case informally<sub>[,]</sub> or ~~[to]~~ expedite claims adjudication<sub>[,]</sub>;

45 (b) narrow issues<sub>[,]</sub>; and

46 (c) simplify the methods of proof at [hearings] a hearing. ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 209**, WORKERS' COMPENSATION PREMIUM ASSESSMENT, by Representative M. Morley.

John L. Valentine, Chair

Mr. President: January 31, 2011

The Education Committee reports a favorable recommendation on **H.B. 218**, CLUBS IN PUBLIC SCHOOLS, by Representative S. Sandstrom.

Howard A. Stephenson, Chair

Mr. President: January 31, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 49**, OVERSIGHT OF BONDING BY COUNTIES, by Senator J. Stevenson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 114**, MUNICIPAL PROSECUTORIAL DISCRETION, by Senator D. Thatcher; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 123**, RESTRICTIONS ON LOBBYING EXPENDITURES – PUBLIC EDUCATION, by Senator S. Jenkins, with the following amendments:

1. Page 1, Line 17:  
After “ to pay a “ insert “ contract “
2. Page 2, Line 44:  
Before the word “Lobbyist” insert “ Contract “
3. Page 2, Line 49:  
After “ to pay a “ insert “ contract “; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 126**, LOCAL DISTRICT SERVICE AMENDMENTS, by Senator J. S. Adams; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.C.R. 5**, BEAR LAKE CONCURRENT RESOLUTION, by Senator P. Knudson, with the following amendments:



1. Page 1, Lines 9 through 10:

9 This concurrent resolution of the Legislature and the Governor encourages state and

10 local governments surrounding the Bear Lake {—recreation  
—} area to work together to ensure

2. Page 1, Line 14:

14 ► recognizes that the beautiful Bear Lake {—  
recreation—} area is a treasure to be preserved;

3. Page 1, Lines 16 through 17:

16 by future development at Bear Lake and in the Bear Lake Valley to focus on

17 preserving the beauty, agricultural importance, environmental quality, and ecological balance of this natural

4. Page 1, Line 19:

19 ► encourages these governmental entities to preserve the Bear Lake {—recreation areas—} area

5. Page 1, Lines 21 through 22:

21 with the unique nature of Bear Lake in order to preserve the area’s beauty and utility for future

22 generations.

6. Page 2, Line 28:

28 points of interest belonging to and shared by these two great states;

7. Page 2, Line 36:

36 them;

WHEREAS, Bear Lake has been an important source of water for Northern Utah’s agricultural interests since the settlement and development of the region, is an important electric power generator, and has been and continues to be important to the development and preservation of wetland habitat;

8. Page 2, Line 48:

48 to encroach on the beauty, agricultural importance, environmental quality, and ecological balance of this natural

9. Page 2, Line 55:

55 at Bear Lake and in the Bear Lake Valley to focus on preserving the beauty, agricultural importance, environmental

10. Page 3, Lines 60 through 64:

60 should be allowed in order to preserve the area's beauty and utility for future generations.

61 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Utah

62 Division of State Lands, the Utah Division of Parks and Recreation, the Utah Division of

63 Water Quality, the Utah Division of Water Rights, the Utah Department of Agriculture and Food, Rich County, Cache County, Box Elder County, Bear Lake County, the cities

64 of Woodruff, Randolph, Lake Town, and Garden City, the Utah League of Cities and Towns, the Utah Association of Counties; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 187**, STATE FIRE CODE APPEALS, by Representative M. Morley.

Peter C. Knudson, Chair

Mr. President:

January 31, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.C.R. 2**, FINANCIAL RESPONSIBILITY CONCURRENT RESOLUTION, by Senator P. Jones, with the following amendments:

Page 5, line 142:

1. After "Economic Education," insert "the Utah Broadcasters Association. AARP"; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.J.R. 9**, NAVAJO CODE TALKERS' JOINT RESOLUTION, by Representative C. Watkins; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 219**, STATE FIREARM DESIGNATION, by Representative C. Wimmer, with the following amendments:

1. Page 1, Line 13:

13       ▶       designates       the       John M. Browning  
       {~~model~~}       designed       M1911 automatic pistol as the state  
       firearm.

2. Page 2, Line 37:

37       (8) Utah's state firearm is the   John M. Browning  
       {~~model~~}       designed   M1911 automatic pistol.

Stuart C. Reid, Chair

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

### STANDING COMMITTEE REPORTS

Mr. President: January 28, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 21**, STATUTORILY REQUIRED REPORTS AMENDMENTS, by Representative D. Ipson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: January 31, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 186**, UTAH CODE TECHNICAL AMENDMENTS, by Representative B. Galvez, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 213**, STATUTORY CONSTRUCTION AMENDMENTS, by Representative D. Brown, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 12, Line 367:

367 35A-4-506, as last amended by Laws of Utah 2010, Chapters 277 and 278

55-5-2, Utah Code Annotated 1953

2. Page 329, Line 10173:

10173 (a) ~~the {plan of life insurance shall satisfy }~~ insurer shall demonstrate to the satisfaction of the commissioner [must be satisfied] that the

3. Page 354, Line 10939:

10939 requirements of Chapter 21, ~~{Underwriting Restrictions }~~ Insurance Contracts in General set forth:

4. Page 485, Lines 15014 through 15015:

15014 Fund if so directed by the Legislature.

Section 343. Section 55-5-2 is amended to read:

55-5-2. Licensing agency -- Duties of Utah State Office of Rehabilitation.

(1) The ~~{Division of Vocational Rehabilitation, Office of Public Instruction,}~~ Division of Services for the Blind and Visually Impaired, Utah State Office of Rehabilitation is designated as the licensing agency for the purpose of carrying out ~~{the provisions of this act, and shall-}~~ this chapter.

(2) The Division of Services for the Blind and Visually Impaired, shall:

~~{(1) Take such steps as are necessary and proper-}~~ (a) take necessary steps to carry out the provisions of this ~~{act.}~~ chapter:

~~{(2) With-}~~ (b) with the approval of the custodian having charge of the building, park or other property in which the vending stand or other enterprise is to be located, select a location for such stand or enterprise and the type of equipment to be provided ~~{-}~~ ;

~~{(3) Construct-}~~ (c) construct and equip stands ~~{at such place as may be deemed advisable-}~~ where blind persons may be trained under the supervision of the ~~{Division of Vocational Rehabilitation-}~~ Division of Services for the Blind and Visually Impaired to carry on a business as a vending stand operator ~~{-}~~ ;

~~{(4) Provide-}~~ (d) provide adequate supervision of

~~{-such persons-}~~ each person licensed to operate vending stands or other enterprises to ensure efficient and orderly management ~~{-thereof-}~~ ; and  
~~{-(5) Prescribe such rules and regulations as are-}~~ (e)  
make rules necessary for the proper operation of ~~{-such-}~~ vending stands or other enterprises.

15015 Section ~~{-343-}~~ 344 . Effective date.

Peter C. Knudson, Chair

Mr. President:

January 31, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 44, ITALIAN-AMERICAN HERITAGE MONTH DESIGNATION**, by Representative C. Watkins, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stuart C. Reid, Chair

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

## INTRODUCTION OF BILLS

**S.B. 55, Electronic Signatures** (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

**S.B. 56, Office of the Property Rights Ombudsman Amendments** (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

**S.B. 57, Animal Control – Exception for Community Cat Management Initiative** (D. Stowell), was read the first time by short title and referred to the Rules Committee.

**S.B. 58, Crime Victims Reparations Revisions** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.C.R. 8, Concurrent Resolution Approving Solid Waste Facility Landfill Permit** (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

On motion of Senator Hinkins, **H.J.R. 9**, NAVAJO CODE TALKERS' JOINT RESOLUTION, will be considered Wednesday, February 9, 2011, at 11:00 a.m.

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift the following bills from the Rules Committee and place them on the top of the Second Reading Calendar: **H.B. 9, S.B. 7, S.B. 8 and S.B. 9.**

### THIRD READING CALENDAR

On motion of Senator Mayne, the circle was removed from **1st Sub. S.B. 94**, REQUIREMENTS FOR CONSTABLES, and it was before the Senate. Senator Mayne explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Buttars	H. Stephenson
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**1st Sub. S.B. 94** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Dayton, **S.B. 115**, SCHOOL PERFORMANCE REPORTING, was read the third time and circled.

\* \* \*

On motion of Senator Stevenson, **S.B. 119**, SCHOOL DISTRICT SUPERINTENDENTS AMENDMENTS, was read the third time and circled.

\* \* \*

**S.B. 46**, HIGHER EDUCATION RESIDENCY REQUIREMENTS, was read the third time and explained by Senator Dayton.

Senator Niederhauser proposed the following amendment:

1. Page 3, Line 78 through Page 4, Line 96

78 (c) Notwithstanding Subsection (3), an institution within the  
state system of higher

79 education shall grant resident student status for tuition purposes to a  
child of a United States

80 military person assigned to active duty if the child produces:

81 (i) one of the following:

82 (A) the military parent's United States active duty military  
identification card;

83 (B) the child's United States active duty military identification  
and privilege card; or

84 (C) a statement from the military parent's current company  
commander stating that the

85 military parent is on active duty; and

86 (ii) { ~~one of the following:~~

87 ~~(A) } the military parent's state of legal residence certificate~~  
with Utah listed as the

88 military parent's home of record ~~;~~ ;

89 ~~(B) the military parent's Utah driver license;~~

90 ~~(C) the military parent's Utah voter registration card~~ ~~§~~ ~~→~~ dated  
a reasonable period prior

90a to application ~~←~~ ~~§~~ ;

91 ~~(D) a mortgage statement for a Utah residence listing the~~  
military parent's name and

92 Utah address;

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

94 owner of the vehicle ~~§~~ ~~→~~ dated a reasonable period prior to  
application ~~←~~ ~~§~~ ; or

95 ~~(F) the military parent's leave and earnings statement showing~~  
Utah as the state where

96 ~~income taxes are paid.~~

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble	Buttars
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**S.B. 46**, as amended, was transmitted to the House for consideration.

\* \* \*

**S.B. 93**, CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL REPORTING AMENDMENTS, was read the third time, explained by Senator Christensen.

Senator Christensen proposed the following amendment:

1. Page 2, Line 58

58 (i) Subsection 78A-6-306(1) (a) , regarding shelter hearings:

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

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

**Voting in the affirmative were:** Senators

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



**Absent or not voting were:** Senators

Bramble                      Buttars

**S.B. 93** was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.J.R. 5**, JOINT RULES RESOLUTION ON FISCAL NOTE PROCESS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative were:** Senators

Davis                      Romero

**Absent or not voting were:** Senators

Bramble                      Buttars

**1st Sub. S.J.R. 5** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Hillyard, under suspension of the rules, **H.B. 9**, NATIONAL GUARD, VETERANS' AFFAIRS, AND LEGISLATURE BASE BUDGET, was considered read the second and third times and passed on the following roll call:

**Yeas, 23; Nays, 3; Absent, 3.**

**Voting in the affirmative were:** Senators

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

**Voting in the negative were:** Senators

Morgan                      Robles                      Romero

**Absent or not voting were:** Senators

Bramble                      Buttars                      McAdams

**H.B. 9** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**S.B. 7, HIGHER EDUCATION BASE BUDGET**, was read the second time.

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

**1st Sub. S.B. 7 Higher Education Base Budget** (S. Urquhart)

On motion of Senator Urquhart, under suspension of the rules, **1st Sub. S.B. 7, HIGHER EDUCATION BASE BUDGET**, was considered read the second and third times. Senator Urquhart explained the bill. Senators Stephenson, Romero, Mayne, Jones, and Hillyard commented. The bill passed on the following roll call:

**Yeas, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	Reid	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Jones	Mayne	McAdams	Morgan
Robles	Romero	H. Stephenson	

**Absent or not voting was:** Senator

Buttars

**1st Sub. S.B. 7** was transmitted to the House.

\* \* \*

**S.B. 8, NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL QUALITY BASE BUDGET**, was read the second time.

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

**1st Sub. S.B. 8 Natural Resources, Agriculture, and Environment Quality Base Budget (D. Hinkins)**

On motion of Senator Hinkins, under suspension of the rules, **1st Sub. S.B. 8, NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL QUALITY BASE BUDGET**, was considered read the second and third times. Senator Hinkins explained the bill. Senator Davis commented. The bill passed on the following roll call:

**Yeas, 24; Nays, 3; Absent, 2.**

**Voting in the affirmative were:** Senators

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

**Voting in the negative were:** Senators

Morgan	Robles	Romero
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**Absent or not voting were:** Senators

Buttars	Urquhart
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**1st Sub. S.B. 8** was transmitted to the House.

\* \* \*

On motion of Senator Liljenquist, under suspension of the rules, **S.B. 9, RETIREMENT AND INDEPENDENT ENTITIES BASE BUDGET**, was considered read the second and third times. Senator Liljenquist explained the bill. Senator Davis commented. The bill passed on the following roll call:

**Yeas, 24; Nays, 3; Absent, 2.**

**Voting in the affirmative were:** Senators

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

**Voting in the negative were:** Senators

Morgan                      Robles                      Romero

**Absent or not voting were:** Senators

Buttars                      Urquhart

**S.B. 9** was transmitted to the House.

**COMMITTEE OF THE WHOLE**

On motion of Senator Jenkins, U. S. Congressman Rob Bishop spoke in Committee of the Whole. Senators Dayton, Stephenson, Valentine, McAdams, and Niederhauser commented.

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

**SECOND READING CALENDAR**

On motion of Senator Liljenquist, the circle was removed from **S.B. 121**, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, and it was before the Senate.

Senator Liljenquist proposed the following amendment:

1. Page 14, Line 415:  
After "two" insert "aeronautical"

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

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars	Madsen	McAdams	Reid
H. Stephenson	Thatcher		

\* \* \*

**S.B. 39, CHILDREN’S JUSTICE CENTER PROGRAM AMENDMENTS,** was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Buttars	Niederhauser	Reid
H. Stephenson	Thatcher	Urquhart	

\* \* \*

On motion of Senator Jenkins and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Wednesday, February 2, 2011.

# TENTH DAY

**February 2, 2011**

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

**Prayer** – Reverend Kirk Thomas, Kingsbury Community Church, United Church of Christ

**Pledge of Allegiance** – Senator Stuart Adams

**Roll Call** – All Senators present except Senator Buttars, excused.

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

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 1, 2011

The House passed, as substituted, **1st Sub. H.B. 5**, BUSINESS, ECONOMIC DEVELOPMENT, AND LABOR BASE BUDGET, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 6**, EXECUTIVE OFFICES AND CRIMINAL JUSTICE BASE BUDGET, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 7**, INFRASTRUCTURE AND GENERAL GOVERNMENT BASE BUDGET, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 8**, SOCIAL SERVICES BASE BUDGET, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.B. 193**, PUBLIC HIGHWAY DESIGNATION, by Representative C. Watkins, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

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

### STANDING COMMITTEE REPORTS

Mr. President: January 31, 2011

The Health and Human Services Committee reports a favorable recommendation on **S.B. 48**, ALZHEIMER'S STATE PLAN TASK FORCE, by Senator K. Morgan; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 124**, LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE, by Senator B. McAdams, with the following amendments:

1. Page 1, Lines 9 through 10:

9 This bill amends the Utah Criminal Code by making it an infraction to leave a child

10 unattended in an enclosed compartment of a motor vehicle.

2. Page 1, Lines 14 through 22:

14 ► makes it a class C misdemeanor for a person who is responsible for a child under

15 nine years of age to intentionally, recklessly, knowingly, or with criminal negligence

16 leave a child in an enclosed compartment of a motor vehicle if:

17 • the child is not supervised by a person who is at least 12 years old; and

18 • he conditions present a risk to the child's health or safety {~~-, the engine is running,~~

19 ~~or the keys are in the passenger compartment of the motor vehicle-~~} ; and

20 ► provides that this bill does not apply if the person's conduct that constitutes a

21 violation of this bill is {~~punishable as a class B misdemeanor, a class A~~

22 ~~misdemeanor, or a felony.-}~~ subject to a greater penalty under another provision of state law.

3. Page 2, Lines 36 through 47:

(b) "Enclosed compartment" means any enclosed area of a motor vehicle, including the passenger compartment, regardless of whether a door, window, or hatch is left open.

36 {~~(b)~~} (c) "Motor vehicle" means an automobile, truck, truck tractor, bus, or any other

37 self-propelled vehicle.

38 (2) A person who is responsible for a child is guilty of a class C misdemeanor if:

39 (a) the person intentionally, recklessly, knowingly, or with criminal negligence leaves

40 the child in {~~a~~} an enclosed compartment of a motor vehicle;

41 (b) the child is not supervised by a person who is at least 12 years old; and

42 (c) {~~(i)~~} the conditions present a risk to the child's health or safety {~~;~~} ;

43 {~~(ii) the engine of the motor vehicle is running; or~~

44 {~~(iii) the keys to the motor vehicle are in the passenger compartment of the motor~~

45 vehicle. }

46 (3) This section does not apply if the person's conduct that constitutes a violation of

47 this section is {~~punishable as a class B misdemeanor, a class A misdemeanor, or a felony~~} subject to a greater penalty under another provision of state law ; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 15**, CONTROLLED SUBSTANCE DATABASE – LICENSING AMENDMENTS, by Representative B. Daw; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 23**, CONTROLLED SUBSTANCE MODIFICATIONS, by Representative G. Froerer; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 215**, FATALITY REVIEW ACT AMENDMENTS, by Representative M. Newbold; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 217**, APPOINTMENT OF DIRECTOR OF THE DIVISION OF HEALTH CARE FINANCING, by Representative D. Clark.

D. Chris Buttars, Chair

Mr. President:

February 1, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 47**, DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS, by Senator C. Bramble; and



The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 110**, DRIVER LICENSE SUSPENSION AMENDMENTS, by Senator D. C. Buttars; and

The Transportation and Public Utilities and Technology Committee recommends **S.B. 136**, BOATING AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 136**, BOATING AMENDMENTS; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 26**, HIGH OCCUPANCY TOLL LANE CUSTOMER INFORMATION, by Representative Julie Fisher.

Kevin T. Van Tassell, Chair

Mr. President:

February 1, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 142**, PUBLIC OFFICIAL CONTACT INFORMATION, by Senator H. Stephenson, with the following amendments:

1. Page 1, Line 17:  
After “reached” insert “directly”
2. Page 2, Line 47:  
After “reached” insert “directly”
3. Page 5, Line 148:  
After “reached” insert “directly”
4. Page 8, Line 224:  
After “reached” insert “directly”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 8**, RONALD REAGAN DAY JOINT RESOLUTION, by Senator D. Liljenquist.

Peter C. Knudson, Chair

Mr. President:

February 1, 2011

The Revenue and Taxation Committee recommends **S.B. 16**, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS, by Senator W. Niederhauser, be replaced and favorably recommends **1st Sub. S.B. 16**, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS; and

The Revenue and Taxation Committee recommends **S.B. 21, TAX REVISIONS**, by Senator W. Niederhauser, be replaced and favorably recommends **1st Sub. S.B. 21, TAX REVISIONS**; and

The Revenue and Taxation Committee recommends **S.B. 125, PROPERTY TAX EXEMPTION AMENDMENTS**, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 125, PROPERTY TAX EXEMPTION AMENDMENTS**; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 36, ASSESSMENT, COLLECTIONS, AND REFUNDS ACT AMENDMENTS**, by Representative T. Kiser; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 37, DETERMINATION OF STATE TAXABLE INCOME**, by Representative E. Vickers; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 38, SEVERANCE TAX AMENDMENTS**, by Representative E. Vickers.

Curtis S. Bramble, Chair

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

### INTRODUCTION OF BILLS

**S.B. 59, School Grading System** (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

**S.B. 61, Prescription Drug Prescriber Training** (P. Jones), was read the first time by short title and referred to the Rules Committee.

**S.B. 143, Judiciary Amendments** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

**S.B. 144, County Purchasing Agent Amendments** (M. Dayton), was read the first time by short title and referred to the Rules Committee.

**S.B. 145, Utah Educational Savings Plan Amendments** (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

**S.B. 146, Impact Fee Amendments** (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

**S.B. 147, Forgery Law Amendments** (M. Madsen), was read the first time by short title and referred to the Rules Committee.

**S.J.R. 11, Joint Resolution Expressing Opposition to Federal Restoring Our American Mustangs Act** (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

**CONSENT CALENDAR**

**1st Sub. S.B. 98, SECURITIES RELATED AMENDMENTS**, was read the third time, explained by Senator McAdams, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Adams	Buttars	Madsen	Valentine
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**1st Sub. S.B. 98** was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.J.R. 7, FIBROMYALGIA AWARENESS DAY JOINT RESOLUTION**, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars                      Madsen                      Valentine

**1st Sub. S.J.R. 7** was transmitted to the House for consideration.

\* \* \*

**S.B. 106**, SEXUAL EXPLOITATION AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble                      Buttars                      Madsen                      Valentine

**S.B. 106** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift the following bills from the Rules Committee and place them at the top of the Second Reading Calendar: **S.B. 1, 1st Sub. H.B. 5, 1st Sub. H.B. 6, 1st Sub. H.B. 7, and 1st Sub. H.B. 8.**

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

**S.B. 1**, PUBLIC EDUCATION BASE BUDGET, was read the second time.

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

**1st Sub. S.B. 1 Public Education Base Budget** (D. C. Buttars)

On motion of Senator Hillyard, under suspension of the rules, **1st Sub. S.B. 1, PUBLIC EDUCATION BASE BUDGET**, was considered read the second and third times. Senator Hillyard explained the bill. Senators Stephenson, Knudson, and Morgan commented. The bill passed on the following roll call:

**Yeas, 20; Nays, 7; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Reid	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Davis	Jones	Mayne	McAdams
Morgan	Robles	Romero	

**Absent or not voting were:** Senators

Buttars	H. Stephenson
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**1st Sub. S.B. 1** was transmitted to the House.

\* \* \*

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

**THIRD READING CALENDAR**

**S.B. 121, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS**, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars                      H. Stephenson

**S.B. 121** was transmitted to the House for consideration.

\* \* \*

**S.B. 39, CHILDREN’S JUSTICE CENTER PROGRAM AMENDMENTS,** was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars                      Hillyard                      H. Stephenson

**S.B. 39** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Stevenson, under suspension of the rules, **1st Sub. H.B. 5, BUSINESS, ECONOMIC DEVELOPMENT, AND LABOR BASE BUDGET,** was considered read the second and third times. Senator Davis commented and the bill passed on the following roll call:

**Yeas, 20; Nays, 5; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Mayne	Niederhauser
Okerlund	Reid	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Jones                      McAdams                      Morgan                      Robles  
Romero

**Absent or not voting were:** Senators

Buttars                      Hillyard                      H. Stephenson                      Urquhart

**1st Sub. H.B. 5** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Thatcher, under suspension of the rules, **1st Sub. H.B. 6, EXECUTIVE OFFICES AND CRIMINAL JUSTICE BASE BUDGET**, was considered read the second and third times and passed on the following roll call:

**Yeas, 22; Nays, 4; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Mayne	McAdams
Niederhauser	Okerlund	Reid	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Jones                      Morgan                      Robles                      Romero

**Absent or not voting were:** Senators

Buttars                      Hillyard                      H. Stephenson

**1st Sub. H.B. 6** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Adams, under suspension of the rules, **1st Sub. H.B. 7, INFRASTRUCTURE AND GENERAL GOVERNMENT BASE BUDGET**, was considered read the second and third times and passed on the following roll call:

**Yeas, 20; Nays, 3; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Reid	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Morgan	Robles	Romero
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**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Hinkins
H. Stephenson	Thatcher		

**1st Sub. H.B. 7** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Christensen, under suspension of the rules, **1st Sub. H.B. 8, SOCIAL SERVICES BASE BUDGET**, was considered read the second and third times and passed on the following roll call:

**Yeas, 20; Nays, 6; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Reid	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Jones	Mayne	McAdams	Morgan
Robles	Romero		

**Absent or not voting were:** Senators

Buttars	Hillyard	H. Stephenson
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**1st Sub. H.B. 8** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Liljenquist, under suspension of the rules, the Senate voted to move **S.J.R. 8, RONALD REAGAN DAY JOINT RESOLUTION**, to the top of the Second Reading Calendar. The Senate also voted to consider the bill on a House day and suspend the 24-hour rule.

On motion of Senator Liljenquist, under suspension of the rules, **S.J.R. 8, RONALD REAGAN DAY JOINT RESOLUTION**, was considered read the



second and third times. Senator Liljenquist explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Romero	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Waddoups	

**Absent or not voting were:** Senators

Buttars	Hillyard	Niederhauser	Robles
H. Stephenson	Van Tassell		

**S.J.R. 8** was transmitted to the House.

**SPECIAL RECOGNITION**

A special citation was read honoring the Utah Shakespeare Festival. Also honored were Fred Adams, Scott Phillips, and SUU President Michael Benson. Senators Morgan, Urquhart, Okerlund, Valentine, and Jones commented.

\* \* \*

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

**THIRD READING CALENDAR**

On motion of Senator Stephenson, the circle was removed from **S.B. 115, SCHOOL PERFORMANCE REPORTING**, and it was before the Senate. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 1, Line 19

19 schools {→} : and  
 ► requires the State Board of Education to publish on the State Board of Education’s website U-PASS school reports for the 2009–10 school year.

2. Page 5, Lines 124 through 127:

124 (5) (a) For a school year beginning with or after the  
[2012–13] 2010–11 school year, the

125 State Board of Education, through the state superintendent of  
public instruction, shall issue its

126 report annually by October 1 to include the required data from the  
previous school year or years

127 as indicated in Subsections (2) and (3).

(b) The State Board of Education shall publish on the State Board of  
Education’s website U–PASS school reports for the 2009–10 school year  
that indicate the academic proficiency and progress of a school’s students  
and whether the school meets state standards of performance.

Senator Stephenson’s motion to amend passed on a voice vote. Senator  
Okerlund commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Niederhauser
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**S.B. 115** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Stephenson, the circle was removed from **S.B. 119**,  
SCHOOL DISTRICT SUPERINTENDENTS AMENDMENTS, and it was  
before the Senate.

On motion of Senator Stephenson, the following substitute bill replaced the  
original bill:

**1st Sub. S.B. 119 School District Superintendents Amendments**  
(H. Stephenson)

Senator Stephenson explained the bill. Senator Morgan commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Niederhauser
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**1st Sub. S.B. 119** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Jenkins and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 3, 2011.

# ELEVENTH DAY

**February 3, 2011**

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

**Prayer** – Imam Muhammed Mehtar, Islamic Society of Greater Salt Lake

**Pledge of Allegiance** – Senator Gene Davis

**Roll Call** – All Senators present

## **READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)**

### **COMMUNICATIONS FROM THE HOUSE**

Mr. President:

February 2, 2011

The House passed, **1st Sub. S.B. 1**, PUBLIC EDUCATION BASE BUDGET, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 7**, HIGHER EDUCATION BASE BUDGET, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 8**, NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL QUALITY BASE BUDGET, by Senator D. Hinkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 9**, RETIREMENT AND INDEPENDENT ENTITIES BASE BUDGET, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 12**, ALCOHOLIC BEVERAGE CONTROL ACT – MODIFICATIONS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 13**, PER DIEM AND TRAVEL MODIFICATIONS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 18**, ELECTION ADMINISTRATION BY ELECTION OFFICERS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 20**, MANAGEMENT OF WATER RIGHTS AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 22**, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 26**, WATER LAW MODIFICATIONS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 2, 2011

The House passed **H.B. 202**, DEATH PENALTY PROCEDURES AMENDMENTS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 211**, COMMUNITY SERVICE MEDICAID PILOT PROGRAM, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.J.R. 17**, JOINT RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES, by Representative B. Dee, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 2, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and Labor Committee**

**S.B. 55**                      Electronic Signatures (Sen. S. Urquhart)

**Education Committee**

- S.B. 59** School Grading System (Sen. W. Niederhauser)  
**S.B. 145** Utah Educational Savings Plan Amendments  
(Sen. W. Niederhauser)

**Government Operations and Political Subdivisions Committee**

- S.B. 56** Office of the Property Rights Ombudsman Amendments  
(Sen. J. Stevenson)  
**S.B. 144** County Purchasing Agent Amendments (Sen. M. Dayton)  
**S.B. 146** Impact Fee Amendments (Sen. J. Stevenson)  
**2nd Sub. H.B. 46** County Recorder Amendments (Rep. R. C. Webb)  
(Sen. J. S. Adams)  
**H.B. 208** Administrative Services Amendments (Rep. W. Harper)  
(Sen. K. Mayne)

**Health and Human Services Committee**

- H.B. 64** Human Blood Procurement and Use (Rep. S. Handy)  
(Sen. P. Jones)  
**H.B. 198** Tobacco Related Penalty Amendments (Rep. P. Ray)  
(Sen. A. Christensen)  
**H.B. 201** Tobacco Licensing Amendments (Rep. P. Ray)  
(Sen. A. Christensen)

**Judiciary, Law Enforcement, and Criminal Justice Committee**

- S.B. 143** Judiciary Amendments (Sen. L. Hillyard)  
**S.J.R. 10** Joint Resolution Closing Orem Court Facility  
(Sen. J. Valentine)  
**H.B. 56** Expungement Amendments (Rep. Julie Fisher)  
(Sen. L. Hillyard)

**Revenue and Taxation Committee**

- S.B. 58** Crime Victims Reparations Revisions (Sen. J. S. Adams)

**Transportation, Public Utilities and Technology Committee**

- H.B. 45** Vehicle Impound Amendments (Rep. J. Peterson)  
(Sen. S. Reid)

**H.B. 206** Special Group License Plate Amendments  
(Rep. W. Harper) (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 2, 2011

The Business and Labor Committee recommends **S.B. 101**, UTAH UNIFORM SECURITIES ACT ENFORCEMENT, by Senator B. McAdams, be replaced and favorably recommends **1st Sub. S.B. 101**, UTAH UNIFORM SECURITIES ACT ENFORCEMENT; and

The Business and Labor Committee recommends **S.B. 117**, COMMUNITY ASSOCIATION ACT AMENDMENTS, by Senator S. Urquhart, be replaced and favorably recommends **1st Sub. S.B. 117**, COMMUNITY ASSOCIATION ACT AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 139**, REVOCATION OF MOTOR VEHICLE REGISTRATION, by Senator S. Reid.

John L. Valentine, Chair

Mr. President: February 2, 2011

The Education Committee reports a favorable recommendation on **S.B. 140**, STATE CHARTER SCHOOL BOARD AMENDMENTS, by Senator H. Stephenson.

Howard A. Stephenson, Chair

Mr. President: February 1, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 50**, ENHANCED PENALTIES FOR HIV POSITIVE OFFENDER AMENDMENTS, by Senator J. Stevenson, with the following amendments:

- 1. Page 1, Lines 16 through 17:

16 prostitute, or sexual solicitation, who {~~“knew or should have known” of the~~} is HIV

- 17 positive ~~{-test results-}~~ , is guilty of a third degree felony;
2. Page 2, Lines 41 through 43:
- 41 A person who is an HIV positive individual ~~{-and-}~~ [has  
actual knowledge] ~~{-knew or should~~  
42 have known } ~~{-of that fact-}~~ [and has received written  
personal notice of the positive test results  
43 from a law enforcement agency pursuant to Section 76-10-1312]  
at the time of the offense and is convicted of:
3. Page 3, Lines 61 through 62:
- 61 (2) "HIV positive individual" means a person who ~~{-is HIV~~  
positive-} [and has actual  
62 knowledge of his disease] has an HIV infection as determined  
under Subsection (1) .
4. Page 3, Lines 77 through 79:
- 77 ~~sentencing hearing in the presence of the judge and counsel only]~~  
by ;  
(a) the local law enforcement  
78 agency ~~{-}~~ ;  
(b) the Department of Corrections , for offenders confined in  
any state prison ~~{-or}~~ ;  
(c) the state Department of Health ~~{-}~~ ; or  
(d) {-by} an authorized  
79 representative of any of ~~{-these}~~ the agencies listed  
in this Subsection (1) . ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 133**, GRAND JURY AMENDMENTS, by Senator J. Valentine; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 141**, BURGLARY OFFENSE AMENDMENTS, by Senator M. Madsen.

Mark B. Madsen, Chair

Mr. President:

February 2, 2011

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 108**, JOINT USE OF WATER INFRASTRUCTURE, by



Senator D. Stowell, be replaced and favorably recommends **1st Sub. S.B. 108**, JOINT USE OF A CANAL OR DITCH; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 57**, JOINT PROFESSIONAL SCHOOL OF VETERINARY MEDICINE, by Representative J. Mathis.

Ralph Okerlund, Chair

Mr. President:

February 2, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 20**, ACCIDENT RESPONSIBILITY AMENDMENTS, by Representative C. Herrod; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 24**, CLEAN FUEL VEHICLE DECAL, by Representative Julie Fisher; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 34**, DEPARTMENT OF TRANSPORTATION SETTLEMENT AGREEMENT AMENDMENTS, by Representative Julie Fisher.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

### INTRODUCTION OF BILLS

**S.B. 60, Pilot Accountability Permit Program and Identity Related Amendments** (L. Robles), was read the first time by short title and referred to the Rules Committee.

**S.B. 62, Adoption Revisions** (R. Romero), was read the first time by short title and referred to the Rules Committee.

**S.B. 63, K-3 Reading Improvement Program Accountability** (K. Morgan), was read the first time by short title and referred to the Rules Committee.

**S.B. 148, Utah Fair Housing and Employment** (B. McAdams), was read the first time by short title and referred to the Rules Committee.

**S.B. 149, Qualifications for the Executive Director of the Department of Health** (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

**S.B. 150, Negligent Credentialing** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.B. 151, Real Estate Transactions and Securities** (B. McAdams), was read the first time by short title and referred to the Rules Committee.

**S.B. 152, Sex Offender Restrictions Amendments** (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

**S.B. 153, Sex Offender Registration Amendments** (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

**S.B. 154, Utah Fit Premises Act Modifications** (B. McAdams), was read the first time by short title and referred to the Rules Committee.

**S.C.R. 9, Philo T. Farnsworth Concurrent Resolution** (D. Stowell), was read the first time by short title and referred to the Rules Committee.

**S.J.R. 12, Joint Resolution – Immigration** (S. Reid), was read the first time by short title and referred to the Rules Committee.

### SECOND READING CALENDAR

**H.B. 27, WORKERS' COMPENSATION RATE FILINGS**, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	McAdams	Stowell
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**SPECIAL REGOGNITION**

Senator Van Tassell introduced and paid special recognition to the Native American Tribal Leaders from Utah. Senator Romero commented.

**SECOND READING CALENDAR**

**H.B. 29**, BUSINESS ENTITY MERGERS, was read the second time. Senator Stevenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Jenkins	Jones
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Waddoups

**Absent or not voting were:** Senators

Adams	Hinkins	Knudson	Romero
Van Tassell			

\* \* \*

On motion of Senator Hillyard, **H.B. 30**, ELECTION OFFICIALS' FUNDS, was read the second time and circled.

\* \* \*

**H.B. 41**, STATE CAPITOL PRESERVATION BOARD FEE REVISIONS, was read the second time. Senator Davis explained the bill. Senators Dayton and Madsen commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 3; Absent, 4.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Valentine	Waddoups		

**Voting in the negative were:** Senators

Dayton	Morgan	Reid
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**Absent or not voting were:** Senators

Adams	Bramble	Urquhart	Van Tassell
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\* \* \*

On motion of Senator Knudson, the circle was removed from **H.B. 30**, ELECTION OFFICIALS' FUNDS, and it was before the Senate. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.****Voting in the affirmative were:** Senators

Buttars	Davis	Dayton	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
H. Stephenson	J. Stevenson	Stowell	Thatcher
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Bramble	Christensen	Hinkins
Romero	Urquhart		

\* \* \*

**H.B. 12**, PERSONAL INJURY CLAIMS BY PERSONAL REPRESENTATIVE, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.****Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hillyard	Jenkins	Jones	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Bramble	Hinkins	Knudson
Madsen	Urquhart		

**COMMITTEE OF THE WHOLE**

On motion of Senator Morgan, U. S. Congressman Jim Matheson spoke in Committee of the Whole. Senators Jones, Niederhauser, Jenkins, Valentine, and Van Tassell commented.

On motion of Senator Morgan, the Committee of the Whole was dissolved.

**SECOND READING CALENDAR**

**H.B. 25, MINERAL AND PETROLEUM LITERACY**, was read the second time. Senator Dayton explained the bill. Senator Okerlund commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Dayton
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Christensen	Davis	Hinkins
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\* \* \*

**H.B. 39, WATER RIGHTS AMENDMENTS**, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Dayton
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Christensen	Davis	Hinkins	Robles
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\* \* \*

**H.B. 22, FIRE PREVENTION AND FIREWORKS ACT AMENDMENTS**, was read the second time. Senator Valentine explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.****Voting in the affirmative were:** Senators

Bramble	Christensen	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative was:** Senator  
Buttars

**Absent or not voting were:** Senators

Adams	Davis	Stowell	Thatcher
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\* \* \*

**H.B. 43, ERRORS AND OMISSIONS COVERAGE FOR INSURANCE PRODUCERS**, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Davis	J. Stevenson	Thatcher
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\* \* \*

**H.B. 188, LABOR COMMISSION RELATED AMENDMENTS**, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Davis	J. Stevenson
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\* \* \*

On motion of Senator Jenkins and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Friday, February 4, 2011.

# TWELFTH DAY

**February 4, 2011**

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

**Prayer** – Pastor Rob Bruendl, Trinity United Methodist Church

**Pledge of Allegiance** – Senator David Hinkins

**Roll Call** – All Senators present except Senator Robles, excused.

## READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 3, 2011

The House passed, **S.B. 33**, HEALTH DISPARITIES AND RELATED AMERICAN INDIAN PROGRAMS, by Senator K. Van Tassell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 95**, SHAREHOLDER ACTION WITHOUT MEETING, by Senator B. McAdams, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 3, 2011

The House passed, as substituted, **1st Sub. H.B. 32**, CAMPAIGN AND FINANCIAL REPORTING AMENDMENTS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 40**, BONDING REQUIREMENTS FOR GOVERNMENT OFFICERS AND EMPLOYEES, by Representative R. Wilcox, and it is transmitted for consideration; and

The House passed **H.B. 67**, STATE BONDING COMMISSION BONDING AUTHORITY, by Representative B. Last, and it is transmitted for consideration; and



The House passed, as substituted and amended, **1st Sub. H.B. 212, CHARGES BY HEALTH PROVIDERS FOR MEDICAL RECORDS**, by Representative F. Gibson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 214, CONCEALED FIREARM PERMIT FEES**, by Representative C. Oda, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President:

February 3, 2011

The House passed, as amended, **S.B. 14, LOCAL ELECTION AMENDMENTS**, by Senator P. Knudson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 3, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and Labor Committee**

**S.B. 151** Real Estate Transactions and Securities  
(Sen. B. McAdams)

#### **Education Committee**

**S.B. 63** K-3 Reading Improvement Program Accountability (Sen. K. Morgan)

#### **Government Operations and Political Subdivisions Committee**

**S.B. 149** Qualifications for the Executive Director of the Department of Health (Sen. D. Liljenquist)  
**S.J.R. 12** Joint Resolution – Immigration (Sen. S. Reid)

#### **Health and Human Services Committee**

**S.B. 62** Adoption Revisions (Sen. R. Romero)

**H.B. 211** Community Service Medicaid Pilot Program  
(Rep. R. Menlove) (Sen. C. Bramble)

**Judiciary, Law Enforcement, and Criminal Justice Committee**

**S.B. 152** Sex Offender Restrictions Amendments (Sen. D. Hinkins)

**S.B. 153** Sex Offender Registration Amendments (Sen. D. Hinkins)

**H.B. 202** Death Penalty Procedures Amendments (Rep. K. McIff)  
(Sen. L. Hillyard)

**Transportation, Public Utilities and Technology Committee**

**S.B. 45** Wireless Telephone Use Restriction for Minors in  
Vehicles (Sen. R. Romero)

**Revenue and Taxation Committee**

**S.B. 51** Amendments to Local Sales and Use Taxes for Botanical,  
Cultural, Recreational, and Zoological Organizations or  
Facilities (Sen. L. Hillyard)

**Workforce Services and Community and Economic Development  
Committee**

**S.C.R. 9** Philo T. Farnsworth Concurrent Resolution  
(Sen. D. Stowell)

Margaret Dayton  
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

**STANDING COMMITTEE REPORTS**

Mr. President: February 3, 2011

The Business and Labor Committee reports a favorable recommendation on **S.B. 128**, REGULATORY AMENDMENTS, by Senator C. Bramble.

John L. Valentine, Chair

Mr. President: February 3, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 45**, VEHICLE IMPOUND AMENDMENTS, by Representative J. Peterson, with the following amendments:

1. Page 2, Lines 46 through 49  
House Floor Amendments  
1-28-2011:

46 (vii) (A) that the division or the peace officer has reason to believe has been involved

47 in an accident described in Section 41-6a-401, 41-6a-401.3,

47a ~~Ĥ~~ {~~1~~} or {~~1~~} ~~Ĥ~~ 41-6a-401.5 ~~Ĥ~~ {~~of~~  
73-18-13 } ~~Ĥ~~ ; and

48 (B) whose operator did not remain at the scene of the accident until the operator

49 fulfilled the requirements described in Section ~~Ĥ~~ 41-6a-401 or  
~~Ĥ~~ 41-6a-401.7. ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 206, SPECIAL GROUP LICENSE PLATE AMENDMENTS**, by Representative W. Harper, with the following amendments:

1. Page 4, Lines 93 through 97f  
House Committee Amendments  
1-26-2011:

93 (ii) beginning on July 1, 2011, and for the issuance of a support special group license

94 plate authorized in Section 41-1a-422, at least  
{~~1,000~~} 500 completed applications for the new type of

95 support special group license plate to be issued with all fees required under this part for the

96 support special group license plate issuance paid by each applicant.

97 (b) (i) ~~Ĥ~~ Beginning on July 1, 2011, each participating organization shall collect and

97a hold applications for support special group license plates authorized in Section 41-1a-422 on or

97b after July 1, 2011, until it has received at least  
{~~1,000~~} 500 applications.

97c (ii) Once a participating organization has received at least  
{~~1,000~~} 500 applications, it shall

97d submit the applications, along with the necessary fees, to the division for the division to begin

97e working on the design and issuance of the new type of support special group license plate to be

97f issued.

2. Page 5, Lines 136 through 141a  
House Committee Amendments  
1-26-2011:

136 (4) (a) Beginning on July 1, 2011, if a support special group license plate type

137 authorized in Section ~~H~~→ [41-1a-122] 41-1a-422 ←~~H~~ and issued on or after July 1, 2011, has less

137a than {~~1,000~~} 500 license

138 plates issued ~~H~~→ each year ←~~H~~ for a three consecutive year time period that begins on July 1, the

138a division may

139 not issue that type of support special group license plate to a new applicant beginning on

140 January 1 of the following calendar year after the three consecutive year time period for which

141 that type of support special group license plate has less than {~~1,000~~} 500 license plates issued ~~H~~→ each

141a year ←~~H~~.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

## INTRODUCTION OF BILLS

**S.B. 64, Workers' Compensation Fund Subsidiary Amendments** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.B. 65, Statewide Online Education Program** (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

**S.B. 66, Military Leave for an Elected Official of a Political Subdivision** (J. Valentine), was read the first time by short title and referred to the Rules Committee.

**S.B. 67, Annual Eye Examination for Children in Grades Kindergarten Through Three** (L. Robles), was read the first time by short title and referred to the Rules Committee.

**S.B. 68, Solid Waste Amendments – Financial Assurance Requirements** (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

**S.B. 87, Marketable Record Title Amendments** (S. Reid), was read the first time by short title and referred to the Rules Committee.

**S.B. 88, Motor Vehicle Insurance – Settlement of Claims** (G. Davis), was read the first time by short title and referred to the Rules Committee.

**S.B. 89, Homeowner Association Reserve Account** (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

**S.B. 90, Board of Pardons Retirement Amendments** (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

**S.B. 91, Medical Practice Self Referral** (D. C. Buttars), was read the first time by short title and referred to the Rules Committee.

**S.B. 92, Private Security Services** (M. Dayton), was read the first time by short title and referred to the Rules Committee.

**S.B. 138, Driver License Qualification Amendments** (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

**S.J.R. 13, Joint Resolution – Request for Proposals** (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

**S.J.R. 14, Communications Device Usage Joint Resolution** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.J.R. 15, Alternative Careers and Skills for Women Joint Resolution** (K. Mayne), was read the first time by short title and referred to the Rules Committee.

### CONSENT CALENDAR

On motion of Senator Niederhauser, **H.B. 21, STATUTORILY REQUIRED REPORTS AMENDMENTS**, was read the third time and circled.

\* \* \*

**H.B. 186**, UTAH CODE TECHNICAL AMENDMENTS, was read the third time, explained by Senator Reid, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Hillyard	Madsen	McAdams
Robles	J. Stevenson		

**H.B. 186**, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 213**, STATUTORY CONSTRUCTION AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Mayne	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Hillyard	Liljenquist	Madsen
McAdams	Robles	J. Stevenson	

**H.B. 213**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 44**, ITALIAN-AMERICAN HERITAGE MONTH DESIGNATION, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams	Madsen	McAdams	Robles
J. Stevenson			

**H.B. 44** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **H.B. 21**, STATUTORILY REQUIRED REPORTS AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Buttars	Madsen	McAdams
Robles	J. Stevenson		

**H.B. 21** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

**H.B. 27**, WORKER’S COMPENSATION RATE FILINGS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Reid	Romero	H. Stephenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Madsen	Okerlund	Robles	J. Stevenson
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**H.B. 27** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Niederhauser, **H.B. 29**, BUSINESS ENTITY MERGERS, was read the third time and circled.

\* \* \*

**H.B. 41**, STATE CAPITOL PRESERVATION BOARD FEE REVISIONS, was read the third time, explained by Senator Davis, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
Thatcher	Urquhart	Valentine	Waddoups

**Absent or not voting were:** Senators

Madsen	Robles	J. Stevenson	Stowell
Van Tassell			

**H.B. 41** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.



\* \* \*

**H.B. 30**, ELECTION OFFICIALS' FUNDS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Waddoups	

**Absent or not voting were:** Senators

Christensen	Knudson	Madsen	Robles
Stowell	Van Tassell		

**H.B. 30** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 12**, PERSONAL INJURY CLAIMS BY PERSONAL REPRESENTATIVE, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Madsen	Robles
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**H.B. 12** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 25**, MINERAL AND PETROLEUM LITERACY, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Hillyard	Madsen	Robles
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**H.B. 25** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 39**, WATER RIGHTS AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Waddoups			

**Absent or not voting were:** Senators

Bramble	Madsen	Robles	Van Tassell
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**H.B. 39**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 22**, FIRE PREVENTION AND FIREWORKS ACT AMENDMENTS, was read the third time and explained by Senator Valentine.

Senator Valentine proposed the following amendment:

1. Page 1, Lines 21 through 22

21 Other Special Clauses:

22 ~~{None}~~ This bill coordinates with H.B. 203, Codification of State Construction and Fire Codes, so that specific language in H.B. 203 supersedes specified amendments in this bill.

2. Page 1, Line 27:

27 53-7-225, as renumbered and amended by Laws of Utah 1993, Chapter 234

Utah Code Sections Affected by Coordination Clause:  
53-7-222, as last amended by Laws of Utah 2010, Chapters 61 and 324

3. Page 6, Line 180:

180 ~~[(3)]~~ (2) Unclassified fireworks may not be sold, or offered for sale.

(3) (a) As used in this section, "NFPA" means the edition of the National Fire Protection Association adopted by the state fire code.

(b) For purposes of the portion of the state fire code that includes the amendments and additions to NFPA 1124, and subject to the amendments and additions made in the state fire code, the board shall:

(i) by rule, adopt standards for the retail sales of consumer fireworks; and  
(ii) in adopting the standards described in Subsection (3)(a)(i), consider the applicable provisions of NFPA 1124, Chapter 7, Retail Sales of Consumer Fireworks.

4. Page 7, Line 194:

194 ~~[(4)]~~ (c) the day before and on the Chinese New Year.

Section 3. Coordinating H.B. 22 with H.B. 203 – Providing for superseding amendments.

If this H.B. 22, Fire Prevention and Fireworks Act Amendments, and H.B. 203, Codification of State Construction and Fire Codes, both pass it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, not give effect to Subsection 53-7-222(3) enacted in this H.B. 22.

Senator Valentine's motion to amend passed on a voice vote and the bill passed on the following roll call:

**Yeas, 23; Nays, 3; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Buttars	McAdams	J. Stevenson
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**Absent or not voting were:** Senators

Bramble	Madsen	Robles
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**H.B. 22**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 43, ERRORS AND OMISSIONS COVERAGE FOR INSURANCE PRODUCERS**, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Christensen	Davis	Madsen
Robles			

**H.B. 43**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 188, LABOR COMMISSION RELATED AMENDMENTS**, was read the third time, explained by Senator Mayne, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Waddoups	

**Absent or not voting were:** Senators

Bramble	Christensen	Davis	Madsen
Robles	Van Tassell		

**H.B. 188**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Stevenson, the circle was removed from **H.B. 29**, BUSINESS ENTITY MERGERS, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Christensen	Davis	Madsen
Robles			

**H.B. 29** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

On motion of Senator Jenkins, the circle was removed from **S.B. 28**, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill.

On motion of Senator Jenkins, the following substitute bill replaced the original bill:

**1st Sub. S.B. 28 Alcohol or Drug Related Offense Amendments**  
(S. Jenkins)

Senator Jenkins proposed the following amendment:

1. Page 5, Lines 142 through 148

142 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the

143 person has not ~~unlawfully~~ consumed alcohol {~~-in violation of Section 32B-4-409-~~} during the suspension

144 period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or

145 (ii) is under 18 years of age and has the person's parent or legal guardian provide an

146 affidavit or sworn statement to the court certifying that to the parent or legal guardian's

147 knowledge the person has not ~~unlawfully~~ consumed alcohol {~~-in violation of Section 32B-4-409-~~} during the

148 suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).

2. Page 9, Lines 264 through 272:

264 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the

265 person has not consumed a controlled substance not prescribed by a practitioner for use by the

266 person or ~~unlawfully consumed~~ alcohol {~~-in violation of Section 32B-4-409-~~} during the suspension period imposed

267 under Subsection (7)(a) or (8)(a); or

268 (ii) is under 18 years of age and has the person's parent or legal guardian provide an

269 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's

270 knowledge the person has not consumed a controlled substance not prescribed by a practitioner

271 for use by the person or unlawfully consumed alcohol {~~in violation of Section 32B-4-409-~~} during the suspension period

272 imposed under Subsection (7)(a) or (8)(a).

Senator Jenkins’ motion to amend passed on a voice vote.

On motion of Senator Jenkins, the bill was circled.

\* \* \*

**S.B. 104**, PROBATE LAW AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Madsen	Robles	H. Stephenson
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\* \* \*

**S.C.R. 3**, CONCURRENT RESOLUTION SUPPORTING CONTINUED FEDERAL FUNDING OF THE CENTRAL UTAH PROJECT, was read the second time. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:

1. Page 1, Lines 25 through 27

25 WHEREAS, the purpose of the project was, and continues to be, the development of a portion of

26 Utah’s {~~portion~~} allocation of the upper Colorado River water for the benefit of counties in central and

27 south-central Utah and the people of the entire state;

2. Page 2, Lines 28 through 30:

28 WHEREAS, since 1965 Salt Lake, Wasatch, Uintah,  
Summit, Duchesne, Sanpete, Piute, Garfield, Juab <sup>2</sup> and Utah  
County citizens have been paying property taxes

29 into the Central Utah Water Conservancy District in anticipation  
that they would receive

30 irrigation water from the Central Utah Project, one of several  
original purposes of the project as well as water to be used for  
municipal purposes ;

3. Page 2, Lines 34 through 35:

34 WHEREAS, completion of the Central Utah Project and  
delivery of a portion of Utah's ~~{-portion-}~~ allocation of  
35 the Colorado River water is vital to the continued, long-term  
prosperity of the state;

Senator Okerlund's motion to amend passed on a voice vote. Senators Hinkins and McAdams commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell

**Absent or not voting were:** Senators

Christensen	Madsen	Robles	H. Stephenson
Waddoups			

\* \* \*

**S.J.R. 4, JOINT RESOLUTION APPROVING SCENIC BYWAY CORRIDOR MANAGEMENT PLAN,** was read the second time. Senator Stowell explained the bill. Senators Niederhauser and Valentine commented. The bill passed second reading on the following roll call:



**Yeas, 23; Nays, 1; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	

**Voting in the negative was:** Senator

H. Stephenson

**Absent or not voting were:** Senators

Bramble	Liljenquist	Madsen	Robles
Waddoups			

\* \* \*

**S.B. 49, OVERSIGHT OF BONDING BY COUNTIES**, was read the second time. Senator Stevenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	Morgan
Niederhauser	Okerlund	Reid	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Van Tassell			

**Absent or not voting were:** Senators

Bramble	Liljenquist	Madsen	McAdams
Robles	Romero	Valentine	Waddoups

\* \* \*

On motion of Senator Dayton, the circle was removed from **S.B. 44, STATE COMMISSION AMENDMENTS**, and it was before the Senate. Senator Dayton explained the bill.

Senator Dayton proposed the following amendment:

- 1. Page 3, Lines 62 through 63

(1) the governor;

62            {~~(1)~~ }    (2) the Legislature in a joint resolution of the Legislature; or

63            {~~(2)~~ }    (3) the Legislative Management Committee.

- 2. Page 43, Lines 1328 through 1329:

1328    (1) The commission shall advise the governor and the Legislature on proposals to amend the Utah

1329 Constitution    as requested by the governor or by the Legislature    {~~requests in~~ }    through a joint resolution of the Legislature.

Senator Dayton’s motion to amend passed on a voice vote. Senators Niederhauser, Hillyard, Jones, Valentine, Jones, Romero, McAdams, and Buttars commented.

Senator Stephenson proposed a substitute bill. His motion to substitute failed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 6; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Niederhauser	Okerlund	Reid
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Davis	Jones	Mayne	McAdams
Morgan	Romero		

**Absent or not voting were:** Senators

Liljenquist	Madsen	Robles
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**COMMITTEE OF THE WHOLE**

On motion of Senator Jenkins, U. S. Senator Orrin Hatch spoke in Committee of the Whole. Senators Stephenson, Buttars, Hillyard, Valentine, Romero and Jones commented.

On motion of Senator Jenkins, the Committee of the Whole was dissolved.

\* \* \*

On motion of Senator Jenkins and at 12:30 p.m., the Senate adjourned until 10:00 a.m., Monday, February 14, 2011.

# FIFTEENTH DAY

## February 7, 2011

The Senate was called to order at 10:05 a.m., with President Michael Waddoups presiding.

**Prayer** – Pastor Curtis Price, First Baptist Church of Salt Lake

**Pledge of Allegiance** – Senator Karen Mayne

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 4, 2011

The House passed, **S.B. 15**, SURETY REQUIREMENTS FOR MINING, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 4, 2011

The House passed, as substituted, **2nd Sub. H.B. 18**, HEALTH REFORM – COST CONTAINMENT, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 19**, INSURANCE LAW RELATED AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 60**, PROHIBITING CONTRIBUTIONS DURING SPECIAL SESSION, by Representative P. Arent, and it is transmitted for consideration; and

The House passed **H.B. 71**, VICTIM RIGHTS AMENDMENTS, by Representative B. Wilson, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 207**, JUVENILE AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 4, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and Labor Committee**

- S.B. 64** Workers' Compensation Fund Subsidiary Amendments  
(Sen. J. S. Adams)
- S.B. 87** Marketable Record Title Amendments (Sen. S. Reid)
- S.B. 88** Motor Vehicle Insurance—Settlement of Claims  
( Sen. G. Davis)
- S.B. 89** Homeowner Association Reserve Account  
(Sen. S. Urquhart)
- S.B. 113** Election District Boundaries (Sen. J. Valentine)
- S.B. 131** Unincorporated Business Entity Uniform Acts  
(Sen. L. Hillyard)

#### **Education Committee**

- S.B. 65** Statewide Online Education Program  
(Sen. H. Stephenson)

#### **Government Operations and Political Subdivisions Committee**

- S.B. 66** Military Leave for an Elected Official of a Political  
Subdivision (Sen. J. Valentine)
- S.B. 92** Private Security Services (Sen. M. Dayton)
- S.J.R. 13** Joint Resolution – Request for Proposals  
(Sen. H. Stephenson)
- 1st Sub. H.B. 32** Campaign and Financial Reporting Amendments  
(Rep. K. Grover) (Sen. M. Dayton)
- 1st Sub. H.B. 40** Bonding Requirements for Government Officers and  
Employees (Rep. R. Wilcox) (Sen. D. Liljenquist)
- H.B. 67** State Bonding Commission Bonding Authority  
(Rep. B. Last) (Sen. D. Stowell)

**Health and Human Services Committee****S.B. 61** Prescription Drug Prescriber Training (Sen. P. Jones)**S.B. 91** Medical Practice Self Referral (Sen. D. C. Buttars)**Judiciary, Law Enforcement, and Criminal Justice Committee****S.B. 147** Forgery Law Amendments (Sen. M. Madsen)**H.B. 214** Concealed Firearm Permit Fees (Rep. C. Oda)  
(Sen. M. Madsen)**Natural Resources, Agriculture and Environment Committee****S.B. 68** Solid Waste Amendments – Financial Assurance  
Requirements (Sen. K. Van Tassell)**Retirement and Independent Entities Committee****S.B. 90** Board of Pardons Retirement Amendments  
(Sen. D. Liljenquist)**Transportation, Public Utilities and Technology Committee****S.B. 138** Driver License Qualification Amendments  
(Sen. S. Urquhart)**S.J.R. 14** Communications Device Usage Joint Resolution  
(Sen. C. Bramble)**H.B. 193** Public Highway Designation (Rep. C. Watkins)  
(Sen. D. Hinkins)Margaret Dayton  
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

\* \* \*

Mr. President: February 4, 2011

The Rules Committee recommends that the following bill be placed at the bottom of the Second Reading Calendar:

**H.J.R. 17** Joint Resolution Approving Compensation of In-Session  
Employees (Rep. B. Dee) (Sen. S. Jenkins)Margaret Dayton  
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

On motion of Senator Dayton, **H.J.R. 17** was placed at the top of the Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President: February 3, 2011

The Education Committee reports a favorable recommendation on **S.B. 59**, SCHOOL GRADING SYSTEM, by Senator W. Niederhauser; and

The Education Committee reports a favorable recommendation on **S.B. 145**, UTAH EDUCATIONAL SAVINGS PLAN AMENDMENTS, by Senator W. Niederhauser.

Howard A. Stephenson, Chair

Mr. President: February 3, 2011

The Health and Human Services Committee reports a favorable recommendation on **H.B. 64**, HUMAN BLOOD PROCUREMENT AND USE, by Representative S. Handy.

D. Chris Buttars, Chair

Mr. President: February 3, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 143**, JUDICIARY AMENDMENTS, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 56**, EXPUNGEMENT AMENDMENTS, by Representative Julie Fisher; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 192**, CONTROLLED SUBSTANCES ADVISORY COMMITTEE AMENDMENTS, by Representative P. Ray.

Mark B. Madsen, Chair

Mr. President: February 4, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 130**, SURPLUS PROPERTY AMENDMENTS, by Senator S. Reid, with the following amendments:

1. Page 3, Lines 78 through 81:

78      (8) (a) "Surplus property" means property that an agency:

- 79        (i) intends for disposal; and
- 80        (ii) has acquired by purchase, seizure, or donation.
- 81        (b) “Surplus property” does not include :  
           (i) real property ; or  
           (ii) an aluminum can or an item made primarily of paper,  
plastic, or card board that is:  
           (A) discarded; and  
           (B) recyclable ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 146**, IMPACT FEE AMENDMENTS, by Senator J. Stevenson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 12**, JOINT RESOLUTION – IMMIGRATION, by Senator S. Reid, with the following amendments:

1. Page 3, Line 66:  
     At the beginning of the line, delete “ and “  
     After “delegation “ insert “ and all states”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **2nd Sub. H.B. 46**, COUNTY RECORDER AMENDMENTS, by Representative R. C. Webb.

Peter C. Knudson, Chair

Mr. President: February 4, 2011

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 132**, SALES AND USE TAX EXEMPTION FOR AN ENERGY EFFICIENT STOVE OR ENERGY EFFICIENT STOVE FUEL, by Senator G. Davis; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 35**, SALES AND USE TAX ACT REVISIONS, by Representative W. Harper.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on the Second Reading Calendar.



## STANDING COMMITTEE REPORTS

Mr. President: February 3, 2011

The Health and Human Services Committee reports a favorable recommendation on **H.B. 14**, CATASTROPHIC MENTAL HEALTH COVERAGE – SUNSET ACT, by Representative J. Dunnigan, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President: February 3, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 10**, JOINT RESOLUTION CLOSING OREM COURT FACILITY, by Senator J. Valentine, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: February 4, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 144**, COUNTY PURCHASING AGENT AMENDMENTS, by Senator M. Dayton, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 4, 2011

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 58**, CRIME VICTIMS REPARATIONS REVISIONS, by Senator J. S. Adams, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

## INTRODUCTION OF BILLS

**S.B. 69, Sales and Use Tax Exemption for Textbooks for Higher Education** (K. Mayne), was read the first time by short title and referred to the Rules Committee.

**S.B. 86, Sunset Reauthorizations** (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

**S.B. 155, Political Subdivision's Procurement Process for Construction Projects** (B. McAdams), was read the first time by short title and referred to the Rules Committee.

### CONCURRENCE CALENDAR

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **S.B. 14, LOCAL ELECTION AMENDMENTS**. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Buttars	Jenkins	Morgan
J. Stevenson			

**S.B. 14** was returned to the House for the signature of the Speaker.

### THIRD READING CALENDAR

**S.B. 104, PROBATE LAW AMENDMENTS**, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars J. Stevenson

**S.B. 104** was transmitted to the House for consideration.

\* \* \*

**S.C.R. 3**, CONCURRENT RESOLUTION SUPPORTING CONTINUED FEDERAL FUNDING OF THE CENTRAL UTAH PROJECT, was read the third time and explained by Senator Okerlund. Senator Davis commented and the bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars Robles J. Stevenson

**S.C.R. 3** was transmitted to the House for consideration.

\* \* \*

**S.J.R. 4**, JOINT RESOLUTION APPROVING SCENIC BYWAY CORRIDOR MANAGEMENT PLAN, was read the third time and explained by Senator Stowell. Senator Morgan commented and the bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators  
Robles J. Stevenson

**S.J.R. 4** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Niederhauser, **S.B. 49**, OVERSIGHT OF BONDING BY COUNTIES, was read the third time and circled.

\* \* \*

**S.B. 44**, STATE COMMISSION AMENDMENTS, was read the third time and explained by Senator Dayton.

Senator Bramble proposed the following amendment:

- 1. Page 3, Line 62:

~~[(1)] (2)~~ ← **Ŝ** the Legislature in a joint resolution of the Legislature:  
**Ŝ** → ~~[œ]~~

63 ~~[(2)] (3)~~ ← **Ŝ** the Legislative Management Committee **Ŝ** → : or  
63a (4) a Revenue and Taxation interim or standing committee. ← **Ŝ**

Senator Bramble’s motion to amend passed on a voice vote.

~ ~ ~

Senator McAdams proposed the following amendment:

- 1. Page 43, Line 1329a:  
Insert: “the Legislative Management Committee or Interim Judiciary Committee”

Senator McAdams’ motion to amend failed on a voice vote. Senators Hillyard, Davis, and Valentine commented and the bill passed on the following roll call:

**Yeas, 21; Nays, 5; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Morgan

Niederhauser	Okerlund	Reid	H. Stephenson
Stowell	Thatcher	Urquhart	Valentine
Waddoups			

**Voting in the negative were:** Senators

Jones	Mayne	McAdams	Robles
Romero			

**Absent or not voting were:** Senators

Davis	J. Stevenson	Van Tassell
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**S.B. 44** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

**S.B. 114**, MUNICIPAL PROSECUTORIAL DISCRETION, was read the second time. Senator Thatcher explained the bill. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Madsen	J. Stevenson
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**COMMITTEE OF THE WHOLE**

On motion of Senator Jenkins, U. S. Congressman Jason Chaffetz, spoke in Committee of the Whole. Senators Mayne, Buttars, Jones, Hillyard, Okerlund, Liljenquist, Valentine, and Davis commented.

On motion of Senator Jenkins, the Committee of the Whole was dissolved.

**SECOND READING CALENDAR**

On motion of Senator Jenkins, under suspension of the Rules, the Senate voted to consider a House bill on a Senate day.

\* \* \*

On motion of Senator Jenkins, under suspension of the rules, **H.J.R. 17**, JOINT RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Hillyard	Robles
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**H.J.R. 17** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Jenkins, the circle was removed from **1st Sub. S.B. 28**, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill. Senators Dayton, Valentine, Adams, Mayne, Stowell, Madsen, and Waddoups commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Van Tassell	Waddoups		

**Voting in the negative was:** Senator

Madsen

**Absent or not voting were:** Senators

Bramble

Valentine

\* \* \*

On motion of Senator Jenkins and at 12:00 noon, the Senate adjourned until 10:00 a.m., Tuesday, February 8, 2011.

# SIXTEENTH DAY

**February 8, 2011**

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

**Prayer** – The Most Reverend John C. Wester, Catholic Diocese of Utah

**Pledge of Allegiance** – Senator Patricia Jones

**Roll Call** – All Senators present

## READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 7, 2011

The House passed, **S.B. 19**, DEPARTMENT OF WORKFORCE SERVICES' REGIONAL WORKFORCE SERVICE AREAS AMENDMENTS, by Senator P. Jones, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 8**, RONALD REAGAN DAY JOINT RESOLUTION, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 7, 2011

The House concurred in the Senate amendments and passed **H.B. 22**, FIRE PREVENTION AND FIREWORKS ACT AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 39**, WATER RIGHTS AMENDMENTS, by Representative J. Draxler, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 43**, ERRORS AND OMISSIONS COVERAGE FOR INSURANCE PRODUCERS,



by Representative J. Bird, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 188**, LABOR COMMISSION RELATED AMENDMENTS, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 213**, STATUTORY CONSTRUCTION AMENDMENTS, by Representative D. Brown, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be returned to the House for signature of the Speaker.

\* \* \*

Mr. President:

February 7, 2011

The House passed, as amended, **H.B. 31**, RESTORATION OF THE RIGHT TO VOTE AND HOLD ELECTIVE OFFICE, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 33**, ELECTION LAW REVISIONS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed **H.B. 42**, ALCOHOLIC BEVERAGE CONTROL ACT RETAIL LICENSE QUOTAS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 51**, SCHOOL AND INSTITUTIONAL TRUST LANDS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 190**, DELINQUENT PROPERTY TAX AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.B. 196**, CONTINUING EDUCATION REQUIREMENTS FOR LANDSCAPE ARCHITECTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 230**, DISABILITY AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 241**, CLEAN OUT THE CABINETS MONTH DESIGNATION, by Representative M. Morley, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 7, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and Labor Committee**

**1st Sub. H.B. 19** Insurance Law Related Amendments (Rep. J. Dunnigan)  
(Sen. J. S. Adams)

#### **Government Operations and Political Subdivisions Committee**

**S.B. 43** Local District Fees (Sen. D. Thatcher)

**S.B. 135** Department of Public Safety Duties Amendments  
(Sen. D. Thatcher)

**S.B. 155** Political Subdivision's Procurement Process for  
Construction Projects (Sen. B. McAdams)

**H.B. 60** Prohibiting Contributions During Special Session  
(Rep. P. Arent) (Sen. J. Valentine)

#### **Health and Human Services Committee**

**2nd Sub. H.B. 18** Health Reform – Cost Containment (Rep. B. Daw)  
(Sen. D. Liljenquist)

#### **Judiciary, Law Enforcement, and Criminal Justice Committee**

**H.B. 71** Victim Rights Amendments (Rep. B. Wilson)  
(Sen. J. Stevenson)

**2nd Sub. H.B. 207** Juvenile Amendments (Rep. W. Harper)  
(Sen. L. Hillyard)

### Revenue and Taxation Committee

**S.B. 69** Sales and Use Tax Exemption for Textbooks for Higher Education (Sen. K. Mayne)

Margaret Dayton  
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

### STANDING COMMITTEE REPORTS

Mr. President: February 7, 2011

The Education Committee reports a favorable recommendation on **S.B. 63**, K-3 READING IMPROVEMENT PROGRAM ACCOUNTABILITY, by Senator K. Morgan.

Howard A. Stephenson, Chair

The Health and Human Services Committee reports a favorable recommendation on **H.B. 211**, COMMUNITY SERVICE MEDICAID PILOT PROGRAM, by Representative R. Menlove.

D. Chris Buttars, Chair

Mr. President: February 7, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 147**, FORGERY LAW AMENDMENTS, by Senator M. Madsen, with the following amendments:

1. Page 1, Lines 13 through 14:

13       ▶ provides a penalty of a second degree felony for a person guilty of producing {~~—~~}

14       {~~—possessing,—~~} or transferring false identification documents and false financial

2. Page 1, Lines 23 through 25:

23                       {~~—possesses with intent to unlawfully use or transfer for another person's unlawful~~

24       ~~use one or more identification documents, false financial transaction cards,~~

25 authentication features, or false identification documents;—}

3. Page 5, Line 130:

130 (4) A person is guilty of producing ~~{—possessing—}~~ or  
transferring any false identification

4. Page 5, Lines 139 through 143:

139 ~~{—(c) possesses with intent to unlawfully use or transfer for  
another person's unlawful use~~

140 ~~one or more identification documents or financial transaction  
cards, other than those issued~~

141 ~~lawfully for the use of the possessor, or authentication features,  
false identification documents,~~

142 ~~or false financial transaction cards; }~~

143 ~~{—(d) }~~ (c) produces, transfers, or possesses a  
document-making implement or authentication

5. Page 5, Line 147:

147 ~~{—(e) }~~ (d) traffics in false or actual authentication  
features for use in false identification ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 214**, CONCEALED FIREARM PERMIT FEES, by Representative C. Oda.

Mark B. Madsen, Chair

Mr. President:

February 7, 2011 TRANSPORTATION

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 45**, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, by Senator R. Romero, with the following amendments:

1. Page 1, Lines 18 through 20:

18 ► specifies a penalty for violating the wireless telephone  
prohibition; ~~{—and—}~~

19 ► provides that a violation of the wireless telephone  
prohibition is not a reportable violation; and

► prohibits the Driver License Division from assessing points  
against a person's

20 driving record for being convicted of violating the wireless  
21 telephone prohibition.

2. Page 2, Lines 45 through 47:

45 (4) {~~Upon receiving a record of conviction under this~~  
46 ~~section.~~ } A violation of this section is not a reportable violation  
47 and the Driver License

46 Division may not assess points against the driving record of the  
47 person who violates this

47 section under Section 53-3-221.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

### INTRODUCTION OF BILLS

**S.B. 70, Community Development and Renewal Agencies Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 71, Requirements Applicable to Property Tax or Fee Increases** (D. Thatcher), was read the first time by short title and referred to the Rules Committee.

**S.B. 156, Uninsured and Underinsured Motorist Coverage Amendments** (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

**S.B. 157, Property Tax Revisions** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 158, Local Government Funding Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 159, Sex Offender Registry Revisions** (D. Stowell), was read the first time by short title and referred to the Rules Committee.

**S.B. 164, Attorney Fees and Court Costs Amendments** (B. McAdams), was read the first time by short title and referred to the Rules Committee.

**S.B. 230, DNA Amendments** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.B. 242, Assessment Area Amendments** (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

**S.B. 243, Historic Areas or Sites Amendments** (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

**S.B. 308, Amendments to Public Employee's Benefit and Insurance Program** (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

### THIRD READING CALENDAR

On motion of Senator Niederhauser, **S.B. 114, MUNICIPAL PROSECUTORIAL DISCRETION**, was read the third time and circled.

\* \* \*

**1st Sub. S.B. 28, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS**, was read the third time and explained by Senator Jenkins.

Senator Madsen proposed the following amendment:

- . Page 10, Line 298:  
Reinstate "18 months" and delete "two years if the arrest was made on or after July 1, 2011."

Senator Madsen's motion to amend passed on a voice vote. Senators Hillyard and Romero and the bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Hillyard	Niederhauser
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**1st Sub. S.B. 28** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Thatcher, the circle was removed from **S.B. 114**, MUNICIPAL PROSECUTORIAL DISCRETION, and it was before the Senate. Senator Thatcher explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Dayton	Hillyard	Niederhauser
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**S.B. 114** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Stevenson, the circle was removed from **S.B. 49**, OVERSIGHT OF BONDING BY COUNTIES, and it was before the Senate. Senator Stevenson explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Dayton	Niederhauser
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**S.B. 49** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Okerlund, legislative staff was authorized to draft a joint resolution creating a funding source for arts and museums.

**SECOND READING CALENDAR**

**S.B. 123**, RESTRICTIONS ON LOBBYING EXPENDITURES, was read the second time. Senator Jenkins explained the bill. Senators Mayne, Hillyard, Madsen, and Niederhauser commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 2; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Okerlund	Reid	Robles	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Niederhauser	Romero
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**Absent or not voting were:** Senators

Bramble	Buttars	Dayton	Liljenquist
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**SPECIAL RECOGNITION**

A citation be read recognizing the Roseman University of Health Sciences. Senator Knudson commented.

**SECOND READING CALENDAR**

On motion of Senator Mayne, under suspension of the rules, **1st Sub. S.J.R. 3**, ADULT IMMUNIZATION AWARENESS DAY JOINT RESOLUTION, was considered read the second and third times. Senator Mayne explained the bill. The bill passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**



**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Hillyard
Hinkins	Jenkins	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Christensen	Dayton	Liljenquist
Madsen	Robles	H. Stephenson	Thatcher

**1st Sub. S.J.R. 3** was transmitted to the House.

\* \* \*

**S.B. 126, LOCAL DISTRICT SERVICE AMENDMENTS**, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Dayton	Hillyard
Hinkins	Jenkins	Jones	Madsen
McAdams	Morgan	Niederhauser	Reid
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Christensen	Davis	Knudson
Liljenquist	Mayne	Okerlund	H. Stephenson
Thatcher			

\* \* \*

On motion of Senator Jenkins, **S.C.R. 5, BEAR LAKE CONCURRENT RESOLUTION**, was read the second time and circled.

\* \* \*

**S.C.R. 2, FINANCIAL RESPONSIBILITY CONCURRENT RESOLUTION**, was read the second time. Senator Jones explained the bill.

Senator Jones proposed the following amendment:

- 1. Page 2, Lines 37 through 39

37 available through [www.believeinyourfuture.org](http://www.believeinyourfuture.org),  
[www.imagineahappieryou.org](http://www.imagineahappieryou.org),

38 [www.financeintheclassroom.org](http://www.financeintheclassroom.org), [www.uesp.org](http://www.uesp.org) and  
[www.utahsaves.org](http://www.utahsaves.org).

39 Special Clauses:

- 2. Page 5, Lines 138 through 139  
 Senate Committee Amendments  
 2-1-2011:

138 Utahns to access the resources available through  
[www.believeinyourfuture.org](http://www.believeinyourfuture.org),

139 [www.imagineahappieryou.org](http://www.imagineahappieryou.org),  
[www.financeintheclassroom.org](http://www.financeintheclassroom.org), [www.uesp.org](http://www.uesp.org), and  
[www.utahsaves.org](http://www.utahsaves.org).

Senator Jones’ motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.**

**Voting in the affirmative were:** Senators

Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Christensen
Liljenquist	Madsen	Reid	Robles
Thatcher	Waddoups		

\* \* \*

**S.B. 48, ALZHEIMER’S STATE PLAN TASK FORCE**, was read the second time. Senator Morgan explained the bill.

Senator Morgan proposed the following amendment:

1. Page 2, Lines 28 through 32

28 This bill appropriates:

29 ► \$2,040, as a one-time ~~{, —nonlapsing—}~~ appropriation, to the House;

30 ► \$2,040, as a one-time ~~{, —nonlapsing—}~~ appropriation, to the Senate; and

31 ► \$20,920, as a one-time, nonlapsing appropriation, to the Division of Aging and

32 Adult Services subject to intent language stating that the \$20,920 shall be used, first for the expenses of the Alzheimer’s State Plan Task Force, with the remaining money to be used by the Division of Aging and Adult Services to fund respite care for individuals with Alzheimer’s disease or related dementia .

2. Page 3, Lines 81 through 84:

81 (xii) two representatives of one or more organizations that provide volunteer services

82 relating to the care and support of a person with Alzheimer’s disease ~~{, —with priority being given~~

83 ~~to an organization that donates more than \$20,000 to the Alzheimer’s State Plan Task Force~~

84 Restricted Account } .

3. Page 6, Lines 154 through 156:

154 ~~{ (5) Funds left in the account after paying the obligations under Subsection (4) shall be~~

155 used by the department to fund respite care for individuals with Alzheimer’s disease or related

156 dementia. }

4. Page 6, Lines 157 through 179:

157 Section 7. Appropriation.

158 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the

159 following sums of money are appropriated from resources not otherwise appropriated out of the funds or accounts indicated for the fiscal

160 year beginning July 1, 2010, and ending June 30, 2011. These appropriations are in addition to

161 the amounts previously appropriated for fiscal year 2011.

162 Item 1 To Legislature – House of Representatives

163 From Alzheimer’s State Plan Task Force Restricted Account one-time \$2,040

164 Schedule of Programs:

165 Alzheimer’s State Plan Task force\$2,040

166 {– Under Section 63J–1–603, the Legislature intends that the \$2,040 appropriated by this

167 item shall not lapse at the close of fiscal year 2011. }

168 Item 2 To Legislature – Senate

169 From Alzheimer’s State Plan Task Force Restricted Account one-time \$2,040

170 Schedule of Programs:

171 Alzheimer’s State Plan Task force\$2,040

172 {– Under Section 63J–1–603, the Legislature intends that the \$2,040 appropriated by this

173 item shall not lapse at the close of fiscal year 2011. }

174 Item 3 To Department of Human Services – Division of Aging and Adult Services

175 From Alzheimer’s State Plan Task Force Restricted Account one-time \$20,920

176 Schedule of Programs:

177 Alzheimer’s State Plan Task force\$20,920

178 Under Section 63J–1–603, the Legislature intends that the \$20,920 appropriated by this

179 item shall not lapse at the close of fiscal year 2011 and shall be used, first for the expenses of the Alzheimer’s State Plan Task Force, with the remaining money to be used by the Division of Aging and Adult Services to fund respite care for individuals with Alzheimer’s disease or related dementia

Senator Morgan’s motion to amend passed on a voice vote. Senator Niederhauser commented. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 0; Absent, 11.**

**Voting in the affirmative were:** Senators

Davis	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	Stowell	Urquhart
Valentine	Van Tassell		

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hinkins	Liljenquist	Reid
J. Stevenson	Thatcher	Waddoups	

\* \* \*

On motion of Senator Knudson, the circle was removed from **S.C.R. 5**, BEAR LAKE CONCURRENT RESOLUTION, and it was before the Senate.

On motion of Senator Knudson, the following substitute bill replaced the original bill:

**1st Sub. S.C.R. 5 Bear Lake Concurrent Resolution** (P. Knudson)

On motion of Senator Knudson, the bill was circled.

\* \* \*

**S.B. 124**, LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE, was read the second time. Senator McAdams explained the bill. Senators Hillyard, Valentine, and Madsen commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 4; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Reid	Romero
J. Stevenson	Thatcher	Valentine	Van Tassell

**Voting in the negative were:** Senators

Dayton	H. Stephenson	Stowell	Urquhart
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**Absent or not voting were:** Senators

Buttars	Christensen	Okerlund	Robles
Waddoups			

\* \* \*

**S.B. 47, DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS**, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.****Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Dayton	Urquhart
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**Absent or not voting were:** Senators

Davis	Okerlund
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\* \* \*

On motion of Senator Jenkins and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Wednesday, February 9, 2011.

# SEVENTEENTH DAY

## February 9, 2011

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

**Prayer** – Cory Schmidt

**Pledge of Allegiance** – Senator Ralph Okerlund

**Roll Call** – All Senators present, except Senator Romero, excused.

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 8, 2011

The Speaker of the House has signed **S.B. 14, LOCAL ELECTION AMENDMENTS**, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The House passed, **S.B. 23, STATE HIGHWAY SYSTEM MODIFICATIONS**, by Senator K. Van Tassell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 29, UNIFORM DRIVER LICENSE ACT AMENDMENTS**, by Senator K. Van Tassell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 8, 2011

The House passed, as substituted, **1st Sub. H.B. 16, PHARMACY BENEFITS MANAGER ACT**, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 203, CODIFICATION OF STATE CONSTRUCTION AND FIRE CODES**, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 226**, LOCAL GOVERNMENT FEE AUTHORITY, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 235**, TECHNOLOGY TECHNICAL AMENDMENTS, by Representative P. Arent, and it is transmitted for consideration; and

The House passed **H.B. 237**, ENFORCEMENT OF LIENS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 247**, WATER DEVELOPMENT AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 248**, COUNTY OFFICE VACANCIES, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.C.R. 4**, WILD HORSE AND BURRO ADVISORY BOARD CONCURRENT RESOLUTION, by Representative M. Brown, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 8, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and Labor Committee**

- S.B. 156** Uninsured and Underinsured Motorist Coverage Amendments (Sen. S. Urquhart)
- H.B. 42** Alcoholic Beverage Control Act Retail License Quotas (Rep. G. Froerer) (Sen. J. Valentine)
- H.B. 196** Continuing Education Requirements for Landscape Architects (Rep. R. C. Webb) (Sen. P. Knudson)

#### **Government Operations and Political Subdivisions Committee**

- S.B. 158** Local Government Funding Amendments (Sen. C. Bramble)
- S.B. 242** Assessment Area Amendments (Sen. W. Niederhauser)
- H.B. 31** Restoration of the Right to Vote and Hold Elective Office (Rep. J. Mathis) (Sen. P. Knudson)



**H.B. 33** Election Law Revisions (Rep. R. C. Webb)  
(Sen. W. Niederhauser)

**Health and Human Services Committee**

**S.B. 150** Negligent Credentialing (Sen. J. S. Adams)  
**1st Sub. H.B. 230** Disability Amendments (Rep. P. Ray) (Sen. L. Hillyard)  
**H.B. 241** Clean Out the Cabinets Month Designation  
(Rep. M. Morley) (Sen. P. Jones)

**Judiciary, Law Enforcement, and Criminal Justice Committee**

**S.B. 159** Sex Offender Registry Revisions (Sen. D. Stowell)  
**S.B. 164** Attorney Fees and Court Costs Amendments  
(Sen. B. McAdams)  
**S.B. 230** DNA Amendments (Sen. J. S. Adams)

**Retirement and Independent Entities Committee**

**S.B. 308** Amendments to Public Employee’s Benefit and Insurance  
Program (Sen. D. Liljenquist)

**Revenue and Taxation Committee**

**S.B. 71** Requirements Applicable to Property Tax or Fee  
Increases (Sen. D. Thatcher)  
**S.B. 157** Property Tax Revisions (Sen. C. Bramble)  
**1st Sub. H.B. 190** Delinquent Property Tax Amendments (Rep. G. Froerer)  
(Sen. W. Niederhauser)

**Workforce Services and Community and Economic Development  
Committee**

**S.B. 70** Community Development and Renewal Agencies  
Amendments (Sen. C. Bramble)  
**S.B. 243** Historic Areas or Sites Amendments  
(Sen. W. Niederhauser)

Margaret Dayton  
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

On motion of Senator Dayton, the Senate voted to lift **S.B. 158, LOCAL GOVERNMENT FUNDING AMENDMENTS**, from the Government Operations and Political Subdivisions Committee and assign it to the Revenue and Taxation Committee. They also voted to lift **S.B. 70, COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES AMENDMENTS** from the

Workforce Services and Community and Economic Development Committee and assign it to the Revenue and Taxation Committee.

### STANDING COMMITTEE REPORTS

Mr. President:

February 8, 2011

The Business and Labor Committee reports a favorable recommendation on **S.B. 64, WORKERS' COMPENSATION FUND SUBSIDIARY AMENDMENTS**, by Senator J. S. Adams, with the following amendments:

1. Page 1, Lines 13 through 16:
  - 13 This bill:
  - 14 ► permits a subsidiary of the Workers' Compensation Fund to become licensed to
  - 15 write and to write commercial property or casualty insurance on a risk located in Utah; and
  - 16 ► makes technical and conforming amendments.
2. Page 2, Line 55 through Page 3, Line 65:
  - 55 (II) without bearing any insurance risk; ~~and~~
  - 56 (b) offer workers' compensation products and services in Utah and other states~~[-]; and~~
  - 57 (c) subject to Subsection (6), for a risk located in Utah:
  - 58 (i) become licensed under this title to write:
  - 59 (A) commercial property insurance; or
  - 60 (B) commercial casualty insurance, including a surety or other bond; and
  - 61 (ii) once licensed under this title, to write:
  - 62 (A) commercial property insurance; or
  - 63 (B) commercial casualty insurance, including a surety or other bond.
  - 64 (4) The fund shall write workers' compensation insurance in accordance with Section
  - 65 31A-22-1001.
3. Page 3, Lines 74 through 77:

74 (b) The fund or a subsidiary of the fund may not offer, or enter  
into a joint enterprise

75 that offers, or otherwise participate in the offering of accident and  
health insurance.

76 (6) The fund shall operate a subsidiary of the fund that writes  
commercial property or casualty

77 insurance under Subsection (3)(c); ; and

The Business and Labor Committee reports a favorable recommendation on  
**S.B. 87**, MARKETABLE RECORD TITLE AMENDMENTS, by Senator  
S. Reid; and

The Business and Labor Committee reports a favorable recommendation on  
**S.B. 89**, HOMEOWNER ASSOCIATION RESERVE ACCOUNT, by Senator  
S. Urquhart, with the following amendments:

1. Page 2, Lines 52 through 56:

52 (5) Subsections (2), (3), ~~{-and-}~~ (4) , and (6) do not  
apply to an association of unit owners during

53 the period of declarant management.

54 (6) Beginning July 1, 2013, a management committee shall  
ensure that a reserve fund

55 ~~{-contains the appropriate amount of money }~~ is being  
appropriately funded , as determined by the reserve analysis, to meet  
the

56 needs for which the reserve fund is established.

2. Page 3, Lines 82 through 86:

82 (5) Subsections (2), (3), ~~{-and-}~~ (4) , and (6) do not  
apply to an association during the period of

83 administrative control.

84 (6) Beginning July 1, 2013, a board shall ensure that a reserve  
fund ~~{-contains the }~~

85 ~~{-appropriate amount of money }~~ is being appropriately  
funded , as determined by the reserve analysis, to meet the needs for

86 which the reserve fund is established. ; and

The Business and Labor Committee recommends **S.B. 113**, ELECTION DISTRICT BOUNDARIES, by Senator J. Valentine, be replaced and favorably recommends **1st Sub. S.B. 113**, ELECTION DISTRICT BOUNDARIES; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 131**, UNINCORPORATED BUSINESS ENTITY UNIFORM ACTS, by Senator L. Hillyard, with the following amendments:

1. Page 3, Lines 63 through 64:

63 Other Special Clauses:

64 This bill takes effect on ~~{January}~~ July 1, 2012.

2. Page 25, Line 763 through Page 26, Line 778:

763 (i) the following [sections] do not apply to an institution that is described in Subsection

764 (3)(a):

765 [~~(A) Subsection 48-2c-402(2)(a)(ii);~~]

766 [~~(B) Section 48-2c-604;~~]

767 [~~(C) Section 48-2c-703;~~]

768 [~~(D) Section 48-2c-708;~~]

769 [~~(E) Subsection 48-2c-801(2);~~]

770 [~~(F) Section 48-2c-1102;~~]

771 [~~(G) Section 48-2c-1104; and~~]

772 [~~(H) Subsections 48-2c-1201(2) through (5); and~~]

773 (A) Section 48-3-110;

(B) Section 48-3-112;

~~{(A)}~~ (C) Section 48-3-201;

774 ~~{(B) Subsection 48-3-401(3)}~~ (D) Section 48-3-401 ;

(E) Subsections 48-3-407(1) and (3)(d);

(F) Section 48-3-410;

775 ~~{(C)}~~ (G) Subsection 48-3-502(1)(c);

776 ~~{(D)}~~ (H) Title 48, Chapter 3, Part 6, Member's Dissociation: ~~{and}~~

777        { ~~(E) Subsections~~ }

(I) Subsection 48-3-701(1) { ~~(a), (b), and (c)~~ } ; and

(J) Title 48, Chapter 3, Part 8, Foreign Limited Liability Companies; and

778        (ii) as otherwise provided in this title.

3. Page 267, Lines 8265 through 8266:

8265        Section 315. Effective date.

8266        This bill takes effect on { ~~January~~ } July 1, 2012.

John L. Valentine, Chair

Mr. President:

February 8, 2011

The Education Committee reports a favorable recommendation on **S.B. 65**, STATEWIDE ONLINE EDUCATION PROGRAM, by Senator H. Stephenson.

Howard A. Stephenson, Chair

Mr. President:

February 8, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 149**, QUALIFICATIONS FOR THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH, by Senator D. Liljenquist, with the following amendments:

1. Page 2, Line 45:

After “which at least” delete “three” and insert “two”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 155**, POLITICAL SUBDIVISION’S PROCUREMENT PROCESS FOR CONSTRUCTION PROJECTS, by Senator B. McAdams; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 13**, JOINT RESOLUTION – REQUEST FOR PROPOSALS, by Senator H. Stephenson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 60**, PROHIBITING CONTRIBUTIONS DURING SPECIAL SESSION, by Representative P. Arent; and

The Government Operations and Political Subdivisions Committee recommends **H.B. 208**, ADMINISTRATIVE SERVICES AMENDMENTS, by

Representative W. Harper, be replaced and favorably recommends **1st Sub. H.B. 208**, ADMINISTRATIVE SERVICES AMENDMENTS.

Peter C. Knudson, Chair

Mr. President: February 8, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 134**, TRANSPARENCY IN HEALTH CARE PROVIDER ADVERTISING, by Senator J. Stevenson; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.C.R. 6**, CONCURRENT RESOLUTION HONORING THE SORENSON LEGACY FOUNDATION, by Senator C. Bramble; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.C.R. 9**, PHILO T. FARNSWORTH CONCURRENT RESOLUTION, by Senator D. Stowell, with the following amendments:

1. Page 1, Lines 22 through 23:

22 WHEREAS, Philo T. Farnsworth has deep roots in Beaver, Utah, where he was born

23 August 19, 1906, in a log cabin {—and where his father had served as mayor in the 1880s—} ;

2. Page 3, Lines 65 through 70:

65 WHEREAS, in 1999, Time Magazine included Farnsworth in the “Time 100: The Most

66 Important People of the Century”; {—and—}

WHEREAS, the log cabin where Philo T. Farnsworth was born has been restored and can be visited by the public; and

67 WHEREAS, a statue of Philo T. Farnsworth is one of two statues representing the state

68 of Utah in the National Statuary Hall Collection in the United States Capitol, a second statue of

69 Farnsworth stands in the Utah State Capitol, and a third statue stands in his hometown of

70 Beaver:

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President:

February 8, 2011

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 19, INSURANCE LAW RELATED AMENDMENTS**, by Representative J. Dunnigan, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 2, Lines 29 through 30:

29 ► modifies provisions related to disbursements from escrow accounts;

30 ► modifies title insurance related assessments;  
 ► addresses licensee compensation;

2. Page 3, Lines 80 through 82:

80 31A–23a–415, as last amended by Laws of Utah 2010, Chapter 10 and last amended by

81 Coordination Clause, Laws of Utah 2010, Chapter 265  
31A–23a–501, as last amended by Laws of Utah 2010, Chapter 10

82 31A–25–208, as last amended by Laws of Utah 2009, Chapter 349

3. Page 102, Line 3137:

3137 assessment imposed under Subsection 59–9–101(3).

Section 26. Section 31A–23A–501 is amended to read:

31A–23a–501. Licensee compensation.

(1) As used in this section:

(a) “Commission compensation” includes funds paid to or credited for the benefit of a licensee from:

(i) commission amounts deducted from insurance premiums on insurance sold by or placed through the licensee; or

(ii) commission amounts received from an insurer or another licensee as a result of the sale or placement of insurance.

(b) (i) “Compensation from an insurer or third party administrator” means commissions, fees, awards, overrides, bonuses, contingent commissions, loans, stock options, gifts, prizes, or any other form of valuable consideration:

(A) whether or not payable pursuant to a written agreement; and

(B) received from:

(I) an insurer; or

(II) a third party to the transaction for the sale or placement of insurance.

(ii) “Compensation from an insurer or third party administrator” does not mean compensation from a customer that is:

(A) a fee or pass-through costs as provided in Subsection (1)(e);

or

(B) a fee or amount collected by or paid to the producer that does not exceed an amount established by the commissioner by administrative rule.

(c) (i) “Customer” means:

(A) the person signing the application or submission for insurance; or

(B) the authorized representative of the insured actually negotiating the placement of insurance with the producer.

(ii) “Customer” does not mean a person who is a participant or beneficiary of:

(A) an employee benefit plan; or

(B) a group or blanket insurance policy or group annuity contract sold, solicited, or negotiated by the producer or affiliate.

(d) (i) “Noncommission compensation” includes all funds paid to or credited for the benefit of a licensee other than commission compensation.

(ii) “Noncommission compensation” does not include charges for pass-through costs incurred by the licensee in connection with obtaining, placing, or servicing an insurance policy.

(e) “Pass-through costs” include:

(i) costs for copying documents to be submitted to the insurer; and

(ii) bank costs for processing cash or credit card payments.

(2) A licensee may receive from an insured or from a person purchasing an insurance policy, noncommission compensation if the



noncommission compensation is stated on a separate, written disclosure.

(a) The disclosure required by this Subsection (2) shall:

(i) include the signature of the insured or prospective insured acknowledging the noncommission compensation;

(ii) clearly specify the amount or extent of the noncommission compensation; and

(iii) be provided to the insured or prospective insured before the performance of the service.

(b) Noncommission compensation shall be:

(i) limited to actual or reasonable expenses incurred for services; and

(ii) uniformly applied to all insureds or prospective insureds in a class or classes of business or for a specific service or services.

(c) A copy of the signed disclosure required by this Subsection (2) must be maintained by any licensee who collects or receives the noncommission compensation or any portion of the noncommission compensation.

(d) All accounting records relating to noncommission compensation shall be maintained by the person described in Subsection (2)(c) in a manner that facilitates an audit.

(3) (a) A licensee may receive noncommission compensation when acting as a producer for the insured in connection with the actual sale or placement of insurance if:

(i) the producer and the insured have agreed on the producer's noncommission compensation; and

(ii) the producer has disclosed to the insured the existence and source of any other compensation that accrues to the producer as a result of the transaction.

(b) The disclosure required by this Subsection (3) shall:

(i) include the signature of the insured or prospective insured acknowledging the noncommission compensation;

(ii) clearly specify the amount or extent of the noncommission compensation and the existence and source of any other compensation; and

(iii) be provided to the insured or prospective insured before the performance of the service.

(c) The following additional noncommission compensation is authorized:

(i) compensation received by a producer of a compensated corporate surety who under procedures approved by a rule or order of the

commissioner is paid by surety bond principal debtors for extra services;

(ii) compensation received by an insurance producer who is also licensed as a public adjuster under Section 31A-26-203, for services performed for an insured in connection with a claim adjustment, so long as the producer does not receive or is not promised compensation for aiding in the claim adjustment prior to the occurrence of the claim;

(iii) compensation received by a consultant as a consulting fee, provided the consultant complies with the requirements of Section 31A-23a-401; or

(iv) other compensation arrangements approved by the commissioner after a finding that they do not violate Section 31A-23a-401 and are not harmful to the public.

(4) (a) For purposes of this Subsection (4), “producer” includes:

(i) a producer;

(ii) an affiliate of a producer; or

(iii) a consultant.

(b) Beginning January 1, 2010, in addition to any other disclosures required by this section, a producer may not accept or receive any compensation from an insurer or third party administrator for the placement of a health benefit plan, other than a hospital confinement indemnity policy, unless prior to the customer’s purchase of the health benefit plan the producer:

(i) except as provided in Subsection (4)(c), discloses in writing to the customer that the producer will receive compensation from the insurer or third party administrator for the placement of insurance, including the amount or type of compensation known to the producer at the time of the disclosure; and

(ii) except as provided in Subsection (4)(c):

(A) obtains the customer’s signed acknowledgment that the disclosure under Subsection (4)(b)(i) was made to the customer; or

(B) (I) signs a statement that the disclosure required by Subsection (4)(b)(i) was made to the customer; and

(II) keeps the signed statement on file in the producer’s office while the health benefit plan placed with the customer is in force.

(c) If the compensation to the producer from an insurer or third party administrator is for the renewal of a health benefit plan, once the producer has made an initial disclosure that complies with Subsection (4)(b), the producer does not have to disclose compensation received for the subsequent yearly renewals in accordance with Subsection (4)(b) until the renewal period immediately following 36 months after the

initial disclosure.

(d) (i) A licensee who collects or receives any part of the compensation from an insurer or third party administrator in a manner that facilitates an audit shall, while the health benefit plan placed with the customer is in force, maintain a copy of:

(A) the signed acknowledgment described in Subsection (4)(b)(i); or

(B) the signed statement described in Subsection (4)(b)(ii).

(ii) The standard application developed in accordance with Section 31A-22-635 shall include a place for a producer to provide the disclosure required by this Subsection (4), and if completed, shall satisfy the requirement of Subsection (4)(d)(i).

(e) Subsection (4)(b)(ii) does not apply to:

(i) a person licensed as a producer who acts only as an intermediary between an insurer and the customer's producer, including a managing general agent; or

(ii) the placement of insurance in a secondary or residual market.

(5) This section does not alter the right of any licensee to recover from an insured the amount of any premium due for insurance effected by or through that licensee or to charge a reasonable rate of interest upon past-due accounts.

(6) This section does not apply to bail bond producers or bail enforcement agents as defined in Section 31A-35-102.

(7) A licensee may not receive noncommission compensation for providing a service or engaging in an act that is required to be provided or performed in order to receive commission compensation.

Renumber remaining sections accordingly.

John L. Valentine, Chair

Mr. President:

February 8, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 66, MILITARY LEAVE FOR AN ELECTED OFFICIAL OF A POLITICAL SUBDIVISION**, by Senator J. Valentine, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 135, DEPARTMENT OF PUBLIC SAFETY**

DUTIES AMENDMENTS, by Senator D. Thatcher, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

### INTRODUCTION OF BILLS

**S.B. 76, Distribution of Revenues Collected Under the Local Sales and Use Tax Act** (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

**S.B. 180, Medicaid Reform** (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

**S.B. 218, Trust Deed Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 235, Charter School Students' Participation in Extracurricular Activities** (K. Mayne), was read the first time by short title and referred to the Rules Committee.

**S.B. 271, Eminent Domain Revisions** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.C.R. 12, Wear Red Month Concurrent Resolution** (K. Mayne), was read the first time by short title and referred to the Rules Committee.

**S.C.R. 15, Delisting of Wolves Concurrent Resolution** (A. Christensen), was read the first time by short title and referred to the Rules Committee.

### THIRD READING CALENDAR

**S.B. 123, RESTRICTIONS ON LOBBYING EXPENDITURES – PUBLIC EDUCATION**, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins

Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators  
Romero                      H. Stephenson

**S.B. 123** was transmitted to the House for consideration.

\* \* \*

**S.B. 126, LOCAL DISTRICT SERVICE AMENDMENTS,** was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators  
Romero                      H. Stephenson

**S.B. 126** was transmitted to the House for consideration.

\* \* \*

**S.C.R. 2, FINANCIAL RESPONSIBILITY CONCURRENT RESOLUTION,** was read the third time, explained by Senator Jones, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist

Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator Romero

**S.C.R. 2** was transmitted to the House for consideration.

\* \* \*

**S.B. 48**, ALZHEIMER'S STATE PLAN TASK FORCE, was read the third time, explained by Senator Morgan, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Dayton	Romero
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**S.B. 48** was transmitted to the House for consideration.

\* \* \*

On motion of Senator McAdams, **S.B. 124**, LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE, was read the third time and circled.

\* \* \*

**S.B. 47**, DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS, was read the third time and explained by Senator Bramble. Senator Thatcher commented and the bill passed on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	H. Stephenson	J. Stevenson
Stowell	Thatcher	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Dayton                      Urquhart

**Absent or not voting were:** Senators

Hillyard                      Romero

**S.B. 47** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

**H.B. 209, WORKERS' COMPENSATION PREMIUM ASSESSMENT**, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard                      Hinkins                      Romero

\* \* \*

**H.B. 218, CLUBS IN PUBLIC SCHOOL**, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Madsen	Mayne	Romero
Thatcher	Urquhart		

\* \* \*

**H.B. 187**, STATE FIRE CODE APPEALS, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	H. Stephenson	J. Stevenson
Stowell	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Madsen	Niederhauser	Romero	Thatcher
Urquhart	Valentine		

\* \* \*

On motion of Senator Knudson, the circle was removed from **1st Sub. S.C.R. 5**, BEAR LAKE CONCURRENT RESOLUTION, and it was before the Senate. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:

1. Page 2, Lines 29 through 31

29 Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:



30 WHEREAS, Bear Lake is positioned between Idaho and Utah and is one of the focal

31 points of interest belonging to and shared by these two great states;

Senator Knudson’s motion to amend passed on a voice vote.

~ ~ ~

Senator Dayton proposed the following amendment:

- 1. Page 3, Lines 76  
Senate Committee Amendments  
2-1-2011

63a Food. ~~←~~ ~~Rich County,~~ ~~→~~ Cache County, Box Elder County,  
~~←~~ ~~Bear Lake County,~~ Lincoln County, Wyoming, the cities  
 77 of Woodruff, Randolph, Lake Town, ~~{-and-}~~ Garden  
 City, and Dingle, Idaho, the Utah League of Cities and Towns,

Senator Dayton’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	H. Stephenson	J. Stevenson
Stowell	Thatcher	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Hillyard	Niederhauser	Romero	Urquhart
Valentine			

\* \* \*

**H.B. 219, STATE FIREARM DESIGNATION,** was read the second time. Senator Madsen explained the bill. Senator Davis commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 6; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Niederhauser	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Davis	Jones	Mayne	McAdams
Morgan	Robles		

**Absent or not voting were:** Senators

Hillyard	Okerlund	Reid	Romero
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\* \* \*

**H.B. 15, CONTROLLED SUBSTANCE DATABASE – LICENSING AMENDMENTS**, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Reid
Robles	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Madsen	Okerlund	Romero
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**TIME CERTAIN CALENDAR**

On motion of Senator Hinkins, under suspension of the rules, **H.J.R. 9, NAVAJO CODE TALKERS' JOINT RESOLUTION**, was considered read the second and third times. Senators Dayton and Davis commented and the bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.****Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins

Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Madsen	Robles	Romero
H. Stephenson			

**H.J.R. 9** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

### SECOND READING CALENDAR

**H.B. 23**, CONTROLLED SUBSTANCE MODIFICATIONS, was read the second time. Senator Christensen explained the bill.

Senator Christensen proposed the following amendment:

1. Page 1, Lines 16 through 18

16       ▶ expands the definition of a controlled substance to include a list of synthetic

17 equivalent cannabinoid substances and their analogs and homologs found in

18 products commonly referred to as “spice”;

      ▶ expands the definition of a controlled substance to include substances and their analogs and homologs found in products referred to as “bath salts”;

2. Page 37, Lines 1132 through 1134:

1132    (14) JWH-398; 1-pentyl-3-(4-chloro-1-naphthoyl)indole;  
      {~~and~~ }

1133    (15) RCS-8;  
1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole  
{also known as

1134 BTW-8 and SR-18} {~~—~~ } ;  
      (16) 4-methylmethcathinone {also known as mephedrone}; and  
      (17) 3,4-methylenedioxypyrovalerone {also known as MDPV}.

Senator Christensen’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	J. Stevenson
Stowell	Thatcher	Urquhart	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Hillyard	Hinkins	Madsen
Robles	Romero	H. Stephenson	Valentine

\* \* \*

**H.B. 215, FATALITY REVIEW ACT AMENDMENTS**, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Jenkins	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Hillyard	Hinkins	Jones
Madsen	Robles	Romero	H. Stephenson
Valentine			

\* \* \*

**H.B. 217, APPOINTMENT OF DIRECTOR OF THE DIVISION OF HEALTH CARE FINANCING**, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 0; Absent, 11.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Jenkins	Knudson	Madsen

Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Stowell	Thatcher
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Hillyard	Hinkins	Jones
Liljenquist	Robles	Romero	H. Stephenson
J. Stevenson	Urquhart	Valentine	

\* \* \*

**H.B. 26, HIGH OCCUPANCY TOLL LANE CUSTOMER INFORMATION,** was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Jenkins	Knudson	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Hillyard	Hinkins	Jones
Liljenquist	Madsen	Robles	Romero
Urquhart			

\* \* \*

On motion of Senator Knudson, legislative staff was authorized to draft a resolution affirming friendship between Iran and the United States.

\* \* \*

**H.B. 36, ASSESSMENT, COLLECTIONS, AND REFUNDS ACTS AMENDMENTS,** was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Jenkins	Knudson

Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard	Hinkins	Jones	Liljenquist
Robles	Romero	Valentine	

\* \* \*

**H.B. 37, DETERMINATION OF STATE TAXABLE INCOME**, was read the second time. Senator Adams explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.****Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Jenkins	Jones	Knudson	McAdams
Morgan	Niederhauser	Okerlund	Reid
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Christensen	Hillyard	Hinkins
Liljenquist	Madsen	Mayne	Robles
Romero	Valentine		

\* \* \*

**H.B. 38, SEVERANCE TAX AMENDMENTS**, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.****Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Jenkins	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Christensen	Hillyard	Hinkins	Liljenquist
Madsen	Robles	Romero	H. Stephenson

**INTRODUCTION OF BILLS**

**S.B. 206, Labor Organization Provisions in Teacher Contracts** (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

**S.B. 250, Electronic Transmissions and Directors Actions** (B. McAdams), was read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Jenkins and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 10, 2011.

# EIGHTEENTH DAY

**February 10, 2011**

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

**Prayer** – Reverend Tom Goldsmith, First Unitarian Church

**Pledge of Allegiance** – Senator Dennis Stowell

**Roll Call** – All Senators present

## READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 9, 2011

The House passed, **S.B. 10**, LOCAL DISTRICT AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 11**, WORKER CLASSIFICATION COORDINATED ENFORCEMENT, by Senator K. Mayne, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 31**, RURAL FAST TRACK PROGRAM AMENDMENTS, by Senator R. Okerlund, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 34**, UNIFORM INTERSTATE FAMILY SUPPORT ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 38**, K-3 READING AMENDMENTS, by Senator K. Morgan, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 42**, REGULATION OF SIGN COMPANIES, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 46**, HIGHER EDUCATION RESIDENCY REQUIREMENTS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and



The House passed, **1st Sub. S.B. 94**, REQUIREMENTS FOR CONSTABLES, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 99**, MOTOR VEHICLE INSURANCE – NAMED DRIVER EXCLUSION AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 102**, TEMPORARY WATER SHORTAGE EMERGENCY – MILITARY FACILITIES, by Senator R. Okerlund, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 107**, HIGHER EDUCATION SUCCESS STIPEND PROGRAM, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 111**, UTILITIES – UNDERGROUND FACILITIES AND PIPELINES, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 115**, SCHOOL PERFORMANCE REPORTING, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 118**, MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT AMENDMENTS, by Senator K. Van Tassell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 121**, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 4**, COMMUNICATIONS SPECTRUM TRANSLATOR SYSTEM CONCURRENT RESOLUTION, by Senator R. Okerlund, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.J.R. 7**, FIBROMYALGIA AWARENESS DAY JOINT RESOLUTION, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 9, 2011

The House passed, as amended, **S.B. 25**, SHARE CERTIFICATES IN WATER COMPANIES, by Senator R. Okerlund, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.J.R. 5**, JOINT RULES RESOLUTION ON FISCAL NOTE PROCESS, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 9, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and Labor Committee**

- S.B. 129** Licensing of Physician–educators (Sen. S. Urquhart)
- S.B. 180** Medicaid Reform (Sen. D. Liljenquist)
- H.B. 203** Codification of State Construction and Fire Codes  
(Rep. M. Morley) (Sen. J. S. Adams)
- H.B. 237** Enforcement of Liens (Rep. Julie Fisher)  
(Sen. J. S. Adams)

#### **Education Committee**

- S.B. 235** Charter School Students' Participation in Extracurricular Activities (Sen. K. Mayne)

#### **Government Operations and Political Subdivisions Committee**

- S.B. 86** Sunset Reauthorizations (Sen. S. Jenkins)

- S.B. 206** Labor Organization Provisions in Teacher Contracts  
(Sen. H. Stephenson)
- S.B. 271** Eminent Domain Revisions (Sen. J. S. Adams)
- H.B. 248** County Office Vacancies (Rep. C. Wimmer)  
(Sen. W. Niederhauser)

**Natural Resources, Agriculture and Environment Committee**

- S.C.R. 15** Delisting of Wolves Concurrent Resolution  
(Sen. A. Christensen)
- H.B. 247** Water Development Amendments (Rep. M. Noel)  
(Sen. R. Okerlund)
- H.C.R. 4** Wild Horse and Burro Advisory Board Concurrent  
Resolution (Rep. M. Brown) (Sen. R. Okerlund)

**Revenue and Taxation Committee**

- S.B. 76** Distribution of Revenues Collected Under the Local Sales  
and Use Tax Act (Sen. D. Hinkins)
- S.B. 218** Trust Deed Amendments (Sen. C. Bramble)
- 1st Sub. H.B. 226** Local Government Fee Authority (Rep. W. Harper)  
(Sen. J. Stevenson)Transportation, Public Utilities and  
Technology Committee
- H.B. 235** Technology Technical Amendments (Rep. P. Arent)  
(Sen. B. McAdams)Workforce Services and Community  
and Economic Development Committee
- S.C.R. 12** Wear Red Month Concurrent Resolution (Sen. K. Mayne)

Margaret Dayton  
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

On motion of Senator Dayton the Senate voted to lift **S.B. 206**, LABOR ORGANIZATION PROVISIONS IN TEACHER CONTRACTS, from the Government Operations and Political Subdivisions Committee and assign it to the Education Committee.

**STANDING COMMITTEE REPORTS**

Mr. President:

February 8, 2011

The Health and Human Services Committee recommends **S.B. 61**, PRESCRIPTION DRUG PRESCRIBER TRAINING, by Senator P. Jones, be replaced and favorably recommends **2nd Sub. S.B. 61**, EDUCATION FOR PRESCRIBING CONTROLLED SUBSTANCES. The Committee directs that

**2nd Sub. S.B. 61** be considered read for the first time and placed on the second reading calendar; and

The Health and Human Services Committee reports a favorable recommendation on **2nd Sub. H.B. 18**, HEALTH REFORM – COST CONTAINMENT, by Representative B. Daw, with the following amendments:

1. Page 3, Line 70:

70 (A) before { ~~June 30, 2011~~ } the 2011 open enrollment period for current enrollees in the program; and ; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 198**, TOBACCO RELATED PENALTY AMENDMENTS, by Representative P. Ray, with the following amendments:

1. Page 1, Line 12:

12 This bill:  
▶ permits the Tax Commission to waive, reduce, or compromise certain penalties;

2. Page 2, Line 28:

28 59–14–606, as enacted by Laws of Utah 2005, Chapter 204  
ENACTS:  
59–14–103, Utah Code Annotated 1953

3. Page 2, Lines 30 through 31:

30 Be it enacted by the Legislature of the state of Utah:

Section 1. Section 59–14–103 is enacted to read:

59–14–103. Waiver or reduction of penalty.

The commission may, upon making a record of its actions, and upon reasonable cause shown, waive, reduce, or compromise any of the penalties or interest imposed under:

(1) Subsection 59–14–212(4)(b)(ii);

(2) Subsection 59–14–214(5)(b)(ii);

(3) Subsection 59–14–407(5)(b)(ii);

(4) Subsection 59–14–606(7)(b)(ii); or

(5) Subsection 59–14–608(1)(d).

31 Section {~~1~~} (2) . Section 59–14–214 is amended to read:

Renumber remaining sections accordingly; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 201**, TOBACCO LICENSING AMENDMENTS, by Representative P. Ray.

D. Chris Buttars, Chair

Mr. President: February , 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 138**, DRIVER LICENSE QUALIFICATION AMENDMENTS, by Senator S. Urquhart; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 193**, PUBLIC HIGHWAY DESIGNATION, by Representative C. Watkins.

Kevin T. Van Tassell, Chair

Mr. President: February 9, 2011

The Government Operations and Political Subdivisions Committee recommends **S.B. 56**, OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN AMENDMENTS, by Senator J. Stevenson, be replaced and favorably recommends **1st Sub. S.B. 56**, OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN AMENDMENTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 32**, CAMPAIGN AND FINANCIAL REPORTING AMENDMENTS, by Representative K. Grover.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President: February 9, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.J.R. 14**, COMMUNICATIONS DEVICE USAGE JOINT RESOLUTION, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 28**, PENALTIES FOR UNAUTHORIZED

USE OF RECORDS, by Representative R. Greenwood, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Lines 15 through 17:

15       ▶ provides that the knowing or intentional  
 16       unauthorized access, use, disclosure, or dissemination of  
 17       records created or maintained by the Motor

16       Vehicle Division, the Driver License Division, or the Criminal  
 17       Investigations and

17       Technical Services Division is a class B misdemeanor;

2. Page 3, Lines 88 through 89:

88       {~~(10) (a) Unauthorized use of records created or maintained~~  
 89       ~~by the division is a class B~~

89       ~~misdemeanor. }~~ (10)(a) It is a class B misdemeanor for a  
person to knowingly or intentionally access, use, disclose, or disseminate  
a record created or maintained by the division or any information  
contained in a record created or maintained by the division for a purpose  
not permitted or prohibited by statute, rule, regulation, or policy of a  
governmental entity.

3. Page 6, Lines 168 through 169:

168       (8) (a) {~~Unauthorized use of records created or maintained~~  
 169       ~~by the division is a class B~~

169       ~~misdemeanor. }~~ It is a class B misdemeanor for a person to  
knowingly or intentionally access, use, disclose, or disseminate a record  
created or maintained by the division or any information contained in a  
record created or maintained by the division for a purpose not permitted  
or prohibited by statute, rule, regulation, or policy of a governmental  
entity.

4. Page 9, Lines 268 through 270:

268       (11) (a) [~~Misuse of access to criminal history record~~  
 269       ~~information]~~ {~~Unauthorized use of~~

269       ~~records created or maintained, or to which access is granted by the~~  
 270       ~~division~~ is a class B

270 misdemeanor.} It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created, maintained, or to which access is granted by the division or any information contained in a record created, maintained, or to which access is granted by the division for a purpose not permitted or prohibited by statute, rule, regulation, or policy of a governmental entity.

Kevin T. Van Tassell, Chair

Mr. President:

February 9, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 242, ASSESSMENT AREA AMENDMENTS**, by Senator W. Niederhauser, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

- 1. Page 7, Lines 203 through 205:

203 (1) (a) Before a local entity may designate an assessment area in which more than 75%

204 of the property proposed to be assessed consists of unimproved property, and designation of the

205 assessment area would require that the local entity {~~obtain a bond~~} issue bonds, the local entity shall obtain:

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

**INTRODUCTION OF BILL**

**S.B. 178, Municipal Land Use Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 191, Workers' Compensation Coverage Waivers** (K. Mayne), was read the first time by short title and referred to the Rules Committee.

**S.B. 212, Judicial Evaluation Amendments** (D. C. Butters), was read the first time by short title and referred to the Rules Committee.

**S.B. 214, Motor Vehicle Rental Company Fee Disclosures** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.B. 222, Public Transit Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.J.R. 21, Relations with the Republic of Turkey Joint Resolution** (P. Knudson), was read the first time by short title and referred to the Rules Committee.

**CONSENT CALENDAR**

On motion of Senator Jenkins, **H.B. 14, CATASTROPHIC MENTAL HEALTH COVERAGE – SUNSET ACT**, was read the third time and circled.

\* \* \*

On motion of Senator Jenkins, **S.J.R. 10, JOINT RESOLUTION CLOSING OREM COURT FACILITY**, was read the third time and circled.

\* \* \*

**S.B. 144, COUNTY PURCHASING AGENT AMENDMENTS**, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Davis	Dayton
Hillyard	Hinkins	Jenkins	Knudson
Madsen	McAdams	Morgan	Okerlund
Reid	Robles	Romero	J. Stevenson
Stowell	Thatcher	Urquhart	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Christensen	Jones	Liljenquist
Mayne	Niederhauser	H. Stephenson	Valentine

**S.B. 144** was transmitted to the House for consideration.

\* \* \*

**S.B. 58, CRIME VICTIMS REPARATIONS REVISIONS**, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**



**Voting in the affirmative were:** Senators

Adams	Buttars	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Morgan	Okerlund
Reid	Robles	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Christensen	Liljenquist	Mayne
McAdams	Niederhauser	Romero	H. Stephenson
Valentine			

**S.B. 58** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 14**, CATASTROPHIC MENTAL HEALTH COVERAGE – SUNSET ACT, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Liljenquist	Mayne	H. Stephenson
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**H.B. 14** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Valentine, the circle was removed from **S.J.R. 10**, JOINT RESOLUTION CLOSING OREM COURT FACILITY, and it was before the Senate. Senator Valentine explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
McAdams	Morgan	Okerlund	Reid
Robles	Romero	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Liljenquist	Mayne	Niederhauser	H. Stephenson
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**S.J.R. 10** was transmitted to the House for consideration.

**THIRD READING CALENDAR**

On motion of Senator Davis, **H.B. 209, WORKERS' COMPENSATION PREMIUM ASSESSMENT**, was read the third time and circled.

\* \* \*

**H.B. 218, CLUBS IN PUBLIC SCHOOLS**, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
McAdams	Morgan	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hillyard	Mayne	Niederhauser	Okerlund
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**H.B. 218** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 187, STATE FIRE CODE APPEALS**, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard	Mayne	Niederhauser
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**H.B. 187** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. S.C.R. 5, BEAR LAKE CONCURRENT RESOLUTION**, was read the third time and explained by Senator Knudson.

Senator Knudson proposed the following amendment:

1. Page 2, Lines 45 through 50  
Senate 2nd Reading Amendments  
2-9-2011

45 WHEREAS, because Bear Lake belongs to all the citizens of Utah and Idaho, the reality

46 of development raises significant concerns for many residents and visitors who hope that the

47 character of Bear Lake and Bear Lake Valley will be preserved, not sacrificed;

WHEREAS, in 2009, the Division of Forestry, Fire and State Lands completed a Comprehensive Management Plan that assures protection and proper use of sovereign lands at Bear Lake;

48 WHEREAS, nothing in this resolution is intended to impact the operation of Bear Lake

49 as a reservoir for storage, water delivery, and distribution to water users in the Bear River

50 Valley;

2. Page 3, Lines 73 through 74  
Senate 2nd Reading Amendments  
2-9-2011:

73 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Utah

74 Division of Forestry, Fire and State Lands, the Utah Division of Parks and Recreation, the Utah Division of

Senator Knudson's motion to amend passed on a voice vote and the bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	McAdams
Morgan	Niederhauser	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Hillyard	Mayne	Okerlund
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**1st Sub. S.C.R. 5** was transmitted to the House for consideration.

\* \* \*

**H.B. 219**, STATE FIREARM DESIGNATION, was read the third time, explained by Senator Madsen, and passed on the following roll call:

**Yeas, 20; Nays, 7; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Jenkins	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Reid
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Davis	Jones	Mayne	McAdams
Morgan	Robles	Romero	

**Absent or not voting were:** Senators

Hillyard	Hinkins
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**H.B. 219**, as amended, was returned to the House for further consideration.

**INTENT LANGUAGE**

On motion of Senator Madsen, the following intent language was adopted by the Senate:

Designation of the John M. Browning designed 1911 pistol as Utah’s state gun honors the genius and patriotism of Mr. Browning and his unique place in world history and the history of Utah. This designation also reflects the firearm’s popularity, functionality and the role it has played over 100 years in the fight to defend liberty.

While a firearm in the hands of the law abiding, law enforcement and liberty’s soldier is a blessing, it is a sad historical fact that firearms of varied designs and the means to produce them fall into the hands of evil individuals and tyrannical governments. So, while the legislature and the people of Utah celebrate all that is positive and uplifting about the 1911 and its inventor, by this designation we in no way condone the evil acts of criminals and oppressors.

\* \* \*

**H.B. 15, CONTROLLED SUBSTANCE DATABASE – LICENSING AMENDMENTS**, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Davis	Hillyard	Hinkins	McAdams
H. Stephenson			

**H.B. 15** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 23, CONTROLLED SUBSTANCE MODIFICATIONS**, was read the third time, explained by Senator Christensen, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hinkins	Jenkins	J. Stevenson
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**H.B. 23**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 215, FATALITY REVIEW ACT AMENDMENTS**, was read the third time, explained by Senator Christensen, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Madsen	Thatcher
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**H.B. 215** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Mayne, the circle was removed from **H.B. 209**, WORKERS' COMPENSATION PREMIUM ASSESSMENT, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Christensen          Madsen

**H.B. 209** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator McAdams, the circle was removed from **S.B. 124**, LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE, and it was before the Senate. Senator McAdams explained the bill.

Senator McAdams proposed the following amendment:

1. Page 2, Lines 38 through 42  
Senate Committee Amendments  
2-1-2011

38          (2) A person who is responsible for a child is guilty of a class C misdemeanor if:

39          (a) the person intentionally, recklessly, knowingly, or with criminal negligence leaves

40          the child in  $\hat{S}$  → [a] an enclosed compartment of a  $\leftarrow \hat{S}$  motor vehicle;

41 (b) the child is not supervised by a person who is at least 12 years old; and

42 (c) ~~the~~ the conditions present a risk to the child's health or safety that:

(i) is due to:

(A) hyperthermia;

(B) hypothermia; or

(C) dehydration; or

(ii) a reasonable person would expect to exist when a child is left unsupervised in an enclosed compartment of a motor vehicle.

Senator McAdams' motion to amend passed on a voice vote. Senators Hillyard, Valentine, and Buttars commented. The bill passed on the following roll call:

**Yeas, 18; Nays, 10; Absent, 1.**

**Voting in the affirmative were:** Senators

Davis	Hillyard	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell		

**Voting in the negative were:** Senators

Bramble	Buttars	Christensen	Dayton
Hinkins	Jenkins	Liljenquist	H. Stephenson
Stowell	Waddoups		

**Absent or not voting was:** Senator Adams

**S.B. 124**, as amended, was transmitted to the House for consideration.

\* \* \*

On motion of Senator Niederhauser, **H.B. 217**, APPOINTMENT OF DIRECTOR OF THE DIVISION OF HEALTH CARE FINANCING, was read the third time and circled.

\* \* \*

**H.B. 26**, HIGH OCCUPANCY TOLL LANE CUSTOMER INFORMATION, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:



**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Jenkins	McAdams	J. Stevenson	Thatcher
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**H.B. 26** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 36, ASSESSMENT, COLLECTIONS, AND REFUNDS ACT AMENDMENTS**, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

J. Stevenson	Thatcher
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**H.B. 36** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 37, DETERMINATION OF STATE TAXABLE INCOME**, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Liljenquist	J. Stevenson
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**H.B. 37** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 38, SEVERANCE TAX AMENDMENTS,** was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	Stowell	Thatcher	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Christensen	J. Stevenson	Urquhart
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**H.B. 38** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

## SECOND READING CALENDAR

**H.B. 57, JOINT PROFESSIONAL SCHOOL OF VETERINARY MEDICINE,** was read the second time. Senator Stowell explained the bill. Senators Hillyard, Knudson, Romero and Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 2; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

H. Stephenson      Urquhart

**Absent or not voting were:** Senators

Buttars	Jenkins	Liljenquist	Madsen
Thatcher			

On motion of Senator Stowell, **H.B. 57** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**1st Sub. H.B. 20, ACCIDENT RESPONSIBILITY AMENDMENTS**, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Buttars	Hillyard	Liljenquist
Madsen	H. Stephenson	Thatcher	

\* \* \*

**1st Sub. H.B. 24, CLEAN FUEL VEHICLE DECAL**, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Hinkins	Jenkins	Liljenquist
Madsen	H. Stephenson		

### INTRODUCTION OF BILLS

**S.B. 199, Utah Commission on Uniform State Laws** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

**S.B. 290, Abatement of Weeds, Garbage, Refuse, and Unsightly Objects** (P. Knudson), was read the first time by short title and referred to the Rules Committee.

**S.C.R. 11, Dixie State College Concurrent Resolution** (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Niederhauser and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Friday, February 11, 2011.

# NINETEENTH DAY

## February 11, 2011

The Senate was called to order at 10:05 a.m., with President Michael Waddoups presiding.

**Prayer** – Rabbi Ilana Schwartzman, Congregation Kol Ami

**Pledge of Allegiance** – Senator Howard Stephenson

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 80)

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 10, 2011

The House passed, **S.C.R. 1**, CRISIS INTERVENTION TEAM PROGRAM CONCURRENT RESOLUTION, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 6**, JOINT RESOLUTION URGING CONGRESS TO LIMIT THE FREEZE ON LONGER COMBINATION VEHICLE USE IN THE WESTERN STATES, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 10, 2011

The House passed, as substituted, **2nd Sub. H.B. 13**, IMMUNIZATIONS FOR TEEN MOTHERS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 17**, ENTERPRISE ZONE AMENDMENTS, by Representative K. Powell, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 66**, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 204**, PROTECTION OF ATHLETES WITH HEAD INJURIES, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 238**, RADIOLOGIC TECHNOLOGIST AND RADIOLOGY PRACTICAL TECHNICIAN LICENSING ACT, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 257**, CONCEALED FIREARM ACT MODIFICATIONS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.J.R. 10**, RULES RESOLUTION ON ELECTRONIC MEETINGS, by Representative R. Menlove, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President:

February 10, 2011

The House substituted, amended, and passed, **2nd Sub. S.B. 35**, CONSTRUCTION LICENSEES RELATED AMENDMENTS, by Senator K. Mayne, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 36**, CONCEALED FIREARM ACT AMENDMENTS, by Senator J. Valentine, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

### STANDING COMMITTEE REPORTS

Mr. President:

February 10, 2011

The Business and Labor Committee recommends **S.B. 129**, LICENSING OF PHYSICIAN-EDUCATORS, by Senator S. Urquhart, be replaced and favorably recommends **2nd Sub. S.B. 129**, LICENSING OF PHYSICIAN-EDUCATORS; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 180**, MEDICAID REFORM, by Senator D. Liljenquist; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 203**, CODIFICATION OF STATE CONSTRUCTION AND FIRE CODES, by Representative M. Morley, with the following amendments:

1. Page 115, Lines 3150 through 3153  
House Floor Amendments  
2-8-2011:

3150 is added as follows: "Fire flow may be reduced for an isolated one- and two-family dwelling

3151 when the authority having jurisdiction over the dwelling determines that the development of a

3152 full fire-flow requirement is impractical."

3152a ~~H~~→ (c) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as

3152b follows " { ~~Fire flow~~ } Total water supply requirements shall not exceed the fire flows described in { ~~Subsection~~

3152c (~~2~~)(a)(iv) } Section 501.5(iv) for { ~~a~~ } the largest one- or two-family dwelling, protected by an automatic fire sprinkler system, on

3152d a subdivision lot platted before December 31, 1980, unless the municipality or county in which

3152e the lot is located provides the required fire flow capacity." ←H

3153 (3) For IFC, Building Services and Systems:

John L. Valentine, Chair

Mr. President:

February 10, 2011

The Education Committee reports a favorable recommendation on **S.B. 97**, HIGHER EDUCATION MISSION BASED FUNDING, by Senator S. Urquhart, with the following amendments:

1. Page 4, Lines 106 through 107:

106 (ii) designed to improve the availability, effectiveness, or quality of higher education in

107 the state.

(d) When recommending an allocation of mission based funding to a doctorate-granting university, as defined by the board, or Southern Utah University, the board shall place greater emphasis on the university's fulfillment of the strategic priorities described in Subsection (2)(b)(ii).

(e) Notwithstanding Subsection (2)(d), the board may allocate funding for a modest amount of growth to doctorate-granting institutions and Southern Utah University.

2. Page 6, Lines 153 through 154:

153 (11) (a) { ~~The Legislature shall provide an annual combined budget appropriation to the~~ } If the Legislature appropriates money in accordance with this section, it shall be distributed to the

154 State Board of Regents and higher education institutions to fund the items described in Subsection (1)(b). ; and

The Education Committee reports a favorable recommendation on **S.B. 235**, CHARTER SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, by Senator K. Mayne.

Howard A. Stephenson, Chair

Mr. President:

February 9, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 52**, TORTIOUS ACT ARBITRATION, by Senator S. Urquhart, with the following amendments:

1. Page 2, Lines 42 through 57:

42 78B-10a-102. General provisions -- Filing -- Notice -- Limits.

43 (1) Except for bodily injury cases involving a motor vehicle as described in Sections

44 31A-22-303, 31A-22-305, and 31A-22-305.3, {~~and~~ } medical malpractice cases as described in

45 Section 78B-3-401, and governmental claims described in section 63G-7-401, a person suffering personal injury or property damage as a result of tortious

46 conduct may elect to submit all bodily injury claims and property damage claims to arbitration



47 by filing a notice of the submission of the claim to binding arbitration in a district court if:

48 (a) all named defendants have liability insurance or are self-insured as evidenced by a separate fund to pay claims or by evidence of a retention liability policy that covers claims in excess of a certain monetary amount;

(b) the claimant or the claimant’s representative has:

*\*\*\* Some lines not shown \*\*\**

53 {~~(b)~~} (c) the notice required under Subsection (1)(a)(ii) is filed while the action under

54 Subsection (1)(a)(i) is still pending.

*\*\*\* Some lines not shown \*\*\**

(3) All parties to a claim may stipulate to submit the claim to arbitration under this chapter. If the claim is submitted to arbitration, the parties may not claim:

(a) a right of rescission under Section 78B-10a-104; or

(b) the right to a trial de novo under Section 78B-10a-108.

2. Page 3, Lines 64 through 66:

64 78B-10a-104. Rescission -- Discovery.

65 (1) (a) A {~~person~~} claimant who has elected arbitration in accordance with this chapter may

66 rescind the election if the rescission is made within:

3. Page 5, Line 151 through Page 6, Line 153:

151 (3) (a) If a defendant, as the moving party in a trial de novo requested in accordance

152 with Subsection 78B-10a-107(2), does not obtain a verdict that is at least {~~35%~~} 30% less than the

153 arbitration award, the defendant is responsible for all of the nonmoving party’s costs. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 96**, ALIMONY AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends **2nd Sub. S.B. 96**, ALIMONY AMENDMENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 52**, LIMITATION OF ACTIONS – CRIMINAL OFFENSES, by Representative B. Wilson; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 202**, DEATH PENALTY PROCEDURES AMENDMENTS, by Representative K. McIff.

Mark B. Madsen, Chair

Mr. President:

February 9, 2011

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 51**, AMENDMENTS TO LOCAL SALES AND USE TAXES FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, by Senator L. Hillyard, with the following amendments:

1. Page 3, Line 55 through Page 3, Line 64:

55 (4) (a) “Cultural organization”:

56 (i) means:

57 (A) a private nonprofit organization or institution having as its primary purpose the

58 advancement and preservation of:

59 (I) natural history;

60 (II) art;

61 (III) music;

62 (IV) theater; {~~or~~}

63 (V) dance; {~~and~~} or

(VI) cultural arts, including literature, a motion picture, or storytelling.

64 (B) an administrative unit; and

2. Page 3, Lines 80 through 85:

80 (iii) [~~any~~] an educational institution whose annual revenues are directly derived more

81 than 50% from state funds; {~~+~~} or {~~-~~}

82 (iv) in a county of the first or second class, [~~any~~] a radio or television broadcasting

83 network or station, cable communications system, newspaper, or magazine {~~+~~} . {~~-~~} {~~or~~}

84 ~~(v) an organization or institution having as its primary purpose the advancement and~~

85 ~~preservation of literature, a motion picture, or storytelling. }~~

3. Page 13, Line 390 through Page 14, Line 401:

390 (4) (a) ~~{-A-}~~ Except as provided in Subsection (4)(b),  
391 a tax authorized under this part shall be:

392 (i) ~~{-except as provided in Subsection (4)(b),-}~~  
393 administered, collected, and enforced in

394 accordance with:

395 (A) the same procedures used to administer, collect, and enforce  
396 the tax under:

397 (I) Part 1, Tax Collection; or

398 (II) Part 2, Local Sales and Use Tax Act; and

399 (B) Chapter 1, General Taxation Policies; and

400 (ii) (A) levied for a period of ~~{-1-}~~ eight ~~{-1-}~~  
401 ~~{-10}~~ } years; and

402 (B) may be reauthorized at the end of the  
403 ~~{-1-}~~ eight-year ~~{-1-}~~ ~~{-ten-year}~~ } period in  
404 accordance

405 with this section.

(b) (i) If a tax under this part is imposed for the first time on or  
406 after July 1, 2011, the tax shall be levied for a period of 10 years.

(ii) If a tax under this part is reauthorized in accordance with  
407 Subsection (4)(a) on or after July 1, 2011, the tax shall be reauthorized for  
408 a ten-year period.

409 ~~{-(b)-}~~ (c) [Notwithstanding Subsection (4)(a)(i), a]  
410 A tax under this section is not subject to

411 Subsections 59-12-205(2) through (6). ; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 69**, SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION, by Senator K. Mayne, with the following amendments:

1. Page 71, Lines 2182 through 2184:

2182 (b) by a seller, other than a bookstore owned by an institution of  
2183 higher education, if

2183 51% or more of that seller's sales revenue for the previous  
calendar quarter are sales of a textbook for a

2184 higher education course.

2. Page 71, Lines 2194 through 2196:

2194 a higher education course; or

2195 (b) to verify that 51% or more of a seller's sales revenue for  
the previous calendar quarter are

2196 sales of a textbook for a higher education course. ; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 157**, PROPERTY TAX REVISIONS, by Senator C. Bramble, with the following amendments:

1. Page 2, Line 39:

39 (2) (a) The commission may revise, accelerate, or cancel  
an equal payment agreement

2. Page 2, Line 41:

41 accelerate, or cancel an installment agreement under Section  
59-1-1004.

(b) The commission shall give the taxpayer reasonable notice of  
its intent to revise or cancel an equal payment agreement under this  
section.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President:

February 9, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 152**, SEX OFFENDER RESTRICTIONS AMENDMENTS, by Senator D. Hinkins, to the Rules Committee; and

The Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 153, SEX OFFENDER REGISTRATION AMENDMENTS**, by Senator D. Hinkins, to the Rules Committee.

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were returned to the Rules Committee.

**INTRODUCTION OF BILLS**

**S.B. 81, Alcoholic Beverage Control Act Sampling Amendments** (R. Romero), was read the first time by short title and referred to the Rules Committee.

**S.B. 177, Security Agency Qualification Amendments** (M. Dayton), was read the first time by short title and referred to the Rules Committee.

**S.B. 200, State Debt Collections Amendments** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

**S.B. 226, Income Tax Credits for Cleaner Burning Fuels** (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

**S.R. 1, Senate Rules Resolution – Senate Rules Recodification** (M. Dayton), was read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Dayton, the Senate voted to lift **S.B. 177, SECURITY AGENCY QUALIFICATION AMENDMENTS**, from the Rules Committee and assign it to the Government Operations and Political Subdivisions Committee.

**CONCURRENCE CALENDAR**

On motion of Senator Okerlund, the Senate voted to concur in the House amendments to **S.B. 25, SHARE CERTIFICATES IN WATER COMPANIES**. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins

Jones	Knudson	Liljenquist	Mayne
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Madsen	McAdams	H. Stephenson
Stowell			

**S.B. 25** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.J.R. 5, JOINT RULES RESOLUTION ON FISCAL NOTE PROCESS**. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative was:** Senator

Romero

**Absent or not voting were:** Senators

Bramble	Stowell
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**1st Sub. S.J.R. 5** was returned to the House for the signature of the Speaker.

### THIRD READING CALENDAR

On motion of Senator Van Tassell, **1st Sub. H.B. 20, ACCIDENT RESPONSIBILITY AMENDMENT**, was read the third time and circled.

\* \* \*

**1st Sub. H.B. 24, CLEAN FUEL VEHICLE DECAL**, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Stowell

**1st Sub. H.B. 24** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 20, ACCIDENT RESPONSIBILITY AMENDMENTS**, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Stowell

**1st Sub. H.B. 20** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

**S.B. 110, DRIVER LICENSE SUSPENSION AMENDMENTS**, was read the second time. Senator Buttars explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Jenkins	Knudson
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**Absent or not voting were:** Senators

Adams	Stowell
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\* \* \*

**1st Sub. S.B. 136, BOATING AMENDMENTS**, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Christensen	J. Stevenson	Stowell
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\* \* \*

**S.B. 142, PUBLIC OFFICIAL CONTACT INFORMATION**, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**



**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Hillyard	Liljenquist	Stowell
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\* \* \*

**1st Sub. S.B. 16, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS,** was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Waddoups	

**Absent or not voting were:** Senators

Buttars	Davis	Liljenquist	Madsen
Stowell	Van Tassell		

\* \* \*

**1st Sub. S.B. 21, TAX REVISIONS,** was read the second time. Senator Niederhauser explained the bill. Senator Bramble commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson

Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Buttars	Hillyard	Liljenquist
Madsen	Stowell	Thatcher	

\* \* \*

**1st Sub. S.B. 125**, PROPERTY TAX EXEMPTION AMENDMENTS, was read the second time.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

**3rd Sub. S.B. 125 Property Tax Exemption Amendments** (C. Bramble)

Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Liljenquist	Madsen	H. Stephenson
Stowell			

\* \* \*

**1st Sub. S.B. 101**, UTAH UNIFORM SECURITIES ACT ENFORCEMENT, was read the second time. Senator McAdams explained the bill. Senators Jenkins and Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Davis	Hinkins	Madsen
Stowell	Valentine		

**SPECIAL RECOGNITION**

Senator Jones read a citation recognizing the National Board Certified Teachers from Utah.

**SECOND READING CALENDAR**

**1st Sub. S.B. 117, COMMUNITY ASSOCIATION ACT AMENDMENTS,** was read the second time. Senator Urquhart explained the bill. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Hinkins	Liljenquist	Robles
Stowell			

\* \* \*

**S.B. 139, REVOCATION OF MOTOR VEHICLE REGISTRATION,** was read the second time.

On motion of Senator Reid, the following substitute bill replaced the original bill:

**1st Sub. S.B. 139 Revocation of Motor Vehicle Registration (S. Reid)**

Senator Reid explained the bill.

Senator McAdams proposed the following amendment:

1. Page 1, Lines 17 through 21

17                   • at least 120 days have elapsed since the fourth  
outstanding civil parking citation

18 was issued to the registered owner of the vehicle; {~~and~~}

19                   • the civil parking citations are not currently being  
contested or appealed; and

• the vehicle is not owned by a rental company;

20           ► provides that a municipality shall send written  
notification to the last known address

21 informing the registered owner of the offending vehicle that:

2. Page 3, Line 85 through Page 4, Line 93:

85           (3) (a) Subject to requirements of this Subsection (3), the  
division shall revoke the

86 registration of a vehicle if:

87           (i) the division receives notification by a court or municipality  
that the vehicle is the

88 offending vehicle for four or more outstanding civil parking  
citations;

89           (ii) at least 120 days have elapsed since the fourth outstanding  
civil parking citation

90 under Subsection (3)(a)(i) was issued to the registered owner of the  
vehicle; {~~and~~}

91           (iii) the civil parking citations under Subsection (3)(a)(i) are not  
currently being

92 contested or appealed ; and

(iv) the vehicle is not owned by a rental company as defined in  
Section 31A-22-311 .

93           (b) (i) Before notifying the division under Subsection (3)(a), a  
municipality shall send

Senator McAdams' motion to amend passed on a voice vote. Senator Hillyard commented.

On motion of Senator Reid, the bill was circled.

\* \* \*

**S.B. 140, STATE CHARTER SCHOOL BOARD AMENDMENTS**, was read the second time. Senator Stephenson explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Hinkins	Robles	Romero
Stowell			

\* \* \*

On motion of Senator Stevenson, **S.B. 50, ENHANCED PENALTIES FOR HIV POSITIVE OFFENDER AMENDMENTS**, was read the second time and circled.

\* \* \*

**S.B. 133, GRAND JURY AMENDMENTS**, was read the second time. Senator Valentine explained the bill. Senators Jenkins and Van Tassell commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 1; Absent, 6.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	J. Stevenson	Thatcher	Valentine
Van Tassell	Waddoups		

**Voting in the negative was:** Senator  
Urquhart

**Absent or not voting were:** Senators

Adams	Buttars	Robles	Romero
H. Stephenson	Stowell		

\* \* \*

**S.B. 141, BURGLARY OFFENSE AMENDMENTS**, was read the second time. Senator Madsen explained the bill.

On motion of Senator Madsen, the bill was circled.

\* \* \*

On motion of Senator Okerlund, **1st Sub. S.B. 108, JOINT USE OF WATER INFRASTRUCTURE**, was read the second time and circled.

\* \* \*

**S.B. 128, REGULATORY AMENDMENTS**, was read the second time. Senator Bramble explained the bill.

Senator Valentine proposed the following amendment:

1. Page 3, Line 75

75 (a) (i) writes a prescription for a {~~cosmetic drug or injectable weight loss~~} drug the prescribing practitioner or optometrist has the authority to dispense under Subsection (4)(b) ; and

Senator Valentine's motion to amend passed on a voice vote. Senator Knudson commented.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Jenkins and at 12:00 noon, the Senate adjourned until 10:00 a.m., Monday, February 14, 2011.

# TWENTY-SECOND DAY

## February 14, 2011

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

**Prayer** – Father Michael Kouremetis, Prophet Elias Greek Orthodox Church

**Pledge of Allegiance** – Senator John Valentine

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 80)

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 11, 2011

The Speaker of the House has signed **S.B. 25**, SHARE CERTIFICATES IN WATER COMPANIES, by Senator R. Okerlund, and it is transmitted for the signature of the President; and

The House passed, **S.B. 93**, CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL REPORTING AMENDMENTS, by Senator A. Christensen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.J.R. 5**, JOINT RULES RESOLUTION ON FISCAL NOTE PROCESS, by Senator W. Niederhauser, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 11, 2011

The House passed, as substituted, **1st Sub. H.B. 54**, ELECTRONIC COMMUNICATIONS IN PUBLIC MEETINGS, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 68**, OFF-HIGHWAY VEHICLE OPERATOR RESPONSIBILITIES, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 78**, DEVELOPER FEES, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 240**, SOCIAL SERVICES – EMPLOYMENT FIRST PRIORITY, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 243**, OCCUPATIONS AND PROFESSIONS AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President:

February 11, 2011

The House passed, as amended, **S.B. 106**, SEXUAL EXPLOITATION AMENDMENTS, by Senator D. Hinkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

\* \* \*

Mr. President:

February 11, 2011

The House refused to concur with the Senate Amendments to **H.B. 23**, CONTROLLED SUBSTANCE MODIFICATIONS, by Representative G. Froerer, et al, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Christensen, the Senate voted to refuse to recede from its amendments to **H.B. 23**. President Waddoups appointed a conference committee consisting of Senators Christensen, Knudson, and Davis to meet with a like committee from the House.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 11, 2011

The Rules Committee recommends assignment of the following bills to standing committees:



**Business and Labor Committee**

- S.B. 81** Alcoholic Beverage Control Act Sampling Amendments  
(Sen. R. Romero)
- S.B. 191** Workers' Compensation Coverage Waivers  
(Sen. K. Mayne)

**Education Committee**

- S.B. 67** Annual Eye Examination for Children in Grades  
Kindergarten Through Three (Sen. L. Robles)
- S.C.R. 11** Dixie State College Concurrent Resolution  
(Sen. S. Urquhart)

**Government Operations and Political Subdivisions Committee**

- S.B. 290** Abatement of Weeds, Garbage, Refuse, and Unsightly  
Objects (Sen. P. Knudson)
- S.J.R. 21** Relations with the Republic of Turkey Joint Resolution  
(Sen. P. Knudson)
- H.B. 238** Radiologic Technologist and Radiology Practical  
Technician Licensing Act (Rep. D. Ipson)  
(Sen. M. Dayton)
- H.J.R. 10** Rules Resolution on Electronic Meetings  
(Rep. R. Menlove) (Sen. C. Bramble)

**Health and Human Services Committee**

- 2nd Sub. H.B. 13** Immunizations for Teen Mothers (Rep. J. Seelig)  
(Sen. C. Bramble)
- 1st Sub. H.B. 66** Health Professional Authority – Death Certificates  
(Rep. B. Last) (Sen. D. Liljenquist)
- H.B. 204** Protection of Athletes with Head Injuries (Rep. P. Ray)  
(Sen. J. Valentine)

**Judiciary, Law Enforcement, and Criminal Justice Committee**

- S.B. 199** Utah Commission on Uniform State Laws  
(Sen. L. Hillyard)
- S.B. 200** State Debt Collections Amendments (Sen. L. Hillyard)
- S.B. 212** Judicial Evaluation Amendments (Sen. D. C. Buttars)
- 1st Sub. H.B. 257** Concealed Firearm Act Modifications (Rep. R. Menlove)  
(Sen. D. Hinkins)

**Revenue and Taxation Committee**

- S.B. 178** Municipal Land Use Amendments (Sen. C. Bramble)

- S.B. 222** Public Transit Amendments (Sen. C. Bramble)  
**S.B. 226** Income Tax Credits for Cleaner Burning Fuels  
 (Sen. S. Urquhart)

**Transportation, Public Utilities and Technology Committee**

- S.B. 214** Motor Vehicle Rental Company Fee Disclosures  
 (Sen. J. S. Adams)  
**S.C.R. 8** Concurrent Resolution Approving Solid Waste Facility  
 Landfill Permit (Sen. W. Niederhauser)

**Workforce Services and Community and Economic Development Committee**

- 1st Sub. H.B. 17** Enterprise Zone Amendments (Rep. K. Powell)  
 (Sen. K. Van Tassell)

Margaret Dayton  
 Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

**STANDING COMMITTEE REPORTS**

Mr. President: February 10, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 159**, SEX OFFENDER REGISTRY REVISIONS, by Senator D. Stowell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 164**, ATTORNEY FEES AND COURT COSTS AMENDMENTS, by Senator B. McAdams; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 230**, DNA AMENDMENTS, by Senator J. S. Adams; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 10**, RENEWAL OF JUDGMENT ACT, by Representative G. Froerer, with the following amendments:

1. Page 8, Lines 215 through 223  
 House Floor Amendments  
 1-27-2011:

215 Section 4. Section 78B-6-1802 is enacted to read:

216 78B-6-1802. Renewal by motion.

217 A court of record may renew a judgment issued by a court if:

*\* \* \* Some lines not shown \* \* \**

223 (4) the facts in the supporting affidavit are {~~uncontested~~} determined by the court to be accurate and the affidavit affirms that notice was sent to the most current address known for the judgment debtor :

- 2. Page 8, Lines 229 through 230  
House Floor Amendments  
1-27-2011:

229 Notice of a motion for renewal of judgment is served in accordance with the Rules of

230 Civil Procedure  $\hat{H} \rightarrow$  and opposition may be filed pursuant to  
{~~such~~} the rules  $\leftarrow \hat{H} \hat{.}$ ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 71**, VICTIM RIGHTS AMENDMENTS, by Representative B. Wilson.

Mark B. Madsen, Chair

Mr. President:

February 10, 2011

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.C.R. 15**, DELISTING OF WOLVES CONCURRENT RESOLUTION, by Senator A. Christensen, with the following amendments:

- 1. Page 1, Lines 22 through 25:

22 WHEREAS, the agreed-upon recovery goals of  
{~~15~~} 30 packs and {~~150~~} 300 wolves in the  
23 Northern Rocky Mountains has been exceeded since 2002;

24 WHEREAS, wolf populations currently exceed by more than  
{~~400%~~} 600% recovery goals

25 agreed upon by all parties, yet extremist groups and courts block management as all parties had

2. Page 3, Lines 66 through 67:

66 the Director of the United States Fish and Wildlife Service, the  
executive director of the Utah Department of Natural Resources,  
the United States Secretary of the Interior. {–and–} to  
 67 the members of Utah’s congressional delegation and to the  
governors and presidents of the Senate in all 50 states .

Ralph Okerlund, Chair

Mr. President:

February 11, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 86**, SUNSET REAUTHORIZATIONS, by Senator S. Jenkins; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 177**, SECURITY AGENCY QUALIFICATION AMENDMENTS, by Senator M. Dayton; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 271**, EMINENT DOMAIN REVISIONS, by Senator J. S. Adams; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 31**, RESTORATION OF THE RIGHT TO VOTE AND HOLD ELECTIVE OFFICE, by Representative J. Mathis; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 33**, ELECTION LAW REVISIONS, by Representative R. C. Webb; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 248**, COUNTY OFFICE VACANCIES, by Representative C. Wimmer.

Peter C. Knudson, Chair

Mr. President:

February 11, 2011

The Rules Committee reports a favorable recommendation on **S.R. 1**, SENATE RULES RESOLUTION – SENATE RULES RECODIFICATION, by Senator M. Dayton, with the following amendments:

- 1. Page 22, Lines 647 through 652:

647 ~~(b) In order to be admitted to the Senate chamber {~~  
 648 ~~(i) each male reporter shall wear a business suit with a dress~~  
~~shirt, tie, dress shoes, and~~  
 649 ~~dress socks or a sport coat with a dress shirt, dress pants, tie, dress~~  
~~shoes, and dress socks; and~~  
 650 ~~(ii) each female reporter shall wear a dress with dress shoes and~~  
~~dress socks or~~  
 651 ~~stockings, a dress skirt and dress blouse with dress shoes and dress~~  
~~socks or stockings, or a~~  
 652 ~~woman's business suit with dress shoes and dress socks or~~  
~~stockings. }~~ news media shall comply with the dress requirements  
and other rules of decorum established in the Senate Handbook.

Margaret Dayton, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

On motion of Senator Dayton, the Senate voted to move **S.R. 1** to the top of the Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: February 10, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **2nd Sub. H.B. 207**, JUVENILE AMENDMENTS, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: February 10, 2011

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 247**, WATER DEVELOPMENT AMENDMENTS, by Representative M. Noel, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.C.R. 4**, WILD HORSE AND BURRO

ADVISORY BOARD CONCURRENT RESOLUTION, by Representative M. Brown, and recommends it be considered read for the second time and placed on the Consent Calendar.

Ralph Okerlund, Chair

Mr. President:

February 11, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 92**, PRIVATE SECURITY SERVICES, by Senator M. Dayton, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Line 14:

After “off–duty” insert “including the issue of financial responsibility”

2. Page 2, Line 53:

After “security officer” insert “and the policy shall address the issue of financial responsibility”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 40**, BONDING REQUIREMENTS FOR GOVERNMENT OFFICERS AND EMPLOYEES, by Representative R. Wilcox, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President:

February 11, 2011

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 190**, DELINQUENT PROPERTY TAX AMENDMENTS, by Representative G. Froerer, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

Mr. President: February 14, 2011  
The Health and Human Services Committee has tabled **S.B. 62**, ADOPTION REVISIONS, by Senator R. Romero, and has returned it to the Rules Committee for filing.

D. Chris Buttars, Chair

On motion of Senator Dayton, the committee report was adopted. The bill was returned to the Rules Committee for filing.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 14, 2011  
The House requests the return of **H.B. 219**, STATE FIREARM DESIGNATION, by Representative C. Wimmer, for reconsideration.

Sandy D. Tenney, Chief Clerk

The bill was returned to the House.

### INTRODUCTION OF BILLS

**S.B. 85, Legal Notice Amendments** (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

**S.B. 182, Construction Trades Licensing Amendments** (P. Knudson), was read the first time by short title and referred to the Rules Committee.

**S.B. 183, Custody Amendments** (L. Robles), was read the first time by short title and referred to the Rules Committee.

**S.C.R. 13, Rotary Club Concurrent Resolution** (G. Davis), was read the first time by short title and referred to the Rules Committee.

### SPECIAL RECOGNITION

A citation was read honoring Utah Highway Patrol troopers Cameron Carter and Travis Williams for their extraordinary service. Senators Valentine, Okerlund, Bramble, and Christensen commented.

\* \* \*

On motion of Senator Christensen, the Senate voted to lift **S.C.R. 15**, DELISTING OF WOLVES CONCURRENT RESOLUTION, from the Second Reading Calendar and place it on the Time Certain Calendar for Wednesday, February 16, 2011 at 10:30 a.m.

### CONSENT CALENDAR

**1st Sub. H.B. 19**, INSURANCE LAW RELATED AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Liljenquist	Reid	Robles
Stowell			

**1st Sub. H.B. 19**, as amended, was returned to the House for further consideration.

\* \* \*

**S.B. 66**, MILITARY LEAVE FOR AN ELECTED OFFICIAL OF A POLITICAL SUBDIVISION, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Christensen	Liljenquist	Madsen	Reid
J. Stevenson	Stowell		

**S.B. 66** was transmitted to the House for consideration.



\* \* \*

**S.B. 135**, DEPARTMENT OF PUBLIC SAFETY DUTIES AMENDMENTS, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Mayne	McAdams	Morgan
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Christensen	Hillyard	Liljenquist	Madsen
Niederhauser	Robles	Stowell	

**S.B. 135** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, **S.C.R. 6**, CONCURRENT RESOLUTION HONORING THE SORENSON LEGACY FOUNDATION, will be considered Thursday, February 17, 2011, at 10:30 a.m.

**CONCURRENCE CALENDAR**

On motion of Senator Mayne, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 35**, CONSTRUCTION LICENSES RELATED AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard                      Liljenquist                      Urquhart

**2nd Sub. S.B. 35** was returned to the House for the signature of the Speaker.

On motion of Senator Mayne, the following intent language was included in the Senate Journal:

**INTENT LANGUAGE**

The goal of 2nd Substitute Senate Bill 35 is to prevent abuse within the construction industry. This piece of legislation provides the tools to preserve the traditional employer/employee relationship.

We want to make sure benefits are provided to those individuals described in 2nd Sub. S.B. 35. The affected departments are to draft rules to broadly apply this legislation to the entities addressed under this legislation.

\* \* \*

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **1st Sub. S.B. 36, CONCEALED FIREARM ACT AMENDMENTS**. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars                      Hillyard                      Niederhauser                      Okerlund

**1st Sub. S.B. 36** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Madsen, **H.C.R. 2, UTAH STATE FLAG CONCURRENT RESOLUTION**, will be considered Wednesday, February 16, 2011, at 11:00 a.m.

**THIRD READING CALENDAR**

On motion of Senator Valentine, **S.B. 110**, DRIVER LICENSE SUSPENSION AMENDMENTS, was read the third time and circled.

\* \* \*

**1st Sub. S.B. 136**, BOATING AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Liljenquist	Mayne	Morgan
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Hillyard	Knudson	Madsen	McAdams
Niederhauser	Okerlund		

**1st Sub. S.B. 136** was transmitted to the House for consideration.

\* \* \*

**S.B. 142**, PUBLIC OFFICIAL CONTACT INFORMATION, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Liljenquist	Mayne	Morgan
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Hillyard	Knudson	Madsen	McAdams
Niederhauser	Robles		

**S.B. 142** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Dayton, **1st Sub. S.B. 16**, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS, was read the third time and circled.

\* \* \*

On motion of Senator Dayton, **1st Sub. S.B. 21**, TAX REVISIONS, was read the third time and circled.

\* \* \*

On motion of Senator Bramble, **3rd Sub. S.B. 125**, PROPERTY TAX EXEMPTION AMENDMENTS, was read the third time and circled.

\* \* \*

On motion of Senator Knudson, **1st Sub. S.B. 101**, UTAH UNIFORM SECURITIES ACT ENFORCEMENT, was read the third time and circled.

\* \* \*

On motion of Senator Dayton, **1st Sub. S.B. 117**, COMMUNITY ASSOCIATION ACT AMENDMENTS, was read the third time and circled.

\* \* \*

**S.B. 140**, STATE CHARTER SCHOOL BOARD AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hillyard                      Hinkins                      Niederhauser                      Robles

**S.B. 140** was transmitted to the House for consideration.

**SPECIAL RECOGNITION**

Senator Mayne paid special recognition to the Non-traditional Work Skills participants. Senator Romero commented.

**THIRD READING CALENDAR**

On motion of Senator Urquhart, the circle was removed from **1st Sub. S.B. 117, COMMUNITY ASSOCIATION ACT AMENDMENTS**, and it was before the Senate. Senator Urquhart explained the bill. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Hillyard                      Robles

**1st Sub. S.B. 117** was transmitted to the House for consideration.

\* \* \*

On motion of Senator McAdams, the circle was removed from **1st Sub. S.B. 101, UTAH UNIFORM SECURITIES ACT ENFORCEMENT**, and it was before the Senate. Senator McAdams explained the bill. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins

Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators  
Hillyard                      Robles

**1st Sub. S.B. 101** was transmitted to the House for consideration.

\* \* \*

**S.B. 133, GRAND JURY AMENDMENTS,** was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Voting in the negative was:** Senator  
Urquhart

**Absent or not voting were:** Senators

Hillyard	Madsen	McAdams	Robles
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**S.B. 133** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **1st Sub. S.B. 16, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS,** and it was before the Senate. Senator Niederhauser explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hillyard	Madsen	McAdams	Robles
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**1st Sub. S.B. 16** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **1st Sub. S.B. 21**, TAX REVISIONS, and it was before the Senate. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 10, Line 304 through Page 11, Line 312

304 (b) The determination of whether an individual is considered to have domicile in this

305 state {~~shall~~ } ~~may not~~ be determined in accordance with  
306 Subsection {~~(3)~~ } ~~(1)(a)~~ if the individual:

307 (i) is the noncustodial parent of a dependent:

308 (A) with respect to whom the individual claims a personal exemption on the

309 individual's federal individual income tax return; and

310 (B) who is enrolled in a public kindergarten, public elementary school, or public

311 secondary school in this state; and

312 (ii) is divorced from the custodial parent of the dependent described in Subsection

313 (1)(b)(i).

2. Page 12, Line 363 through Page 13, Line 367:

363 (4) (a) Notwithstanding Subsections (1) through (3) and subject  
to the other provisions

364 of this Subsection (4), an individual is not considered to have  
domicile in this state if the

365 individual meets the following qualifications:

366 (i) except as provided in Subsection (4)(a)(ii)(A), the individual  
and the individual's

367 spouse are absent from the state for at least { ~~730~~ } 761  
consecutive days; and

Senator Niederhauser's motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Dayton	McAdams	Robles
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**1st Sub. S.B. 21** was transmitted to the House for consideration.

## SECOND READING CALENDAR

On motion of Senator Stowell, the circle was removed from **1st Sub. S.B. 108, JOINT USE OF A CANAL OR DITCH**, and it was before the Senate.

On motion of Senator Stowell, the following substitute bill replaced the original bill:

**2nd Sub. S.B. 108 Joint Use of a Canal or Ditch** (D. Stowell)

Senator Stowell explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:



**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Robles	Urquhart
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\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 128**, REGULATORY AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 1; Absent, 3.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative was:** Senator

Dayton

**Absent or not voting were:** Senators

Adams	Robles	Thatcher
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\* \* \*

**S.R. 1**, SENATE RULES RESOLUTION – SENATE RULES RECODIFICATION, was read the second time. Senator Dayton explained the bill.

On motion of Senator Dayton, the bill was circled.

\* \* \*

On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **3rd Sub. S.B. 125**, PROPERTY TAX EXEMPTION AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Reid
Robles	Romero	J. Stevenson	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Madsen	Okerlund	H. Stephenson
Stowell	Thatcher		

**3rd Sub. S.B. 125** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Jenkins and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 15, 2011.

# TWENTY-THIRD DAY

## February 15, 2011

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

**Prayer** – Father Carl Schlichte

**Pledge of Allegiance** – Senator Lyle Hillyard

**Roll Call** – All Senators present except Senator Bramble, excused.

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 14, 2011

The House passed, **S.B. 37**, EMERGENCY FOOD AGENCY AMENDMENTS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 14, 2011

The House passed, as amended, **H.B. 50**, SCHOOL TERMINATION PROCEDURES MODIFICATIONS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 55**, VOLUNTEER SEARCH AND RESCUE WORKERS' COMPENSATION CLAIMS, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 79**, PROPERTY AND CASUALTY CERTIFICATE OF INSURANCE ACT, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 103**, ELECTION AMENDMENTS, by Representative D. Brown, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 195**, DEBT SERVICE OBLIGATIONS OF A DIVIDED SCHOOL DISTRICT, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 216**, REUNIFICATION SERVICES AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 254**, EMERGENCY PROCEDURES AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 265**, MOTOR VEHICLE EMISSIONS AMENDMENTS, by Representative F. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President:

February 14, 2011

The House requests the return of **S.C.R. 1**, CRISIS INTERVENTION TEAM PROGRAM CONCURRENT RESOLUTION, by Senator P. Jones, for reconsideration.

Sandy D. Tenney, Chief Clerk

The bill was returned to the House for reconsideration.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 14, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and Labor Committee**

<b>S.B. 250</b>	Electronic Transmissions and Directors Actions (Sen. B. McAdams)
<b>S.C.R. 13</b>	Rotary Club Concurrent Resolution (Sen. G. Davis)
<b>H.B. 78</b>	Developer Fees (Rep. M. Morley) (Sen. W. Niederhauser)
<b>H.B. 243</b>	Occupations and Professions Amendments (Rep. M. Morley) (Sen. J. S. Adams)

**Education Committee**

**S.B. 53** Eligibility for Interscholastic Activities in Secondary Schools (Sen. M. Madsen)

**Health and Human Services Committee**

**H.B. 240** Social Services – Employment First Priority (Rep. R. Menlove) (Sen. D. C. Buttars)

**Judiciary, Law Enforcement, and Criminal Justice Committee**

**S.B. 183** Custody Amendments (Sen. L. Robles)

**Transportation, Public Utilities and Technology Committee**

**S.B. 85** Legal Notice Amendments (Sen. S. Urquhart)

**H.B. 68** Off-highway Vehicle Operator Responsibilities (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 14, 2011

The Business and Labor Committee reports a favorable recommendation on **S.B. 191, WORKERS’ COMPENSATION COVERAGE WAIVERS**, by Senator K. Mayne; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 196, CONTINUING EDUCATION REQUIREMENTS FOR LANDSCAPE ARCHITECTS**, by Representative R. C. Webb; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 237, ENFORCEMENT OF LIENS**, by Representative Julie Fisher, with the following amendments:

1. Page 2, Lines 33 through 37:
  - 33 occupant~~[-and-a]~~. If the property to be sold in an enforcement action includes a motor vehicle,
  - 34 vessel, or outboard motor, the notice shall also be delivered to the last known address of the

35 registered owner and any lienholder , as disclosed by the records  
of the Motor Vehicle Division. A copy of the  
36 notice shall, at the same time, be sent to the sheriff of the county  
where the self-service storage  
37 facility is located. Any lienholder with an interest in the property to  
be sold or otherwise

John L. Valentine, Chair

Mr. President:

February 14, 2011

The Education Committee recommends **S.B. 67**, ANNUAL EYE EXAMINATION FOR CHILDREN IN GRADES KINDERGARTEN THROUGH THREE, by Senator L. Robles, be replaced and favorably recommends **1st Sub. S.B. 67**, ANNUAL EYE EXAMINATION FOR CHILDREN IN GRADES KINDERGARTEN THROUGH THREE with the following amendments:

1. Page 1, Lines 17 through 18:

17 ► provides limited immunity to volunteer vision  
screeners who are trained or supervised by the  
18 State Office of Education;

2. Page 3, Lines 58 through 60:

58 (b) A volunteer vision screener providing services under  
Subsection (6)(a) is not liable for any  
59 civil damages as a result of acts or omissions related to the vision  
screening unless the acts or  
60 omissions were willful or grossly negligent. ; and

The Education Committee reports a favorable recommendation on **S.C.R. 11**, DIXIE STATE COLLEGE CONCURRENT RESOLUTION, by Senator Urquhart.

Howard A. Stephenson, Chair

Mr. President:

February 14, 2011

The Health and Human Services Committee recommends **S.B. 137**, MEDICAID AMENDMENTS, by Senator A. Christensen, be replaced and favorably recommends **1st Sub. S.B. 137**, MEDICAID AMENDMENTS with the following amendments:

1. Page 3, Line 85 through Page 4, Line 88:

85 (b) The department shall grant a prior authorization for a psychotropic drug that is not

86 on the preferred drug list for a patient who is stabilized on the drug.

(c) A prior authorization

87 granted under {~~this subsection~~ } Subsection (2)(b) is valid for one year from the date the department grants the prior

88 authorization , and shall be renewed by the department in accordance with Subsection (2)(b) ; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 150**, NEGLIGENT CREDENTIALING, by Senator J. S. Adams, with the following amendments:

1. Page 1, Lines 25 through 27:

25 78B-3-425. Prohibition on cause of action for negligent credentialing.

26 It is the policy of this state that the question of negligent credentialing, as applied to

27 {~~medical~~ } health care providers in malpractice suits, is not recognized as a cause of action.

D. Chris Butters, Chair

Mr. President:

February 14, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 199**, UTAH COMMISSION ON UNIFORM STATE LAWS, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 200**, STATE DEBT COLLECTIONS AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 5, Lines 146 through 150:

146 Section 6. Section 63A-3-303 is amended to read:

147 63A-3-303. Notice to debtor — Contents.

148 (1) Upon default in payment of any account receivable that is  
not due pursuant to final court or  
 149 administrative order or judgment, the entity responsible for  
 collecting the account shall send a  
 150 notice by ~~{certified}~~ mail to the debtor at the debtor's  
 last-known address.

Mark B. Madsen, Chair

Mr. President: February 14, 2011  
 The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 214**, MOTOR VEHICLE RENTAL COMPANY FEE DISCLOSURES, by Senator J. S. Adams, with the following amendments:

1. Page 2, Lines 56 through 57:
  - 56 charges in a rental agreement, including but not limited to :
  - 57 (a) motor vehicle license cost recovery fees;

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President: February 14, 2011  
 The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 230**, DISABILITY AMENDMENTS, by Representative P. Ray, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 241**, CLEAN OUT THE CABINETS MONTH DESIGNATION, by Representative M. Morley, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Butters, Chair

Mr. President: February 14, 2011  
 The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 257**, CONCEALED FIREARM



ACT MODIFICATIONS, by Representative R. Menlove, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 7, Lines 199 through 200:

199 (c) If the fingerprints are insufficient for the {~~-bureau of~~ }  
Federal Bureau of Investigation

200 to conduct a search of its files for criminal history information, the  
application or concealed

Mark B. Madsen, Chair

Mr. President:

February 14, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 235, TECHNOLOGY TECHNICAL AMENDMENTS**, by Representative P. Arent, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

### INTRODUCTION OF BILLS

**S.B. 73, Public School Teacher Tenure Modifications** (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

**S.B. 82, Urban Farming Assessment Act** (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

**S.B. 160, Federal Funds Procedures Act Amendments** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

**S.B. 170, Wrongful Death Amendments** (B. McAdams), was read the first time by short title and referred to the Rules Committee.

**S.B. 172, Political Subdivisions Administration Amendments** (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

**S.B. 179, Math Education Initiative** (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

**S.B. 188, Tax Commission Amendments** (J. Valentine), was read the first time by short title and referred to the Rules Committee.

**S.B. 197, Local Housing Authority Amendments** (B. McAdams), was read the first time by short title and referred to the Rules Committee.

**S.B. 202, Pharmaceutical Competitive Pricing** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 284, County Tax Amendments** (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

**S.J.R. 19, Joint Resolution Approving the Houghton Case Final Settlement Agreement** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

### CONSENT CALENDAR

On motion of Senator Dayton, **S.J.R. 14, COMMUNICATIONS DEVICE USAGE JOINT RESOLUTION**, was read the third time and circled.

\* \* \*

On motion of Senator Dayton, the Senate voted to move **H.B. 28, PENALTIES FOR UNAUTHORIZED USE OF RECORDS**, from the Consent Calendar and place it at the top of the Second Reading Calendar.

\* \* \*

**S.B. 242, ASSESSMENT AREA AMENDMENTS**, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Waddoups		

**Absent or not voting were:** Senators

Bramble	Buttars	Jenkins	Jones
Liljenquist	Robles	Van Tassell	

**S.B. 242** was transmitted to the House for consideration.

**CONCURRENCE CALENDAR**

On motion of Senator Hinkins, the Senate voted to concur in the House amendments to **S.B. 106, SEXUAL EXPLOITATION AMENDMENTS**. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Christensen	Liljenquist
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**S.B. 106** was returned to the House for the signature of the Speaker.

**SPECIAL RECOGNITION**

A citation was read honoring Ballet West. Senator Valentine commented.

\* \* \*

On motion of Senator Van Tassell, legislative staff was authorized to draft a bill regarding state parks access highways.

On motion of Senator Dayton, legislative staff was authorized to draft a resolution for the purpose of honoring Jerry Sloan.

**THIRD READING CALENDAR**

**2nd Sub. S.B. 108, JOINT USE OF A CANAL OR DITCH**, was read the third time and explained by Senator Stowell. Senators Van Tassell, Jenkins, Niederhauser, Valentine, and Okerlund commented.

On motion of Senator Stowell, the bill was circled.

\* \* \*

On motion of Senator Valentine, **S.B. 128, REGULATORY AMENDMENTS**, was read the third time and circled.

## SECOND READING CALENDAR

On motion of Senator Niederhauser, **S.B. 59**, SCHOOL GRADING SYSTEMS, was read the second time and circled.

\* \* \*

**S.B. 145**, UTAH EDUCATION SAVINGS PLAN AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senator Romero commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Waddoups			

**Absent or not voting were:** Senators

Bramble	Thatcher	Urquhart	Van Tassell
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\* \* \*

On motion of Senator Madsen, the circle was removed from **S.B. 141**, BURGLARY OFFENSE AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 2, Line 36

36 dwelling, in which event it is a second degree felony [~~of the second degree~~].

Senator Madsen's motion to amend passed on a voice vote.

On motion of Senator Madsen, the bill was circled.

\* \* \*

On motion of Senator Dayton, the circle was removed from **S.R. 1**, SENATE RULES RESOLUTION – SENATE RULES RECODIFICATION, and it was

before the Senate. Senator Dayton explained the bill. Senators Romero, Valentine, and Hillyard commented.

**COMMITTEE OF THE WHOLE**

On motion of Senator Valentine, John Fellows, Office of Legislative Research and General Counsel, spoke in Committee of the Whole. Senators Valentine, Reid, Morgan, Romero, Dayton, Davis, and Knudson commented.

On motion of Senator Dayton, the Committee of the Whole was dissolved.

**S.R. 1** passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Urquhart
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\* \* \*

**S.B. 143, JUDICIARY AMENDMENTS,** was read the second time. Senator Hillyard explained the bill. Senator Okerlund commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Van Tassell	Waddoups	

**Absent or not voting were:** Senators  
Buttars Valentine

### JOINT CONFERENCE COMMITTEE REPORT

Mr. President: February 14, 2011

The Joint Conference Committee comprised of Sens. A. Christensen, G. Davis, and P. Knudson, and Reps. G. Froerer, J. Biskupski, and P. Ray, recommends **H.B. 23**, CONTROLLED SUBSTANCE MODIFICATIONS, by Representative G. Froerer, et al, with the following amendments:

1. Include the Senate amendments on Page 1, Lines 18a and 18b made on the Senate 2nd Reading Amendments dated 02-9-2011.
2. Include the Senate amendments on Page 37, Lines 1134a and 1134b, made on the Senate 2nd Reading Amendments dated 02-9-2011, except that “and” on Line 1134a shall be bracketed as indicated below.
3. Also include the following additional amendments:

After Line 1134 on the Senate  
2nd Reading Amendments dated  
02-9-2011 make the following  
amendments:

(16) 4-methylmethcathinone {also known as mephedrone}; {-  
and }

(17) 3,4-methylenedioxypropylvalerone {also known as MDPV}

(18) 3,4-Methylenedioxymethcathinone {also known as  
methylone};

(19) 4-methoxymethcathinone;

(20) 4-Fluoromethcathinone; and

(21) 3-Fluoromethcathinone.

Sen. Allen Christensen  
and Rep. Gage Froerer, Chairs

On motion of Senator Christensen, the Senate voted to concur in the conference committee amendments to **H.B. 23**, CONTROLLED SUBSTANCE MODIFICATIONS. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Hillyard	McAdams	H. Stephenson
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**H.B. 23** was returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

**S.B. 130, SURPLUS PROPERTY AMENDMENTS**, was read the second time. Senator Reid explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Niederhauser	Okerlund	Reid	Robles
Romero	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Hillyard	McAdams	Morgan
H. Stephenson			

**INTRODUCTION OF BILLS**

**S.B. 187, County Services Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 203, Executive Residence Commission** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.B. 253, State Hospital Amendments** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.B. 260, Veterans' Nursing Home Reimbursement Restricted Account Amendments** (P. Knudson), was read the first time by short title and referred to the Rules Committee.

**S.B. 272, Secured Creditor Amendments** (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

**S.B. 311, Anesthesiologist Assistant** (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

**S.J.R. 18, Immigration Joint Resolution** (R. Romero), was read the first time by short title and referred to the Rules Committee.

On motion of Senator Niederhauser and at 12:00 noon, the Senate adjourned until 10:00 a.m., Wednesday, February 16, 2011.



# TWENTY-FOURTH DAY

## MORNING SESSION

**February 16, 2011**

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

**Prayer** – Larry Rock

**Pledge of Allegiance** – Senator Curtis Bramble

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 15, 2011

The Speaker of the House has signed **2nd Sub. S.B. 35**, CONSTRUCTION LICENSEES RELATED AMENDMENTS, by Senator K. Mayne, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 36**, CONCEALED FIREARM ACT AMENDMENTS, by Senator J. Valentine, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 15, 2011

The House concurred in the Senate amendments and passed **H.B. 219**, STATE FIREARM DESIGNATION, by Representative C. Wimmer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

February 15, 2011

The House passed, as substituted, **1st Sub. H.B. 61**, HOME BUSINESS WORKERS' COMPENSATION AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed **H.B. 175**, CONDOMINIUM OWNERSHIP ACT MODIFICATIONS, by Representative R. Wilcox, and it is transmitted for consideration; and

The House passed **H.B. 184**, MOTOR AND SPECIAL FUEL TAX ACT AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 199**, ADVERTISEMENTS ON SCHOOL BUSES, by Representative J. Bird, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 220**, CIVICS EDUCATION AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 221**, CLASSIC CAR INSPECTIONS, by Representative F. Cox, and it is transmitted for consideration; and

The House passed **H.B. 251**, ALARM SYSTEM AMENDMENTS, by Representative L. Hemingway, and it is transmitted for consideration; and

The House passed **H.B. 252**, RAILROAD AND RAILROAD CROSSING AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 266**, RESTITUTION AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.C.R. 1**, CONCURRENT RESOLUTION URGING CONGRESS TO ADDRESS EMPLOYMENT RELATED CHILD IDENTITY THEFT, by Representative S. Duckworth, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 15, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

**Business and Labor Committee**

- S.B. 272** Secured Creditor Amendments (Sen. D. Liljenquist)  
**H.B. 55** Volunteer Search and Rescue Workers' Compensation  
Claims (Rep. K. Powell) (Sen. K. Van Tassell)  
**H.B. 79** Property and Casualty Certificate of Insurance Act  
(Rep. T. Kiser) (Sen. H. Stephenson)

**Education Committee**

- S.B. 73** Public School Teacher Tenure Modifications  
(Sen. H. Stephenson)  
**S.B. 179** Math Education Initiative (Sen. H. Stephenson)  
**H.B. 50** School Termination Procedures Modifications  
(Rep. R. Menlove) (Sen. H. Stephenson)  
**H.B. 195** Debt Service Obligations of a Divided School District  
(Rep. K. Sumsion) (Sen. M. Dayton)

**Government Operations and Political Subdivisions Committee**

- S.B. 160** Federal Funds Procedures Act Amendments  
(Sen. L. Hillyard)  
**S.B. 172** Political Subdivisions Administration Amendments  
(Sen. H. Stephenson)  
**S.B. 197** Local Housing Authority Amendments  
(Sen. B. McAdams)  
**S.B. 203** Executive Residence Commission (Sen. J. S. Adams)  
**S.J.R. 18** Immigration Joint Resolution (Sen. R. Romero)  
**S.J.R. 19** Joint Resolution Approving the Houghton Case Final  
Settlement Agreement (Sen. L. Hillyard)  
**1st Sub. H.B. 54** Electronic Communications in Public Meetings  
(Rep. K. Powell) (Sen. L. Hillyard)  
**H.B. 103** Election Amendments (Rep. D. Brown)  
(Sen. D. Liljenquist)  
**H.B. 254** Emergency Procedures Amendments  
(Rep. R. Greenwood) (Sen. P. Knudson)  
**S.B. 260** Veterans' Nursing Home Reimbursement Restricted  
Account Amendments (Sen. P. Knudson)

**H.B. 265** Motor Vehicle Emissions Amendments (Rep. F. Gibson)  
(Sen. M. Dayton)

**Health and Human Services Committee**

**1st Sub. H.B. 216** Reunification Services Amendments (Rep. M. Newbold)  
(Sen. A. Christensen)

**S.B. 253** State Hospital Amendments (Sen. J. S. Adams)

**Natural Resources, Agriculture and Environment Committee**

**1st Sub. H.B. 51** School and Institutional Trust Lands (Rep. R. Barrus)  
(Sen. S. Urquhart)

**S.B. 82** Urban Farming Assessment Act (Sen. W. Niederhauser)

**Revenue and Taxation Committee**

**S.B. 187** County Services Amendments (Sen. C. Bramble)

**S.B. 188** Tax Commission Amendments (Sen. J. Valentine)

**S.B. 284** County Tax Amendments (Sen. J. Stevenson)

Margaret Dayton

Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

On motion of Senator Dayton, the Senate voted to move **S.B. 43**, LOCAL DISTRICT FEES, from the Government Operations and Political Subdivisions Committee and assign it to the Revenue and Taxation Committee.

**STANDING COMMITTEE REPORTS**

Mr. President:

February 15, 2011

The Business and Labor Committee reports a favorable recommendation on **S.B. 55**, ELECTRONIC SIGNATURES, by Senator S. Urquhart, with the following amendments:

1. Page 1, Lines 12 through 13:  
  - ▶ defines “state governmental agency”;
  - 12 ▶ requires a state governmental agency to adopt a policy concerning electronic signatures
  - 13 before the governmental agency may accept an electronic signature; and
2. Page 2, Lines 39 through 40:  
  - (1) As used in this section:

(a) “State governmental agency” means a state board, authority, commission, institution, department, division, officer, or other state government entity, which is authorized or required by law to make rules, adjudicate, grant or withhold licenses, grant or withhold relief from legal obligations, or perform other similar actions or duties delegated by law.

(b) “State governmental agency” does not include the legislature, its committees, the political subdivisions of the state, or the courts.

39            {-(1) }    (2)    (a) Notwithstanding any other provision of law, a {~~non-federal~~ -} state governmental agency

40    {~~located in the state~~ }    may not accept an electronic signature unless the state governmental agency

3. Page 2, Lines 47 through 48:

47        (b) Subsection {-(1)(a) }    (2)(a)    applies to an electronic signature without regard to whether the

48    governmental agency is a party to the document, transaction, or other filing.

4. Page 2, Line 49:

49        [(1)]    {-(2) }    (3)    A state governmental agency may, [by following the procedures and

5. Page 3, Line 68:

68        [(2)]    {-(3) }    (4)    A state governmental agency that makes rules under this section shall submit

6. Page 3, Line 72:

72        [(3)]    {-(4) }    (5)    (a) The chief information officer may prepare model rules and standards

7. Page 3, Line 82:

82        [(4)]    (c) Nothing in this Subsection [(3)] {-(4) }    (5)    requires a state governmental agency to use the model

8. Page 3, Lines 85 through 86:

85        [(4)]    {-(5) }    (6)    Except as provided in Subsection 46-4-301(6), nothing in this chapter requires

86 any ~~{-}~~ state ~~{-}~~ governmental agency to:

9. Page 3, Line 89:

89 ~~{(5)}~~ ~~{-(6)}~~ (7) Each state governmental agency shall:

10. Page 4, Lines 110 through 111:

110 (d) "Sign" or "signature" may include any form of electronic signature authorized by

111 the governmental agency ~~in accordance with Section 46-4-501.~~ } ; and

The Business and Labor Committee recommends **S.B. 151**, REAL ESTATE TRANSACTIONS AND SECURITIES, by Senator B. McAdams, be replaced and favorably recommends **1st Sub. S.B. 151**, REAL ESTATE TRANSACTIONS AND SECURITIES; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 250**, ELECTRONIC TRANSMISSIONS AND DIRECTORS ACTIONS, by Senator B. McAdams; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 78**, DEVELOPER FEES, by Representative M. Morley, with the following amendments:

1. Page 18, Lines 532 through 534:

532 (7) A provider of culinary or secondary water that commits to provide a water service

533 required by a ~~{-public}~~ land use application process is subject to the following as if it were a

534 municipality:

2. Page 36, Lines 1090 through 1092:

1090 (7) A provider of culinary or secondary water that commits to provide a water service

1091 required by a ~~{-public}~~ land use application process is subject to the following as if it were a

1092 county: ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 243**, OCCUPATIONS AND PROFESSIONS AMENDMENTS, by Representative M. Morley.

John L. Valentine, Chair

Mr. President:

February 15, 2011

The Health and Human Services Committee reports a favorable recommendation on **2nd Sub. H.B. 13**, IMMUNIZATIONS FOR TEEN MOTHERS, by Representative J. Seelig; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 66**, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES, by Representative B. Last; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 204**, PROTECTION OF ATHLETES WITH HEAD INJURIES, by Representative P. Ray, with the following amendments:

1. Page 3, Lines 66 through 73  
House Committee Amendments  
1-27-2011:

66        (5) (a) "Sporting event" means any of the following  
athletic activities that is organized,

67        operated, managed, or sponsored by any organization:

68            {~~(a)~~ }        (i) a game;

69            {~~(b)~~ }        (ii) a practice;

70            {~~(c)~~ }        (iii) a sports camp;

71            {~~(d)~~ }        (iv) a physical education class;

72            {~~(e)~~ }        (v) a competition; or

73            {~~(f)~~ }        (vi) a tryout.

(b) "Sporting event" does not include the issuance of a ski pass by a ski resort, unless the skiing is part of a camp, team, class, or competition that is organized, managed, or sponsored by the ski resort.

2. Page 4, Lines 108a through 108e  
House Floor Amendments  
2-10-2011:

108a { ~~(B) the qualified healthcare provider has informed a parent or legal guardian~~

108b ~~of the child of the medical risks associated with the child resuming participation in a~~

108c ~~sporting event; and~~

108d ~~(C) under the facts and circumstances, a parent's or legal guardian's decision to~~

108e ~~allow the child to participate in a sporting event is not medically unreasonable. }~~

and

(B) the child is cleared to resume participation in the sporting event of the amateur sports organization. ; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 240**, SOCIAL SERVICES – EMPLOYMENT FIRST PRIORITY, by Representative R. Menlove.

D. Chris Buttars, Chair

Mr. President:

February 15, 2011

The Government Operations and Political Subdivisions Committee recommends **S.B. 290**, ABATEMENT OF WEEDS, GARBAGE, REFUSE, AND UNSIGHTLY OBJECTS, by Senator P. Knudson, be replaced and favorably recommends **1st Sub. S.B. 290**, ABATEMENT OF WEEDS, GARBAGE, REFUSE, AND UNSIGHTLY OBJECTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 21**, RELATIONS WITH THE REPUBLIC OF TURKEY JOINT RESOLUTION, by Senator P. Knudson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 238**, RADIOLOGIC TECHNOLOGIST AND RADIOLOGY PRACTICAL TECHNICIAN LICENSING ACT, by Representative D. Ipson; and



The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.J.R. 10**, RULES RESOLUTION ON ELECTRONIC MEETINGS, by Representative R. Menlove.

Peter C. Knudson, Chair

Mr. President: February 15, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 243**, HISTORIC AREAS OR SITES AMENDMENTS, by Senator W. Niederhauser; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.C.R. 12**, WEAR RED MONTH CONCURRENT RESOLUTION, by Senator K. Mayne, with the following amendments:

- 1. Page 1, lines 14–15: After “fight against heart disease” delete “by commemorating this day”; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **1st Sub. H.B. 17**, ENTERPRISE ZONE AMENDMENTS, by Representative K. Powell, et al;

Stuart C. Reid, Chair

Mr. President: February 14, 2011

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 112**, RETIREMENT SYSTEM DIVESTMENT, by Senator C. Bramble, with the following amendments:

- 1. Page 1, Lines 13 through 20:
  - 13 This bill:
    - ▶ modifies the definition of direct holdings to exclude holdings that are part of a passive indexing investment strategy;
    - 14 ▶ requires the Utah State Retirement Office to include data designed to explain the
    - 15 extent to which public fund investments in scrutinized companies are being
    - 16 prevented;
    - 17 ▶ requires the Utah State Retirement Office to prevent the { ~~investment of public funds~~ } acquisition of direct holdings

18 in a scrutinized company by adjusting future investment practices within the office

19 and by stipulating in future investment management contracts that no new

20 ~~{ investments may be made }~~ direct holdings be acquired in a scrutinized company; and

2. Page 2, Lines 47 through 49:

47 (d) (i) "Direct holdings" means all publicly traded equity securities of a company that are

48 held directly by the public fund or in an account or fund in which the public fund owns all

49 shares or interests.

(ii) "Direct holdings" does not include publicly traded equity securities of a company held as part of a passive indexing investment strategy.

3. Page 3, Line 83 through Page 4, Line 91:

83 (6) Beginning July 1, 2011, using the most current list assembled under Subsection (2),

84 the office shall prevent the investment of public funds direct holdings in a scrutinized company:

85 (a) for public funds managed within the office, by not investing in direct holdings in a scrutinized

86 company; and

87 (b) for public funds managed by contract by a professional investment manager:

88 (i) for existing contracts, by requesting that no more ~~{ investments be made }~~ direct holdings be acquired in a

89 scrutinized company; and

90 (ii) for future contracts, by stipulating in the contract that no new ~~{ investments may be~~

91 ~~made }~~ direct holdings be acquired in a scrutinized company. ; and

The Retirement and Independent Entities Committee recommends **S.B. 120**, CAREER SERVICE AMENDMENTS, by Senator D. Liljenquist, be replaced

and favorably recommends **1st Sub. S.B. 120**, CAREER SERVICE AMENDMENTS with the following amendments:

1. Page 3, Line 84 through Page 4, Line 88:

84 (ii) for whom substantially all of their work is repetitive,  
measurable or transaction

85 based, and who voluntarily apply for and are accepted by the  
Department of Workforce

86 Services to work in a pay for performance program designed by the  
Department of Workforce

87 Services with the concurrence of the executive director .

88 (2) The civil service shall consist of two schedules as follows:  
 ; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 127**, POST RETIREMENT EMPLOYMENT AMENDMENTS, by Senator D. Liljenquist, with the following amendments:

1. Page 2, Lines 50 through 54:

50 (ii) upon reemployment after the break in service under  
Subsection (3)(b)(i), the retiree

51 does not receive any employer provided benefits, including:

52 (A) medical benefits;

53 (B) dental benefits;

54 (C) other insurance benefits { ~~of any kind~~ } except for  
workers' compensation as provided under Title 34A, Chapter 2,  
Workers' Compensation Act and withholdings required by federal or  
state law for Social Security, Medicare, and unemployment insurance ;  
 or

2. Page 3, Lines 61 through 64:

61 (c) Beginning January 1, 2013, the board shall adjust the  
amount under Subsection

62 { ~~(3)(b)(ii)(A)~~ } (3)(b)(iii)(A) by the annual change in  
the Consumer Price Index during the previous calendar

63 year as measured by a United States Bureau of Labor Statistics  
Consumer Price Index average

64 as determined by the board. ; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 308**, AMENDMENTS TO PUBLIC EMPLOYEE'S BENEFIT AND INSURANCE PROGRAM, by Senator D. Liljenquist, with the following amendments:

1. Page 1, Lines 25 through 27:

25       ▶ provides that reemployment restrictions for a person  
who begins reemployment

26 after July 1, 2010, do not apply to employment as an elected official  
{-except an

27 elected sheriff-} if the elected position is not full-time ;

2. Page 22, Lines 666 through 668:

666       (b) (i) {~~Except as provided in Subsection (1)(b)(ii),~~  
~~this~~ } This section does not apply to

667 employment as an elected official if the elected official's position  
is not full-time as certified by the participating employer .

668       (ii) The provisions of this section apply to an elected  
{-sheriff} official whose elected position is full-time as  
certified by the participating employer .

3. Page 23, Lines 687 through 691:

687       (iii) of any election by the retiree under Subsection (4).

(b) A participating employer shall certify to the office whether the  
position of an elected official is full-time or is not full-time.

688       {-(b)-}       (c) A participating employer is liable to the  
office for a payment or failure to make a

689 payment in violation of this section.

690       {-(e)-}       (d) If a participating employer fails to notify  
the office in accordance with this section,

691 the participating employer is immediately subject to a compliance  
audit by the office.

- 4. Page 59, Line 1823:

1823 (b) the date the eligible employee { ~~is no longer~~  
~~disabled~~ } no longer has a disability ;

Daniel R. Liljenquist, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: February 15, 2011

The Business and Labor Committee reports a favorable recommendation on **S.C.R. 13, ROTARY CLUB CONCURRENT RESOLUTION**, by Senator G. Davis, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

- 1. Page 1, Lines 18 through 24:

18 WHEREAS, the Sugar House Rotary Club was chartered in  
 19 1936 and has consistently

20 provided a venue for community service for business and  
 professional people in the Sugar

21 House community; {–

22 ~~WHEREAS, the Sugar House Rotary Club was the second Club  
 established in Utah;–}~~

23

WHEREAS, the Sugar House Rotary Club has been known as the  
 Sweetest Club in all

24 of Rotary;

WHEREAS, the Sugar House Rotary Club has been host to  
 many Rotarians from

John L. Valentine, Chair

Mr. President: February 14, 2011

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 90, BOARD OF PARDONS RETIREMENT**

AMENDMENTS, by Senator D. Liljenquist, and recommends it be considered read for the second time and placed on the Consent Calendar.

Daniel R. Liljenquist, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

### INTRODUCTION OF BILLS

**S.B. 238, Verification of Employment Status** (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

**S.C.R. 14, Concurrent Resolution Honoring Providers of Health Care Services to Military Personnel and Their Dependents** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.J.R. 25, Federal Law Joint Resolution** (J. Valentine), was read the first time by short title and referred to the Rules Committee.

### CONSENT CALENDAR

On motion of Senator Bramble, the circle was removed from **S.J.R. 14, COMMUNICATIONS DEVICE USAGE JOINT RESOLUTION**, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	J. Stevenson	Stowell
Urquhart	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Liljenquist	Madsen	Niederhauser	H. Stephenson
Thatcher	Valentine		

**S.J.R. 14** was transmitted to the House for consideration.

### THIRD READING CALENDAR

On motion of Senator Jenkins, **S.B. 145, UTAH EDUCATIONAL SAVINGS PLAN AMENDMENTS**, was read the third time and circled.

\* \* \*

On motion of Senator Buttars, the circle was removed from **S.B. 110**, DRIVER LICENSE SUSPENSION AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

- 1. Page 1, Lines 13 through 15

13       ▶       provides that the division may not assess points against a person’s driving record for

14       a       conviction   of       {~~a~~}   certain       traffic  
      {~~violation~~}   violations   that occurred in another state and that  
      {~~was~~}       were

15   committed on or after July 1, 2011; and

- 2. Page 3, Lines 76 through 79:

76    (iii) {~~The~~ } Except as provided in Subsection (4)(b)(iv), the division may not assess points against a person’s driving record for a

77    conviction of a traffic violation:

78    (A) that occurred in another state; and

79    (B) that was committed on or after July 1, 2011.

(iv) The provisions of Subsection (4)(b)(iii) do not apply to:

(A) a reckless or impaired driving violation;

(B) a moving traffic violation that causes or contributes to a motor vehicle traffic accident that results in death or injury to another person or serious property damage; or

(C) an offense committed in another state which, if committed within Utah, would result in the mandatory suspension or revocation of a license upon conviction under Section 53-3-220.

Senator Buttars’ motion to amend passed on a voice vote. Senators Hillyard and Dayton commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins

Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Jones	Liljenquist	Valentine
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**S.B. 110** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Stowell, the circle was removed from **2nd Sub. S.B. 108**, JOINT USE OF A CANAL OR DITCH, and it was before the Senate. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 1, Line 9

9 This bill requires a person to negotiate in good faith to form a written contract before the use or

2. Page 1, Lines 13 through 19:

13 ► requires a person to negotiate in good faith to form a written contract before the use or

14 enlargement of another person's canal or ditch to convey water;

15 ► prohibits a person seeking to use or enlarge another person's canal or ditch from

16 relying on the ~~{right-of-way}~~ right-of-way provisions of Section 73-1-6 unless the person has, after

17 negotiating in good faith, failed to enter into a written contract;

18 ► describes certain obligations of a person using another person's canal or ditch unless

19 otherwise agreed to by written contract; and

3. Page 2, Lines 32 through 40:

32 (1) When [any] a person with no existing shareholder or contractual rights in the canal or ditch described in this Subsection (1) desires to convey water for irrigation or any other beneficial



33 purpose and there is a canal or ditch already constructed that can be used or enlarged to convey

34 the required quantity of water, [~~sueh~~] the person [~~shall have the right to~~] may use or enlarge

35 [~~sueh~~] the canal or ditch already constructed [~~, by compensating~~] if:

36 (a) the canal or ditch can be:

37 (i) used without displacing current users or exceeding free board capacity; or

38 (ii) enlarged to convey the required quantity of water necessary to deliver all water

39 authorized for delivery to {~~existing~~} authorized users of the canal or ditch, provide adequate free board

40 capacity, and carry the additional quantity of water requested by the person;

4. Page 3, Line 58:

58 seeking to use or enlarge the canal or ditch shall negotiate in good faith to enter into a written contract

5. Page 3, Lines 64 through 74:

64 (5) A person seeking to use or enlarge a canal or ditch in accordance with this section

65 may not rely on the {~~right of way~~} right-of-way provisions of Section 73-1-6 against:

66 (a) an owner of the canal or ditch unless the person has:

67 (i) attempted in good faith to enter into a written contract pursuant to Subsection 4(a); and

68 (ii) failed to enter into a written contract; and

69 (b) a landowner whose land is encumbered by an easement related to the canal or ditch

70 if the carrying of additional water will expand the scope of the easement unless the person has:

71 (i) attempted in good faith to enter into a written contract pursuant to Subsection (4)(b); and

72 (ii) failed to enter into a written contract.

73 (6) Unless otherwise agreed to in the written contract referenced in Subsection (4)(a), a person

74 using an existing canal or ditch under this section:

Senator Stowell's motion to amend passed on a voice vote. Senator Valentine commented. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Jones	Liljenquist	H. Stephenson
Urquhart			

**2nd Sub. S.B. 108** was transmitted to the House for consideration.

### TIME CERTAIN CALENDAR

On motion of Senator Christensen, under suspension of the rules, **S.C.R. 15**, DELISTING OF WOLVES CONCURRENT RESOLUTION, was considered read the second and third times. Senator Christensen explained the bill. Senators Davis, Jenkins, Dayton, and Buttars commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative was:** Senator Romero

**Absent or not voting were:** Senators  
Jones Thatcher

**S.C.R. 15** was transmitted to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 16, 2011

The House passed, as amended, **H.C.R. 2**, UTAH STATE FLAG CONCURRENT RESOLUTION, by Representative Julie Fisher, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Madsen, the Senate voted to lift **H.C.R. 2**, UTAH STATE FLAG CONCURRENT RESOLUTION, from the Rules Committee and place it at the top of the Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Madsen, under suspension of the rules, **H.C.R. 2**, UTAH STATE FLAG CONCURRENT RESOLUTION, was considered read the second and third times. Senator Jenkins commented and the bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators  
Christensen Hillyard Jones

**H.C.R. 2** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

### SPECIAL RECOGNITION

A citation was read honoring Latino soldiers from the State of Utah. Senators Romero, Davis, and Robles commented.

### THIRD READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from **S.B. 145**, UTAH EDUCATIONAL SAVINGS PLAN AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	H. Stephenson
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**S.B. 145** was transmitted to the House for consideration.

\* \* \*

**S.R. 1**, SENATE RULES RESOLUTION – SENATE RULES RECODIFICATION, was read the third time and explained by Senator Dayton.

Senator Dayton proposed the following amendment:

1. Page 24, Lines 729 through 730:

729     (3) In carrying out its functions and responsibilities under this rule, the Senate Rules

730     Committee may not amend ~~(or)~~ a Substitute or table legislation without the written consent of the sponsor.

Senator Dayton's motion to amend passed on a voice vote. Senators Valentine and Romero commented and the bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Hillyard	Robles
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**S.R. 1** was signed by the President and sent to staff for enrolling.

\* \* \*

On motion of Senator Jenkins, **S.B. 143**, JUDICIARY AMENDMENTS, was read the third time and circled.

\* \* \*

**S.B. 130**, SURPLUS PROPERTY AMENDMENTS, was read the third time, explained by Senator Reid, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Hillyard	Madsen	Niederhauser
Stowell			

**S.B. 130** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 128**, REGULATORY AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Hillyard	Madsen
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**S.B. 128** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Bramble, **H.B. 28**, PENALTIES FOR UNAUTHORIZED USE OF RECORDS, was read the second time and circled.

\* \* \*

**1st Sub. H.B. 34**, DEPARTMENT OF TRANSPORTATION SETTLEMENT AGREEMENT AMENDMENTS, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Davis	Hillyard	Madsen
Morgan			

\* \* \*

**H.B. 45**, VEHICLE IMPOUND AMENDMENTS, was read the second time. Senator Reid explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Christensen	Hillyard	Madsen
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\* \* \*

**H.B. 206, SPECIAL GROUP LICENSE PLATE AMENDMENTS**, was read the second time. Senator Van Tassell explained the bill.

Senator McAdams proposed the following amendment:

1. Page 4, Lines 93 through 97b  
Senate Committee Amendments  
2-4-2011

93 (ii) beginning on {~~July 1, 2011~~ } January 1, 2012 ,  
and for the issuance of a support special group license

94 plate authorized in Section 41-1a-422, at least \$~~1,000~~ 500  
←\$ completed applications for the

94a new type of

95 support special group license plate to be issued with all fees  
required under this part for the

96 support special group license plate issuance paid by each applicant.

97 (b) (i) ~~It~~ → Beginning on {~~July 1, 2011~~ } January 1,  
2012 , each participating organization shall collect and

97a hold applications for support special group license plates  
authorized in Section 41-1a-422 on or

97b after {~~July 1, 2011~~ } January 1, 2012 , until it has  
received at least \$~~1,000~~ 500 ←\$ applications.

2. Page 4, Lines 97g through 99a
  - a. Senate Committee Amendments]
  - b. 2-4-2011:

97g (iii) ~~←~~ ~~H~~ Beginning on {~~July 1, 2011~~ } ~~January 1, 2012~~ , the division may not work on the issuance or design

98 of a new support special group license plate authorized in Section 41-1a-422 until the

99 applications and fees required under ~~H~~ → [Subsection (2)(a)(ii)] this Subsection (2) ~~←~~ ~~H~~ have

99a been received by the division.

3. Page 4, Lines 100 through 102a  
Senate Committee Amendments  
2-4-2011:

100 ~~H~~ → [(ii)] (iv) ~~←~~ ~~H~~ The division shall begin issuance of a new support special group license

100a plate

101 authorized in Section 41-1a-422 on or after {~~July 1, 2011~~ } ~~January 1, 2012~~ , no later than six months after

102 receiving the applications and fees required under ~~H~~ → [Subsection (2)(a)(ii)]

102a this Subsection (2) ~~←~~ ~~H~~ .

4. Page 5, Lines 124 through 130a  
Senate Committee Amendments  
2-4-2011:

124 [(ii) ~~issue the new type of special group license plates.~~]

125 (3) (a) Beginning on July 1, 2011, if a support special group license plate type

126 authorized in Section 41-1a-422 and issued prior to {~~July 1, 2011~~ } ~~January 1, 2012~~ , has less than 500 license

127 plates issued ~~H~~ → each year ~~←~~ ~~H~~ for a three consecutive year time period that begins on July 1, the

127a division may

128 not issue that type of support special group license plate to a new applicant beginning on

129 January 1 of the following calendar year after the three consecutive year period for which that



130 type of support special group license plate has less than 500 license plates issued

130a  $\hat{H} \rightarrow$  each year  $\leftarrow \hat{H}$  .

- 5. Page 5, Lines 136 through 137a  
Senate Committee Amendments  
2-4-2011:

136 (4) (a) Beginning on July 1, 2011, if a support special group license plate type

137 authorized in Section  $\hat{H} \rightarrow$  [~~41-1a-122~~] 41-1a-422  $\leftarrow \hat{H}$  and issued on or after {~~July 1, 2011~~} January 1, 2012 , has less

137a than  $\hat{S} \rightarrow$  [~~1,000~~] 500  $\leftarrow \hat{S}$  license

Senator McAdams' motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell		

**Absent or not voting were:** Senators

Buttars	Christensen	Hillyard	Madsen
Morgan	Robles	Waddoups	

\* \* \*

On motion of Senator Jenkins, and at 11:45 a.m., the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:15 p.m., with President Waddoups presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 16, 2011

The House passed, **S.B. 49**, OVERSIGHT OF BONDING BY COUNTIES, by Senator J. Stevenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 98**, SECURITIES RELATED AMENDMENTS, by Senator B. McAdams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 104**, PROBATE LAW AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 106**, SEXUAL EXPLOITATION AMENDMENTS, by Senator D. Hinkins, and it is transmitted for the signature of the President; and

The House passed, **S.B. 114**, MUNICIPAL PROSECUTORIAL DISCRETION, by Senator D. Thatcher, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 123**, RESTRICTIONS ON LOBBYING EXPENDITURES – PUBLIC EDUCATION, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 3**, CONCURRENT RESOLUTION SUPPORTING CONTINUED FEDERAL FUNDING OF THE CENTRAL UTAH PROJECT, by Senator R. Okerlund, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 4**, JOINT RESOLUTION APPROVING SCENIC BYWAY CORRIDOR MANAGEMENT PLAN, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 16, 2011

The House adopted the Joint Conference Committee Report dated February 14, 2011, and passed **H.B. 23**, CONTROLLED SUBSTANCE MODIFICATIONS, by Representative G. Froerer, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

February 16, 2011

The House passed, as amended, **H.B. 107**, VOLUNTEER FIREFIGHTERS' RETIREMENT AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President:

February 16, 2011

The House passed, as amended, **S.B. 24**, MOTOR VEHICLE DIVISION FEE AMENDMENTS, by Senator K. Van Tassell, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 126**, LOCAL DISTRICT SERVICE AMENDMENTS, by Senator J. S. Adams, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

\* \* \*

Mr. President:

February 16, 2011

The House refused to concur with the Senate Amendments to **1st Sub. H.B. 19**, INSURANCE LAW RELATED AMENDMENTS, by Representative J. Dunnigan, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Adams, the Senate voted to refuse to recede from its amendments to **1st Sub. H.B. 19**. President Waddoups appointed a conference

committee consisting of Senators Adams, Niederhauser, and Mayne to meet with a like committee from the House.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 16, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and Labor Committee**

- 1st Sub. H.B. 61** Home Business Workers' Compensation Amendments  
(Rep. R. Barrus) (Sen. S. Urquhart)
- 1st Sub. H.B. 212** Charges by Health Providers for Medical Records  
(Rep. F. Gibson) (Sen. J. Valentine)
- H.B. 251** Alarm System Amendments (Rep. L. Hemingway)  
(Sen. P. Jones)

#### **Education Committee**

- H.B. 199** Advertisements on School Buses (Rep. J. Bird)  
(Sen. M. Waddoups)
- H.B. 220** Civics Education Amendments (Rep. M. Morley)  
(Sen. M. Madsen)

#### **Government Operations and Political Subdivisions Committee**

- S.J.R. 25** Federal Law Joint Resolution (Sen. J. Valentine)

#### **Health and Human Services Committee**

- S.C.R. 14** Concurrent Resolution Honoring Providers of Health Care  
Services to Military Personnel and Their Dependents  
(Sen. J. S. Adams)

#### **Judiciary, Law Enforcement, and Criminal Justice Committee**

- S.B. 60** Pilot Accountability Permit Program and Identity Related  
Amendments (Sen. L. Robles)
- S.B. 238** Verification of Employment Status (Sen. D. Hinkins)
- H.B. 266** Restitution Amendments (Rep. D. Clark)  
(Sen. S. Urquhart)
- H.C.R. 1** Concurrent Resolution Urging Congress to Address  
Employment Related Child Identity Theft  
(Rep. S. Duckworth) (Sen. M. Madsen)

#### **Transportation, Public Utilities and Technology Committee**

- 1st Sub. H.B. 221** Classic Car Inspections (Rep. F. Cox) (Sen. K. Mayne)

**H.B. 252** Railroad and Railroad Crossing Amendments  
(Rep. R. Greenwood) (Sen. J. Valentine)

Margaret Dayton  
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

**STANDING COMMITTEE REPORTS**

Mr. President: February 16, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 212**, JUDICIAL EVALUATION AMENDMENTS, by Senator D. C. Buttars, be replaced and favorably recommends **1st Sub. S.B. 212**, JUDICIAL EVALUATION AMENDMENTS with the following amendments:

- 1. Page 16, Lines 483 through 486:

483 (b) the judge receive a minimum score on the judicial performance survey as follows:

484 (i) an average score of [~~at least a 3.0~~] no less than  
{~~-67%~~} 65% on [~~at least 80% of the~~

485 questions, ~~excluding litigant respondents, for questions scored on the numerical scale~~] each

486 survey category as provided in Subsection 78A-12-204(7); and

Mark B. Madsen, Chair

Mr. President: February 16, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 85**, LEGAL NOTICE AMENDMENTS, by Senator S. Urquhart, with the following amendments:

- 1. Page 1, Lines 15 through 16:

15 ► requires a newspaper that publishes a legal notice in the newspaper to publish the

16 legal notice on a public legal notice website at no additional cost.

- 2. Page 2, Lines 51 through 52:

51 (e) "Public legal notice website" means the website described in Subsection (2)(b) for the

- 52 purpose of publishing a legal notice online.
3. Page 3, Lines 63 through 68:
- 63 ~~[(B)]~~ (b) on a public legal notice website established by the  
 64 [collective] combined efforts of  
 65 Utah's newspapers[-] that collectively distribute newspapers to the  
majority of newspaper  
 66 subscribers in the state.
- 66 (3) The public legal notice website shall:
- 67 (a) be available for viewing and searching by the general public,  
free of charge; and
- 68 (b) accept legal notice posting from any newspaper in the state.
4. Page 3, Lines 85 through 88:
- 85 (5) If legal notice is required by law to be published in a  
newspaper, the newspaper:
- 86 (a) may not charge more for publication than the newspaper's  
average advertisement  
 87 rate; and
- 88 (b) shall publish the legal notice on the public legal notice  
website at no additional cost.
5. Page 4, Lines 91 through 93:
- 91 (a) charge more than 50% of the newspaper's average  
advertisement rate to publish  
 92 legal notice on the public legal notice website; or  
 93 (b) require the legal notice to be published in the newspaper.  
 ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.C.R. 8**, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY LANDFILL PERMIT, by Senator W. Niederhauser.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

**INTRODUCTION OF BILLS**

**S.B. 208, Construction Contract Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 216, Oversight of Public Funds** (M. Madsen), was read the first time by short title and referred to the Rules Committee.

**S.B. 262, Tobacco Products Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 270, Modifications to Sales and Use Tax** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**SECOND READING CALENDAR**

**H.B. 64, HUMAN BLOOD PROCUREMENT AND USE**, was read the second time. Senator Jones explained the bill. Senators Mayne and Niederhauser commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Madsen
H. Stephenson	Stowell		

\* \* \*

**H.B. 56, EXPUNGEMENT AMENDMENTS**, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones

Knudson	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Buttars	Liljenquist	Madsen
H. Stephenson	Stowell		

\* \* \*

On motion of Senator Hillyard, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Hillyard, the circle was removed from **S.B. 143**, JUDICIARY AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Stowell	Urquhart
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**S.B. 143** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Dayton, **H.B. 192**, CONTROLLED SUBSTANCES ADVISORY COMMITTEE AMENDMENTS, was read the second time and circled.

\* \* \*

**2nd Sub. H.B. 46**, COUNTY RECORDER AMENDMENTS, was read the second time. Senator Adams explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:



**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Stowell	Thatcher
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\* \* \*

On motion of Senator Dayton, **H.B. 35**, SALES AND USE TAX ACT REVISIONS, was read the second time and circled.

\* \* \*

On motion of Senator Dayton, **H.B. 211**, COMMUNITY SERVICE MEDICAID PILOT PROGRAM, was read the second time and circled.

\* \* \*

**H.B. 214**, CONCEALED FIREARM PERMIT FEES, was read the second time. Senator Madsen explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Buttars	Stowell
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\* \* \*

On motion of Senator Valentine, **H.B. 60**, PROHIBITING CONTRIBUTIONS DURING SPECIAL SESSION, was read the second time and circled.

\* \* \*

**1st Sub. H.B. 208**, ADMINISTRATIVE SERVICES AMENDMENTS, was read the second time. Senator Mayne explained the bill. Senators Jenkins and Robles commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Niederhauser	Stowell
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\* \* \*

**2nd Sub. H.B. 18**, HEALTH REFORM – COST CONTAINMENT, was read the second time. Senator Liljenquist explained the bill.

Senator Liljenquist proposed the following amendment:

1. Page 3, Line 70  
Senate Committee Amendments  
2–9–2011

70 (A) before ~~§~~ → [June 30, 2011] the end of the 2011 open enrollment period ← ~~§~~ for current enrollees

Senator Liljenquist's motion to amend passed on a voice vote. Senators Niederhauser, Davis, Jones, and Okerlund commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	H. Stephenson	J. Stevenson
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Davis	Romero
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**Absent or not voting were:** Senators

Buttars	Stowell	Thatcher
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\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 211**, COMMUNITY SERVICE MEDICAID PILOT PROGRAM, and it was before the Senate. Senator Bramble explained the bill. Senators Robles, Valentine, Jones, Romero, Davis, Mayne, Madsen, Morgan, and Jenkins commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 5; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Mayne	Morgan
Okerlund	Reid	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Davis	Jones	McAdams	Robles
Romero			

**Absent or not voting were:** Senators

Buttars	Niederhauser
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\* \* \*

**H.B. 198**, TOBACCO RELATED PENALTY AMENDMENTS, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Buttars	Niederhauser
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\* \* \*

**H.B. 201**, TOBACCO LICENSING AMENDMENTS, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Niederhauser
Urquhart			

\* \* \*

On motion of Senator Hinkins, **H.B. 193**, PUBLIC HIGHWAY DESIGNATION, was read the second time and circled.

\* \* \*

On motion of Senator Hillyard, and at 3:30 p.m., the Senate sauntered.

The Senate was called to order at 3:50 p.m., with President Waddoups presiding.

**SECOND READING CALENDAR**

On motion of Senator Dayton, **1st Sub. H.B. 32**, CAMPAIGN AND FINANCIAL REPORTING AMENDMENTS, was read the second time and circled.

\* \* \*

On motion of Senator Niederhauser, **H.B. 203**, CODIFICATION OF STATE CONSTRUCTION AND FIRE CODES, was read the second time and circled.

\* \* \*

On motion of Senator Niederhauser, **H.B. 52**, LIMITATION OF ACTIONS – CRIMINAL OFFENSES, was read the second time and circled.

\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 60**, PROHIBITING CONTRIBUTIONS DURING SPECIAL SESSION, and it was before the Senate. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Madsen
McAdams	Robles	Urquhart	

\* \* \*

**H.B. 202**, DEATH PENALTY PROCEDURES AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Robles	H. Stephenson
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\* \* \*

**H.B. 10, RENEWAL OF JUDGMENT ACT,** was read the second time. Senator Niederhauser explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.****Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Buttars	Liljenquist
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**H.B. 71, VICTIM RIGHTS AMENDMENTS** was read the second time. Senator Stevenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan

Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Liljenquist
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\* \* \*

**H.B. 31, RESTORATION OF THE RIGHT TO VOTE AND HOLD ELECTIVE OFFICE,** was read the second time. Senator Knudson explained the bill. Senator Thatcher commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 1; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative was:** Senator

Jenkins

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard
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\* \* \*

On motion of Senator Niederhauser, **H.B. 33, ELECTION LAW REVISIONS,** was read the second time and circled.

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On motion of Senator Niederhauser, **H.B. 248, COUNTY OFFICE VACANCIES,** was read the second time and circled.

\* \* \*

**H.B. 196, CONTINUING EDUCATION REQUIREMENTS FOR LANDSCAPE ARCHITECTS,** was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Hillyard	Madsen	Stowell
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\* \* \*

**H.B. 237, ENFORCEMENT OF LIENS**, was read the second time. Senator Adams explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Stowell
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\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 28, PENALTIES FOR UNAUTHORIZED USE OF RECORDS**, and it was before the Senate. Senator Bramble explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins



Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Jones	Niederhauser	Thatcher
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On motion of Senator Adams, the circle was removed from **H.B. 52**, LIMITATION OF ACTIONS – CRIMINAL OFFENSES, and it was before the Senate. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Jones	Niederhauser
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On motion of Senator Adams, the circle was removed from **H.B. 203**, CODIFICATIONS OF STATE CONSTRUCTION AND FIRE CODES, and it was before the Senate. Senator Adams explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid

Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Jones	Niederhauser	Robles
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**S.B. 146, IMPACT FEE AMENDMENTS**, was read the first and second time. Senator Stevenson explained the bill.

Senator Stevenson proposed the following amendment:

1. Page 37, Line 1134

1134    (3) (a) Subject to the time limitations described in Section  
 {~~17~~ }    11    ~~-36a-702~~ and procedures

Senator Stevenson’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Jenkins	Knudson
Liljenquist	Mayne	McAdams	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Hinkins	Jones	Madsen
Niederhauser			

\* \* \*

**S.J.R. 12, JOINT RESOLUTION – IMMIGRATION**, was read the second time. Senator Reid explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Jenkins	Knudson

Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Hinkins	Jones	Madsen
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On motion of Senator Stevenson, the circle was removed from **S.B. 50, ENHANCED PENALTIES FOR HIV POSITIVE OFFENDER AMENDMENTS**, and it was before the Senate. Senator Stevenson explained the bill.

On motion of Senator Stevenson, the following substitute bill replaced the original bill:

**1st Sub. S.B. 50 Enhanced Penalties for HIV Positive Offender Amendments** (J. Stevenson)

The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Jones
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**S.B. 132, SALES AND USE TAX EXEMPTION FOR AN ENERGY EFFICIENT STOVE OR ENERGY EFFICIENT STOVE FUEL**, was read the second time. Senator Davis explained the bill. Senator Christensen commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 3; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Dayton	Jenkins	H. Stephenson
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**Absent or not voting was:** Senator

Buttars

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**S.B. 63, K-3 READING IMPROVEMENT PROGRAM ACCOUNTABILITY**, was read the second time. Senator Morgan explained the bill.

Senator Morgan proposed the following amendment:

- 1. Page 4, Line 115 through Page 5, Line 126

115 (12) (a) [~~Each~~] A school district [~~and~~] or charter school shall use program [~~monies~~]

116 money for reading proficiency improvement in grades kindergarten through grade three {~~-~~.

117 ~~(b) A school district or charter school may use program money for: }~~ } , including:

118 (i) reading assessments; and

119 (ii) focused reading remediations that may include:

120 (A) the use of reading specialists;

121 (B) tutoring;

122 (C) before or after school programs;

123 (D) summer school programs; or

124 (E) the use of reading software {~~technology~~ } .

125 {~~—~~} (b) {~~—~~} {~~(c)~~ } Program [monies]  
money may not be used to supplant funds for existing

126 programs, but may be used to augment existing programs.

2. Page 5, Lines 130 through 132:

130 (b) On or before the November meeting of the Education  
Interim Committee of each

131 year, the State Board of Education shall report a summary of  
the reading improvement program expenditures of each

132 school district and charter school.

Senator Morgan’s motion to amend passed on a voice vote. Senators Stephenson and Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Buttars
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\* \* \*

On motion of Senator Dayton, **S.B. 147**, FORGERY LAW AMENDMENTS, was read the second time and circled.

\* \* \*

**S.B. 45**, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, was read the second time. Senator Romero explained the bill. Senator Niederhauser commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 7; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hillyard	Hinkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	J. Stevenson	Urquhart	Van Tassell

**Voting in the negative were:** Senators

Dayton	Jenkins	Liljenquist	H. Stephenson
Stowell	Thatcher	Waddoups	

**Absent or not voting were:** Senators

Buttars	Valentine
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\* \* \*

On motion of Senator Niederhauser, the circle was removed from **H.B. 33**, ELECTION LAW REVISIONS, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	McAdams	Robles	Valentine
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On motion of Senator Jenkins and at 5:05 p.m., the Senate adjourned until 9:30 a.m., Thursday, February 17, 2011.

# TWENTY-FIFTH DAY

## MORNING SESSION

**February 17, 2011**

The Senate was called to order at 9:30 a.m., with President Michael Waddoups presiding.

**Prayer** – Leslie McLean

**Pledge of Allegiance** – Senator Chris Buttars

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 16, 2011

The House passed, as substituted and amended, **1st Sub. H.B. 74**, MUNICIPAL JUSTICE COURT JUDGE ELECTIONS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 83**, CHARTER SCHOOL REVOLVING ACCOUNT, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 84**, OFFICE OF INSPECTOR GENERAL OF MEDICAID SERVICES, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.B. 262**, DIVIDED SCHOOL DISTRICT ASSETS AND LIABILITIES, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.C.R. 3**, CONCURRENT RESOLUTION URGING CONGRESS TO PASS BALANCED BUDGET AMENDMENT TO U.S. CONSTITUTION, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 5**, PATIENT AND SAFETY-CENTERED PRESCRIPTION LABELS CONCURRENT RESOLUTION, by Representative M. Poulson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **4th Sub. H.J.R. 12**, JOINT RESOLUTION ON JOINT RULES CHANGES, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President:

February 16, 2011

The Speaker of the House has appointed a Conference Committee consisting of Representatives J. Dunnigan, T. Kiser, and J. Biskupski to meet with a like committee from the Senate to consider or amend **1st Sub. H.B. 19**, INSURANCE LAW RELATED AMENDMENTS, by Representative J. Dunnigan.

Sandy D. Tenney, Chief Clerk

### INTRODUCTION OF BILLS

**S.B. 77, Ignition Interlock System Amendments** (J. Valentine), was read the first time by short title and referred to the Rules Committee.

**S.B. 198, Division of Housing and Community Development Amendments** (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

**S.B. 204, Capital Development and Improvement Process Approval Requirements Amendments** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.B. 248, Controlled Substance Database Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 251, Lobbyist Training** (M. Waddoups), was read the first time by short title and referred to the Rules Committee.

**S.B. 276, Personal Property Audits** (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

**S.J.R. 24, Joint Resolution Supporting Expansion of Correctional Facilities in San Juan County** (D. Hinkins), was read the first time by short title and referred to the Rules Committee.



**CONSENT CALENDAR**

**2nd Sub. H.B. 207, JUVENILE AMENDMENTS**, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Dayton
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Waddoups

**Absent or not voting were:** Senators

Adams	Davis	Jenkins	Madsen
Van Tassell			

**2nd Sub. H.B. 207** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 247, WATER DEVELOPMENT AMENDMENTS**, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Waddoups	

**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Madsen
Morgan	Van Tassell		

**H.B. 247** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.C.R. 4, WILD HORSE AND BURRO ADVISORY BOARD CONCURRENT RESOLUTION**, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Madsen
Morgan			

**H.C.R. 4** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**S.B. 92, PRIVATE SECURITY SERVICES**, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Madsen
Morgan			

**S.B. 92** was transmitted to the House for consideration.

\* \* \*

**1st Sub. H.B. 40**, BONDING REQUIREMENTS FOR GOVERNMENT OFFICERS AND EMPLOYEES, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Liljenquist	Mayne	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Madsen
McAdams	Morgan		

**1st Sub. H.B. 40** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 190**, DELINQUENT PROPERTY TAX AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hillyard	Jenkins	Madsen	McAdams
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**1st Sub. H.B. 190** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

### CONCURRENCE CALENDAR

On motion of Senator Van Tassell, the Senate voted to concur in the House amendments to **S.B. 24**, MOTOR VEHICLE DIVISION FEE AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Mayne
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Jenkins	Madsen	McAdams
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**S.B. 24** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Adams, the Senate voted to concur in the House amendments to **S.B. 126**, LOCAL DISTRICT SERVICE AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator

Madsen

**S.B. 126** was returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

**1st Sub. H.B. 34**, DEPARTMENT OF TRANSPORTATION SETTLEMENT AGREEMENT AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Jenkins	Madsen
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**1st Sub. H.B. 34** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 45**, VEHICLE IMPOUND AMENDMENTS, was read the third time, explained by Senator Reid, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator

Madsen
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**H.B. 45**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 206**, SPECIAL GROUP LICENSE PLATE AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Madsen

**H.B. 206**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 64**, HUMAN BLOOD PROCUREMENT AND USE, was read the third time, explained by Senator Jones, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Madsen

**H.B. 64** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 56**, EXPUNGEMENT AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Madsen	Niederhauser	Robles
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**H.B. 56** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator McAdams, **2nd Sub. H.B. 46**, COUNTY RECORDER AMENDMENTS, was read the third time and circled.

\* \* \*

On motion of Senator Dayton, **H.B. 214**, CONCEALED FIREARM PERMIT FEES, was read the third time and circled.

\* \* \*

**1st Sub. H.B. 208**, ADMINISTRATIVE SERVICES AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams

Morgan	Okerlund	Reid	Robles
Romero	Stowell	Thatcher	Urquhart
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Madsen	Niederhauser
H. Stephenson	J. Stevenson	Valentine	

**1st Sub. H.B. 208**, as amended, was returned to the House for further consideration.

\* \* \*

**2nd Sub. H.B. 18**, HEALTH REFORM – COST CONTAINMENT, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Van Tassell		

**Absent or not voting were:** Senators

Madsen	Valentine	Waddoups
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**2nd Sub. H.B. 18**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 211**, COMMUNITY SERVICE MEDICAID PILOT PROGRAM, was read the third time and explained by Senator Bramble. Senator Buttars commented and the bill passed on the following roll call:

**Yeas, 25; Nays, 3; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins



Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Davis	Robles	Romero
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**Absent or not voting was:** Senator

Valentine

**H.B. 211** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

February 17, 2011

The House passed **H.C.R. 11**, CONCURRENT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF SALT LAKE ROTARY, by Representative P. Arent, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was read the first time by short title and referred to the Rules Committee.

**TIME CERTAIN CALENDAR**

On motion of Senator Bramble, under suspension of the rules, **S.C.R. 6**, CONCURRENT RESOLUTION HONORING THE SORENSON LEGACY FOUNDATION, was considered read the second and third times. Senator Bramble explained the bill. Senators Valentine, Hillyard, Jones, Christensen, Morgan, Buttars, Urquhart, Dayton, Robles and Waddoups commented. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.****Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
H. Stephenson

**S.C.R. 6** was transmitted to the House.

\* \* \*

On motion of Senator Knudson, under suspension of the rules, the Senate voted to lift **H.C.R. 11**, CONCURRENT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF SALT LAKE ROTARY, from the Rules Committee and place it at the top of the Second Reading Calendar.

### SECOND READING CALENDAR

On motion of Senator Knudson, under suspension of the rules, **H.C.R. 11**, CONCURRENT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF SALT LAKE ROTARY, was considered read the second and third times and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Thatcher
Urquhart	Valentine		

**H.C.R. 11** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

### THIRD READING CALENDAR

**H.B. 198**, TOBACCO RELATED PENALTY AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Hillyard	Thatcher
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**H.B. 198**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 201**, TOBACCO LICENSING AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	H. Stephenson
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**H.B. 201** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 60**, PROHIBITING CONTRIBUTIONS DURING SPECIAL SESSION, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Christensen
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**H.B. 60** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 202**, DEATH PENALTY PROCEDURES AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Christensen	Madsen
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**H.B. 202** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 28**, PENALTIES FOR UNAUTHORIZED USE OF RECORDS, was read the third time.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

**1st Sub. H.B. 28 Penalties for Unauthorized Use of Records**  
(R. Greenwood)

On motion of Senator Bramble, the bill was circled.

\* \* \*

**H.B. 10, RENEWAL OF JUDGMENT ACT**, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stephenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Jones	Madsen	Mayne
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**H.B. 10**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Stevenson, **H.B. 71, VICTIM RIGHTS AMENDMENTS**, was read the third time and circled.

\* \* \*

**H.B. 31, RESTORATION OF THE RIGHT TO VOTE AND HOLD ELECTIVE OFFICE**, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 21; Nays, 2; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hinkins	Jones	Knudson
Liljenquist	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
J. Stephenson	Stowell	Urquhart	Valentine
Van Tassell			

**Voting in the negative were:** Senators

Jenkins                      Thatcher

**Absent or not voting were:** Senators

Dayton                      Hillyard                      Madsen                      Mayne  
H. Stephenson              Waddoups

**H.B. 31** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 196**, CONTINUING EDUCATION REQUIREMENTS FOR LANDSCAPE ARCHITECTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 22; Nays, 5; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Hinkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Buttars                      Dayton                      Jenkins                      Madsen  
H. Stephenson

**Absent or not voting were:** Senators

Bramble                      Hillyard

**H.B. 196** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 237**, ENFORCEMENT OF LIENS, was read the third time and explained by Senator Adams.

Senator Adams proposed the following amendment:

1. Page 1, Lines 12 through 14

12       ▶       requires a notice of a lien enforcement action involving  
the sale of a    {~~motor~~}   vehicle,  
13 vessel,   {~~or~~}   outboard motor   or aircraft   to be sent to the  
last known address of the registered  
14 owner   and lienholder   , as disclosed by the records of the Motor  
Vehicle Division.

- 2. Page 2, Lines 33 through 35  
Senate Committee Amendments  
2-14-2011:

33 occupant[~~, and a~~]. If the property to be sold in an enforcement  
action includes a   {~~motor~~}   vehicle,  
34 vessel,   {~~or~~}   or   outboard motor,   as those terms are  
defined in Section 41-1a-102, or an aircraft as defined in Section  
72-10-102, the notice shall also be delivered to the last known address  
of the  
35 registered owner   ~~Ŝ~~→   and any    {~~lieholder~~}    lienholder  
←~~Ŝ~~   , as disclosed by the records of the Motor Vehicle

Senator Adams’ motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Hillyard	Liljenquist
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**H.B. 237**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 52**, LIMITATIONS OF ACTIONS – CRIMINAL OFFENSES, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**H.B. 52** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 203, CODIFICATION OF STATE CONSTRUCTION AND FIRE CODES**, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator

Hinkins

**H.B. 203**, as amended, was returned to the House for further consideration.

\* \* \*

**S.B. 146, IMPACT FEE AMENDMENTS**, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**



**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Jenkins                      Niederhauser

**S.B. 146** was transmitted to the House for consideration.

\* \* \*

**S.J.R. 12**, JOINT RESOLUTION – IMMIGRATION, was read the third time, explained by Senator Reid, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams                      Christensen                      Mayne                      McAdams  
Niederhauser

**S.J.R. 12** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Madsen, the circle was removed from **H.B. 214**, CONCEALED FIREARM PERMIT FEES, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins

Jones	Knudson	Liljenquist	Madsen
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stephenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Mayne	Niederhauser
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**H.B. 214** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. S.B. 50**, ENHANCED PENALTIES FOR HIV POSITIVE OFFENDER AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stephenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Liljenquist	Mayne	Niederhauser
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**1st Sub. S.B. 50** was transmitted to the House for consideration.

\* \* \*

**S.B. 132**, SALES AND USE TAX EXEMPTION FOR AN ENERGY EFFICIENT STOVE OR ENERGY EFFICIENT STOVE FUEL, was read the third time, explained by Senator Davis, and passed on the following roll call:

**Yeas, 22; Nays, 4; Absent, 3.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Hillyard	Hinkins	Jones	Knudson

Liljenquist	McAdams	Morgan	Okerlund
Reid	Robles	Romero	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators  
 Dayton                      Jenkins                      Madsen                      H. Stephenson

**Absent or not voting were:** Senators  
 Adams                      Mayne                      Niederhauser

**S.B. 132** was transmitted to the House for consideration.

\* \* \*

**S.B. 63, K-3 READING IMPROVEMENT PROGRAM ACCOUNTABILITY**, was read the third time. Senators Stephenson and Romero commented.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

**S.B. 45, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES**, was read the third time and explained by Senator Romero. Senator Thatcher commented and the bill passed on the following roll call:

**Yeas, 21; Nays, 4; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Hillyard
Hinkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

**Voting in the negative were:** Senators  
 Dayton                      Jenkins                      H. Stephenson                      Thatcher

**Absent or not voting were:** Senators  
 Adams                      Butters                      Liljenquist                      Valentine

**S.B. 45** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Niederhauser, and at 11:50 a.m., the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Waddoups presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 17, 2011

The Speaker of the House has signed **S.B. 126**, LOCAL DISTRICT SERVICE AMENDMENTS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 1**, CRISIS INTERVENTION TEAM PROGRAM CONCURRENT RESOLUTION, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 24**, MOTOR VEHICLE DIVISION FEE AMENDMENTS, by Senator K. Van Tassell, and it is transmitted for the signature of the President; and

The House passed, **S.B. 47**, DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 16, 2011

The House passed, as substituted and amended, **1st Sub. H.B. 75**, DANGEROUS WEAPON AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 80**, EMERGENCY MANAGEMENT, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 88**, AGRICULTURE SUSTAINABILITY TASK FORCE, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 178**, DISPATCHER SERVICE AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.J.R. 19**, JOINT RESOLUTION OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY'S REGULATION OF GREENHOUSE GASES, by Representative R. Barrus, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

The bills were considered read for the first time by short title and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 17, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and Labor Committee**

- H.B. 175** Condominium Ownership Act Modifications  
(Rep. R. Wilcox) (Sen. J. S. Adams)
- S.B. 208** Construction Contract Amendments (Sen. C. Bramble)

#### **Education Committee**

- H.B. 83** Charter School Revolving Account (Rep. G. Hughes)  
(Sen. W. Niederhauser)

#### **Government Operations and Political Subdivisions Committee**

- S.B. 204** Capital Development and Improvement Process Approval Requirements Amendments (Sen. J. S. Adams)
- S.B. 216** Oversight of Public Funds (Sen. M. Madsen)
- H.B. 262** Divided School District Assets and Liabilities  
(Rep. K. Sumsion) (Sen. M. Dayton)
- 1st Sub. H.C.R. 3** Concurrent Resolution Urging Congress to Pass Balanced Budget Amendment to U.S. Constitution  
(Rep. C. Wimmer) (Sen. M. Madsen)
- 4th Sub. H.J.R. 12** Joint Resolution on Joint Rules Changes (Rep. W. Harper)  
(Sen. M. Dayton)

**Health and Human Services Committee**

- H.C.R. 5** Patient and Safety–centered Prescription Labels  
Concurrent Resolution (Rep. M. Poulson)  
(Sen. A. Christensen)

**Judiciary, Law Enforcement, and Criminal Justice Committee**

- S.B. 248** Controlled Substance Database Amendments  
(Sen. C. Bramble)
- S.J.R. 24** Joint Resolution Supporting Expansion of Correctional  
Facilities in San Juan County (Sen. D. Hinkins)
- 1st Sub. H.B. 74** Municipal Justice Court Judge Elections  
(Rep. K. Sumsion) (Sen. M. Madsen)
- S.B. 57** Animal Control – Exception for Community Cat  
Management Initiative (Sen. D. Stowell)

**Retirement and Independent Entities Committee**

- H.B. 107** Volunteer Firefighters’ Retirement Amendments  
(Rep. R. Menlove) (Sen. D. Liljenquist)

**Revenue and Taxation Committee**

- S.B. 270** Modifications to Sales and Use Tax (Sen. J. S. Adams)
- S.B. 276** Personal Property Audits (Sen. R. Okerlund)

**Transportation, Public Utilities and Technology Committee**

- S.B. 77** Ignition Interlock System Amendments  
(Sen. J. Valentine)
- H.B. 184** Motor and Special Fuel Tax Act Amendments  
(Rep. C. Herrod) (Sen. W. Niederhauser)

**Workforce Services and Community and Economic Development Committee**

- S.B. 198** Division of Housing and Community Development  
Amendments (Sen. S. Jenkins)
- S.B. 251** Lobbyist Training (Sen. M. Waddoups)

Margaret Dayton  
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

**INTRODUCTION OF BILLS**

**S.B. 210, Utah Postsecondary Proprietary School Act Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 313, Prostate Cancer Special Group License Plate** (B. McAdams), was read the first time by short title and referred to the Rules Committee.

**THIRD READING CALENDAR**

**H.B. 33, ELECTION LAW REVISIONS**, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	McAdams
Niederhauser	Okerlund	Reid	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Madsen	Mayne	Morgan
Robles	H. Stephenson	J. Stevenson	Thatcher

**H.B. 33** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Adams, the circle was removed from **2nd Sub. H.B. 46, COUNTY RECORDER AMENDMENTS**, and it was before the Senate.

On motion of Senator Adams, the following substitute bill replaced the original bill:

**3rd Sub. H.B. 46 County Recorder Amendments** (Julie Fisher)

The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Madsen	Morgan	J. Stevenson
Thatcher			

**3rd Sub. H.B. 46**, as amended, was returned to the House for further consideration.

**SECOND READING CALENDAR**

On motion of Senator Niederhauser, **H.B. 78**, DEVELOPER FEES, was read the second time and circled.

\* \* \*

On motion of Senator Adams, **H.B. 243**, OCCUPATIONS AND PROFESSIONS AMENDMENTS, was read the second time and circled.

\* \* \*

On motion of Senator Bramble, **2nd Sub. H.B. 13**, IMMUNIZATIONS FOR TEEN MOTHERS, was read the second time and circled.

\* \* \*

On motion of Senator Jenkins, **1st Sub. H.B. 66**, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES, was read the second time and circled.

\* \* \*

On motion of Senator Valentine, **H.B. 204**, PROTECTION OF ATHLETES WITH HEAD INJURIES, was read the second time and circled.

\* \* \*

On motion of Senator Buttars, **H.B. 240**, SOCIAL SERVICES – EMPLOYMENT FIRST PRIORITY, was read the second time and circled.



\* \* \*

**H.B. 238**, RADIOLOGIC TECHNOLOGIST AND RADIOLOGY PRACTICAL TECHNICIAN LICENSING ACT, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
Stowell	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Liljenquist	Madsen	J. Stevenson	Thatcher
Urquhart			

\* \* \*

On motion of Senator Bramble, the circle was removed from **2nd Sub. H.B. 13**, IMMUNIZATIONS FOR TEEN MOTHERS, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Liljenquist	Madsen	J. Stevenson	Thatcher
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\* \* \*

On motion of Senator Adams, the circle was removed from **H.B. 243**, OCCUPATIONS AND PROFESSIONS AMENDMENTS, and it was before the

Senate. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Liljenquist	Madsen	Niederhauser	Thatcher
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\* \* \*

**H.J.R. 10**, RULES RESOLUTION ON ELECTRONIC MEETINGS, was read the second time. Senator Bramble explained the bill. Senators Dayton, Hillyard, Stephenson, Van Tassell, and Romero commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 3; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	McAdams
Niederhauser	Okerlund	Reid	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Dayton	Morgan	Romero
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**Absent or not voting were:** Senators

Liljenquist	Madsen	Robles
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\* \* \*

On motion of Senator Buttars, the circle was removed from **H.B. 240**, SOCIAL SERVICES – EMPLOYMENT FIRST PRIORITY, and it was before the

Senate. Senator Buttars explained the bill. Senator Reid declared a conflict of interest. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Hillyard	Hinkins	Madsen	Romero
Urquhart			

\* \* \*

**1st Sub. H.B. 17, ENTERPRISE ZONE AMENDMENTS,** was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Liljenquist	Madsen	Niederhauser	Thatcher
Urquhart			

On motion of Senator Stowell, **1st Sub. H.B. 17** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 204, PROTECTION OF ATHLETES WITH HEAD INJURIES,** and it was before the

Senate. Senator Valentine explained the bill. The bill passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	McAdams
Okerlund	Reid	Robles	Romero
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Davis	Liljenquist	Madsen	Morgan
Niederhauser	H. Stephenson	Thatcher	Urquhart

\* \* \*

**S.B. 64, WORKERS' COMPENSATION FUND SUBSIDIARY AMENDMENTS**, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 4; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Jenkins	Jones
Knudson	Mayne	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

McAdams	Morgan	Robles	Romero
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**Absent or not voting were:** Senators

Davis	Hinkins	Liljenquist	Madsen
Thatcher	Urquhart		

\* \* \*

**S.B. 87, MARKETABLE RECORD TITLE AMENDMENTS**, was read the second time. Senator Reid explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Dayton	Hillyard
Jenkins	Jones	Knudson	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	J. Stevenson
Stowell	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Christensen	Davis	Hinkins
Liljenquist	Madsen	H. Stephenson	Thatcher
Urquhart			

\* \* \*

On motion of Senator Niederhauser, **S.B. 89, HOMEOWNER ASSOCIATION RESERVE ACCOUNT**, was read the second time and circled.

\* \* \*

**1st Sub. S.B. 113, ELECTION DISTRICT BOUNDARIES**, was read the second time.

On motion of Senator Valentine, the following substitute bill replaced the original bill:

**3rd Sub. S.B. 113 Election District Boundaries (J. Valentine)**

Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 2; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Valentine	Van Tassell	

**Voting in the negative were:** Senators

Christensen	Waddoups
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**Absent or not voting were:** Senators

Liljenquist                      Madsen                      Thatcher                      Urquhart

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **H.B. 78**, DEVELOPER FEES, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars                      Liljenquist                      Urquhart

\* \* \*

On motion of Senator Reid, the circle was removed from **1st Sub. S.B. 139**, REVOCATION OF MOTOR VEHICLE REGISTRATION, and it was before the Senate. Senator Reid explained the bill.

Senator McAdams proposed the following amendment:

- Page 1, Lines 18 through 20  
Senate 2nd Reading Amendments  
2-11-2011

18 was issued to the registered owner of the vehicle; ~~§~~ →  
{-[-]} and {-[-]} ←~~§~~

19 • the civil parking citations are not currently being  
contested or appealed; {~~§~~ →}; and

19a • ~~the vehicle is not owned by a rental company;~~ ←~~§~~ }

20 ► provides that a municipality shall send written  
notification to the last known address

2. Page 2, Lines 37 through 39:

37 ► provides that the division shall begin revoking registrations within a specified time;

38 {~~and~~}

► provides that the registration of a vehicle owned by a rental company may not be revoked under certain circumstances; and

39 ► makes technical changes.

3. Page 4, Lines 90 through 93  
Senate 2nd Reading Amendments  
2-11-2011:

90 under Subsection (3)(a)(i) was issued to the registered owner of the vehicle; ~~§~~ → {~~+~~} and {~~+~~} ← ~~§~~

91 (iii) the civil parking citations under Subsection (3)(a)(i) are not currently being

92 contested or appealed {~~§~~ → } and

92a (iv) the vehicle is not owned by a rental company as defined in Section 31A-22-311 ← ~~§~~ } .

93 (b) (i) Before notifying the division under Subsection (3)(a), a municipality shall send

4. Page 4, Line 118 through Page 5, Line 119  
Senate 2nd Reading Amendments  
2-11-2011:

118 (B) October 1, 2011.

(f) This Subsection (3) does not apply to a vehicle owned by a rental company as defined in Section 31A-22-311.

119 [~~3~~] (4) The division may not suspend or revoke the registration of a vessel or

Senator McAdams' motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones

Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Christensen	Liljenquist	Urquhart
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\* \* \*

On motion of Senator Hillyard, **S.B. 131**, UNINCORPORATED BUSINESS ENTITY UNIFORM ACTS, was read the second time and circled.

\* \* \*

**S.B. 65**, STATEWIDE ONLINE EDUCATION PROGRAM, was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 2, Line 31

31            {~~None~~}    This bill appropriates:  
               ▶ to the State Board of Education, as an ongoing appropriation:  
                   • from the Education Fund, \$250,000.

2. Page 6, Lines 166 through 169:

166        (3) Notwithstanding Subsection (2) {~~, an eligible student~~  
may enroll in online courses for  
 167 more than the number of credits specified in Subsection (2) if the  
student's primary LEA of  
 168 enrollment agrees to pay for the additional online courses in  
accordance with Sections  
 169 53A-15-1208 through 53A-15-1210. }    ;  
               (a) a student's primary LEA of enrollment may allow an eligible  
student to enroll in online courses for more than the number of credits  
specified in Subsection (2); or  
               (b) upon the request of an eligible student, the State Board of  
Education may allow the student to enroll in online courses for more than  
the number of credits specified in Subsection (2), if the online courses  
better meet the academic goals of the student.



3. Page 7, Line 202:

202 (2) (a) The State Board of Education {~~may~~} shall  
charge a fee to apply for or maintain an

4. Page 7, Lines 206 through 210:

206 (c) (i) Fee revenues collected under this section shall  
be {~~;~~}

207 {~~;~~} deposited into the Uniform School Fund as a dedicated  
credit {~~;~~ and } .

208 (ii) {~~used by~~} Costs of the State Board of Education  
to review an application for certification or

209 monitor a certified online course provider's compliance with State  
Board of Education

210 standards {~~;~~} shall be paid from fee revenues.

5. Page 13, Lines 380 through 381:

380 (6) Section 53A-17a-162 is repealed July 1, 2012.

Section 21. Appropriation.

Under the terms and conditions of Title 63J, Chapter 1, Budgetary  
Procedures Act, the following sums of money are appropriated from  
resources not otherwise appropriated out of the funds or accounts  
indicated for the fiscal year beginning July 1, 2011 and ending June 30,  
2012. These are additions to amounts previously appropriated for fiscal  
year 2011-12.

To State Board of Education

From Education Fund

\$250,000

Schedule of Programs:

Statewide Online Education Program

\$250,000

381 Section {~~21~~} 22 . Effective date.

Senator Stephenson's motion to amend passed on a voice vote. Senators Hillyard and Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 7; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hillyard	Hinkins	Jenkins	Knudson

Madsen	McAdams	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Thatcher
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Davis	Jones	Mayne	Morgan
Robles	Romero	Stowell	

**Absent or not voting were:** Senators

Buttars	Liljenquist	Urquhart
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\* \* \*

On motion of Senator Jenkins, and at 3:50 p.m., the Senate sauntered.

The Senate was called to order at 4:00 p.m., with President Waddoups presiding.

**SECOND READING CALENDAR**

On motion of Senator Okerlund, **S.B. 149**, QUALIFICATIONS FOR THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH, was read the second time and circled.

\* \* \*

**S.B. 155**, POLITICAL SUBDIVISION'S PROCUREMENT PROCESS FOR CONSTRUCTION PROJECTS, was read the second time. Senator McAdams explained the bill.

On motion of Senator Okerlund, the following substitute bill replaced the original bill:

**1st Sub. S.B. 155 Political Subdivision's Procurement Process for Construction Projects** (B. McAdams)

Senator Okerlund commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson

Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Liljenquist
H. Stephenson	Thatcher	Urquhart	

\* \* \*

On motion of Senator Van Tassell, **S.J.R. 13**, JOINT RESOLUTION – REQUEST FOR PROPOSALS, was read the second time and circled.

\* \* \*

**S.B. 134**, TRANSPARENCY IN HEALTH CARE PROVIDER ADVERTISING, was read the second time. Senator Stevenson explained the bill.

Senator Stevenson proposed the following amendment:

1. Page 2, Lines 53 through 55

53 (4) An advertisement for a health care provider’s services that includes the health care

54 provider’s name shall identify the classification license type { ~~as used by the division.~~ } as printed on the license under which the health

55 care provider is practicing.

Senator Stevenson’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble                      Liljenquist                      McAdams                      H. Stephenson

\* \* \*

**S.C.R. 9, PHILO T. FARNSWORTH CONCURRENT RESOLUTION**, was read the second time. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

- 1. Page 3, Lines 74 through 77  
Senate Committee Amendments  
2-8-2011

74 people around the world.

75 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of

76 the United States, the members of Utah’s congressional delegation, the Farnsworth family, the Utah Travel Council, AAA, the tourism directors of each county in Utah.

77 Beaver County, and Beaver City.

Senator Stowell’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Liljenquist                      Thatcher

\* \* \*

On motion of Senator Stephenson, the circle was removed from **S.J.R. 13, JOINT RESOLUTION – REQUEST FOR PROPOSALS**, and it was before the

Senate. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Christensen	Hinkins	Liljenquist	Thatcher
-------------	---------	-------------	----------

\* \* \*

**2nd Sub. S.B. 61, EDUCATION FOR PRESCRIBING CONTROLLED SUBSTANCES,** was read the second time. Senator Jones explained the bill.

Senator Jones proposed the following amendment:

1. Page 1, Line 15,

15 with the Utah Medical Association and ~~{other medical-}~~ the applicable practitioner licensing boards, to establish

2. Page 2, Line 41:

41 education ~~{-including }~~ by :

3. Page 2, Line 49:

49 ~~{-board-}~~ boards and the recognized state continuing medical education accrediting body, shall establish

Senator Jones' motion to amend passed on a voice vote. Senator Bramble commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins

Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble                      H. Stephenson

\* \* \*

On motion of Senator Urquhart, **S.B. 138**, DRIVER LICENSE QUALIFICATION AMENDMENTS, was read the second time and circled.

\* \* \*

On motion of Senator Stevenson, **1st Sub. S.B. 56**, OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN AMENDMENTS, was read the second time and circled.

\* \* \*

On motion of Senator Urquhart, **2nd Sub. S.B. 129**, LICENSING OF PHYSICIAN-EDUCATORS, was read the second time and circled.

\* \* \*

On motion of Senator Jenkins, **S.B. 180**, MEDICAID REFORM, was read the second time and circled.

\* \* \*

On motion of Senator Urquhart, **S.B. 97**, HIGHER EDUCATION MISSION BASED FUNDING, was read the second time and circled.

\* \* \*

On motion of Senator Mayne, **S.B. 235**, CHARTER SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, was read the second time and circled.

\* \* \*

On motion of Senator Urquhart, **S.B. 52**, TORTIOUS ACT ARBITRATION, was read the second time and circled.

\* \* \*

**2nd Sub. S.B. 96**, ALIMONY AMENDMENTS, was read the second time. Senator Hillyard explained the bill.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:

**3rd Sub. S.B. 96 Alimony Amendments** (L. Hillyard)

Senators Reid, Valentine, Buttars, Waddoups, Mayne, and Dayton commented.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

On motion of Senator Jenkins and at 5:15 p.m., the Senate adjourned until 10:00 a.m., Friday, February 18, 2011.

# TWENTY-SIXTH DAY

**February 18, 2011**

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

**Prayer** – Former Senator Karen Hale

**Pledge of Allegiance** – Senator Lyle Hillyard

**Roll Call** – All Senators present

## READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)

### SPECIAL MUSICAL PRESENTATION

Matthew Castillo, a member of the Senate security staff, performed two numbers, “Eloise” by Elizabeth Hummel and “Ring of Fire” by Johnny Cash

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 17, 2011

The House passed **H.B. 73**, MOTOR CARRIER TRANSPORTATION CONTRACT INDEMNITY AGREEMENTS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 81**, TOW TRUCK AMENDMENTS, by Representative L. Perry, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 91**, REAL ESTATE RELATED AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 92**, PUBLIC EDUCATION REGIONAL SERVICE CENTERS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 93**, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed **H.B. 163**, REVISOR’S STATUTE, by Representative B. Dee, and it is transmitted for consideration; and



The House passed **H.B. 167**, INCARCERATION AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed **H.B. 177**, CANINE BODY ARMOR RESTRICTED ACCOUNT AND INCOME TAX CONTRIBUTION, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 179**, PEACE OFFICER RECERTIFICATION AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 180**, DEBT COLLECTION DATA MATCH WITH WORKER REGISTRY, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.B. 228**, ADMINISTRATIVE RULES REAUTHORIZATION, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 232**, DRUG PARAPHERNALIA DEFINITION AMENDMENTS, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 261**, AMENDMENTS TO TRANSPORTATION PROVISIONS, by Representative D. Brown, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 263**, LOCAL DISTRICT SERVICES AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 268**, MUNICIPAL ENFORCEMENT REGARDING PROPERTY MAINTENANCE, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 21**, SELECTIONS OF UNAPPROPRIATED FEDERAL LANDS JOINT RESOLUTION, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed **H.J.R. 28**, VETERANS DAY JOINT RESOLUTION, by Representative J. Anderson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

## STANDING COMMITTEE REPORTS

Mr. President: February 17, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 197**, LOCAL HOUSING AUTHORITY AMENDMENTS, by Senator B. McAdams.

Peter C. Knudson, Chair

Mr. President: February 17, 2011

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 70**, COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES AMENDMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 76**, DISTRIBUTION OF REVENUES COLLECTED UNDER THE LOCAL SALES AND USE TAX ACT, by Senator D. Hinkins, with the following amendments:

1. Page 5, Lines 135 through 136:

135     (3) (a) {~~The~~ }     Beginning on July 1, 2011, and ending  
on June 30, 2016, the     commission shall each year distribute to a  
county, city, or town the

136 distribution required by this Subsection (3) if:

2. Page 5, Line 144 through Page 6, Line 158:

144     (iii) (A) for a county described in Subsection (3)(a)(i)(A), the  
county had located

145 within the unincorporated area of the county for one or more days  
during the calendar year

146 beginning on January 1, 2008, an establishment described in  
NAICS {~~Subsector 212, Mining~~

147 (~~except Oil and Gas~~) }     Industry Group 2121, Coal Mining .  
or NAICS Code 213113, Support Activities for Coal Mining,  
{~~213114,~~

148 Support Activities for Metal Mining, or 213115, Support Activities  
for Nonmetallic Minerals

149 (~~except Fuels) Mining,~~ }     of the 2002 North American Industry  
Classification System of the

150 federal Executive Office of the President, Office of Management and Budget; or

151 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection

152 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during

153 the calendar year beginning on January 1, 2008, an establishment described in NAICS

154 {~~Subsector 212, Mining (except Oil and Gas)~~ } Industry Group 2121, Coal Mining , or NAICS Code 213113, Support Activities for

155 Coal Mining, {~~213114, Support Activities for Metal Mining, or 213115, Support Activities for~~

156 ~~Nonmetallic Minerals (except Fuels) Mining,~~ } of the 2002 North American Industry

157 Classification System of the federal Executive Office of the President, Office of Management

158 and Budget.

3. Page 6, Lines 166 through 169:

166 (A) the numerator of the fraction is the difference calculated by subtracting the

167 distribution a county, city, or town described in Subsection (3)(a) received under this section

168 for the calendar year beginning on January 1, {~~2007~~ } 2008 , from the distribution under this section that

169 the county, city, or town received for the calendar year beginning on January 1, {~~2008~~ } 2007 ; and ; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 222, PUBLIC TRANSIT AMENDMENTS**, by Senator C. Bramble, with the following amendments:

1. Page 1, Lines 21 through 24:

21 ► provides that a county, city, or town legislative body is not required to submit an

22 opinion question to the county's, city's, or town's registered voters to impose a

23 certain sales and use tax to fund public transit if the county, city, or town imposes a

24 certain sales and use tax {~~on or after July 1, 2010, but~~} on or before July 1, 2011; and

2. Page 7, Lines 204 through 208

204 (2) Notwithstanding Section 59-12-2208, a county, city, or town legislative body is not

205 required to submit an opinion question to the county's, city's, or town's registered voters in

206 accordance with Section 59-12-2208 to impose a sales and use tax under this section if the

207 county, city, or town imposes the sales and use tax under Section 59-12-2216 {~~on or after July 1,~~

208 ~~2010, but~~} on or before July 1, 2011.; and

The Revenue and Taxation Committee recommends **S.B. 178, MUNICIPAL LAND USE AMENDMENTS**, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 178, MUNICIPAL LAND USE AMENDMENTS**; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 188, TAX COMMISSION AMENDMENTS**, by Senator J. Valentine, with the following amendments:

1. Page 4, Lines 98 through 104:

98 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

99 commission shall make rules:

100 (a) to establish procedures for holding a meeting that is not open to the public to conduct a hearing on,

101 discuss or take action on a confidential tax matter; and

102 (b) except as provided in Subsection (4), to establish procedures and requirements for

103 keeping confidential minutes and a confidential recording of a meeting that is not open to the

104 public.

Curtis S.Bramble, Chair

On motion of Senator Jenkins, the committee reports were adopted. The bills were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President:

February 17, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 160**, FEDERAL FUNDS PROCEDURES ACT AMENDMENTS, by Senator L. Hillyard, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 172**, POLITICAL SUBDIVISIONS ADMINISTRATION AMENDMENTS, by Senator H. Stephenson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 203**, EXECUTIVE RESIDENCE COMMISSION, by Senator J. S. Adams, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 19**, JOINT RESOLUTION APPROVING THE HOUGHTON CASE FINAL SETTLEMENT AGREEMENT, by Senator L. Hillyard, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 67**, STATE BONDING COMMISSION BONDING AUTHORITY, by Representative B. Last, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President:

February 17, 2011

The Revenue and Taxation Committee recommends **S.B. 226**, INCOME TAX CREDITS FOR CLEANER BURNING FUELS, by Senator S. Urquhart, be replaced and favorably recommends **1st Sub. S.B. 226**, INCOME TAX CREDITS

FOR CLEANER BURNING FUELS and that it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

On motion of Senator Jenkins, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

### INTRODUCTION OF BILLS

**S.B. 72, Initiative Amendments** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

**S.B. 78, Public School Early Graduation Counseling** (D. C. Butters), was read the first time by short title and referred to the Rules Committee.

**S.B. 286, Grandparents' Visitation Rights** (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

**S.B. 314, Alcoholic Beverage Licensing** (J. Valentine), was read the first time by short title and referred to the Rules Committee.

**S.C.R. 16, Bonds of Friendship with Iran Concurrent Resolution** (P. Knudson), was read the first time by short title and referred to the Rules Committee.

**S.J.R. 20, Joint Resolution Supporting Sanpete County Increasing the Number of Contract Beds At its Correctional Facilities** (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

### CONSENT CALENDAR

**1st Sub. H.B. 230, DISABILITY AMENDMENTS**, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Buttars	Davis	Dayton
Madsen	Robles		

**1st Sub. H.B. 230** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 241**, CLEAN OUT THE CABINETS MONTH DESIGNATION, was read the third time, explained by Senator Jones, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Hinkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Davis	Dayton	Hillyard
Jenkins	Madsen	Robles	

**H.B. 241** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 257**, CONCEALED FIREARM ACT MODIFICATIONS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams                      Dayton                      Madsen                      Robles

**1st Sub. H.B. 257**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 235**, TECHNOLOGY TECHNICAL AMENDMENTS, was read the third time, explained by Senator McAdams, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams                      Bramble                      Dayton                      Madsen  
Robles

**H.B. 235** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

On motion of Senator Bramble, **H.B. 238**, RADIOLOGIC TECHNOLOGIST AND RADIOLOGY PRACTICAL TECHNICIAN LICENSING ACT, was read the third time and circled.

\* \* \*

**2nd Sub. H.B. 13**, IMMUNIZATIONS FOR TEEN MOTHERS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hillyard	Hinkins	Jenkins



Jones	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Dayton	Knudson	Madsen	Robles
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**2nd Sub. H.B. 13** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 28**, PENALTIES FOR UNAUTHORIZED USE OF RECORDS, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Waddoups		

**Absent or not voting were:** Senators

Dayton	Madsen	Van Tassell
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**1st Sub. H.B. 28**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Morgan, the circle was removed from **S.B. 63**, K – 3 READING IMPROVEMENT PROGRAM ACCOUNTIBILITY, and it was before the Senate. Senator Morgan explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 1; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Van Tassell
Waddoups			

**Voting in the negative was:** Senator  
Valentine

**Absent or not voting were:** Senators

Bramble	Dayton	Madsen
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**S.B. 63** was transmitted to the House for consideration.

\* \* \*

**H.B. 243**, OCCUPATIONS AND PROFESSIONS AMENDMENTS, was read the third time and explained by Senator Adams.

Senator Adams proposed the following amendment:

1. Page 2, Lines 51 through 52  
House Committee Amendments  
2-3-2011  
  
51        58-83-401, as enacted by Laws of Utah 2010, Chapter 180  
63G-4-102, as renumbered and amended by Laws of Utah 2008,  
Chapter 382  
52        78B-6-205, as renumbered and amended by Laws of Utah  
2008, Chapter 3
2. Page 31, Lines 946 through 947  
House Committee Amendments  
2-3-2011:
  - 946        (ii) records of the online prescriber, the Internet facilitator, or  
the online contract
  - 947        pharmacy.  
Section 16. Section 63G-4-102 is amended to read:  
63G-4-102. Scope and applicability of chapter.

(1) Except as set forth in Subsection (2), and except as otherwise provided by a statute superseding provisions of this chapter by explicit reference to this chapter, the provisions of this chapter apply to every agency of the state and govern:

(a) state agency action that determines the legal rights, duties, privileges, immunities, or other legal interests of an identifiable person, including agency action to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license; and

(b) judicial review of the action.

(2) This chapter does not govern:

(a) the procedure for making agency rules, or judicial review of the procedure or rules;

(b) the issuance of a notice of a deficiency in the payment of a tax, the decision to waive a penalty or interest on taxes, the imposition of and penalty or interest on taxes, or the issuance of a tax assessment, except that this chapter governs an agency action commenced by a taxpayer or by another person authorized by law to contest the validity or correctness of the action;

(c) state agency action relating to extradition, to the granting of a pardon or parole, a commutation or termination of a sentence, or to the rescission, termination, or revocation of parole or probation, to the discipline of, resolution of a grievance of, supervision of, confinement of, or the treatment of an inmate or resident of a correctional facility, the Utah State Hospital, the Utah State Developmental Center, or a person in the custody or jurisdiction of the Division of Substance Abuse and Mental Health, or a person on probation or parole, or judicial review of the action;

(d) state agency action to evaluate, discipline, employ, transfer, reassign, or promote a student or teacher in a school or educational institution, or judicial review of the action;

(e) an application for employment and internal personnel action within an agency concerning its own employees, or judicial review of the action;

(f) the issuance of a citation or assessment under Title 34A, Chapter 6, Utah Occupational Safety and Health Act, and Title 58, ~~{Chapter 3a, Architects Licensing Act, Chapter 11a, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act, Chapter 17b, Pharmacy Practice Act, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, Chapter 53, Landscape Architects Licensing Act, Chapter 55, Utah Construction Trades~~

~~Licensing Act, Chapter 63, Security Personnel Licensing Act, and Chapter 76, Professional Geologist Licensing Act }~~ Division of Occupational and Professional Licensing Act , except that this chapter governs an agency action commenced by the employer, licensee, or other person authorized by law to contest the validity or correctness of the citation or assessment;

(g) state agency action relating to management of state funds, the management and disposal of school and institutional trust land assets, and contracts for the purchase or sale of products, real property, supplies, goods, or services by or for the state, or by or for an agency of the state, except as provided in those contracts, or judicial review of the action;

(h) state agency action under Title 7, Chapter 1, Article 3, Powers and Duties of Commissioner of Financial Institutions, Title 7, Chapter 2, Possession of Depository Institution by Commissioner, Title 7, Chapter 19, Acquisition of Failing Depository Institutions or Holding Companies, and Title 63G, Chapter 7, Governmental Immunity Act of Utah, or judicial review of the action;

(i) the initial determination of a person's eligibility for unemployment benefits, the initial determination of a person's eligibility for benefits under Title 34A, Chapter 2, Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act, or the initial determination of a person's unemployment tax liability;

(j) state agency action relating to the distribution or award of a monetary grant to or between governmental units, or for research, development, or the arts, or judicial review of the action;

(k) the issuance of a notice of violation or order under Title 26, Chapter 8a, Utah Emergency Medical Services System Act, Title 19, Chapter 2, Air Conservation Act, Title 19, Chapter 3, Radiation Control Act, Title 19, Chapter 4, Safe Drinking Water Act, Title 19, Chapter 5, Water Quality Act, Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, Title 19, Chapter 6, Part 4, Underground Storage Tank Act, or Title 19, Chapter 6, Part 7, Used Oil Management Act, or Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, except that this chapter governs an agency action commenced by a person authorized by law to contest the validity or correctness of the notice or order;

(l) state agency action, to the extent required by federal statute or regulation, to be conducted according to federal procedures;

(m) the initial determination of a person's eligibility for government or public assistance benefits;

(n) state agency action relating to wildlife licenses, permits, tags,

and certificates of registration;

(o) a license for use of state recreational facilities;

(p) state agency action under Title 63G, Chapter 2, Government Records Access and Management Act, except as provided in Section 63G-2-603;

(q) state agency action relating to the collection of water commissioner fees and delinquency penalties, or judicial review of the action;

(r) state agency action relating to the installation, maintenance, and repair of headgates, caps, valves, or other water controlling works and weirs, flumes, meters, or other water measuring devices, or judicial review of the action;

(s) the issuance and enforcement of an initial order under Section 73-2-25;

(t) (i) a hearing conducted by the Division of Securities under Section 61-1-11.1; and

(ii) an action taken by the Division of Securities pursuant to a hearing conducted under Section 61-1-11.1, including a determination regarding the fairness of an issuance or exchange of securities described in Subsection 61-1-11.1(1); and

(u) state agency action relating to water well driller licenses, water well drilling permits, water well driller registration, or water well drilling construction standards, or judicial review of the action.

(3) This chapter does not affect a legal remedy otherwise available to:

(a) compel an agency to take action; or

(b) challenge an agency's rule.

(4) This chapter does not preclude an agency, prior to the beginning of an adjudicative proceeding, or the presiding officer during an adjudicative proceeding from:

(a) requesting or ordering a conference with parties and interested persons to:

(i) encourage settlement;

(ii) clarify the issues;

(iii) simplify the evidence;

(iv) facilitate discovery; or

(v) expedite the proceeding; or

(b) granting a timely motion to dismiss or for summary judgment if the requirements of Rule 12(b) or Rule 56 of the Utah Rules of Civil Procedure are met by the moving party, except to the extent that the

requirements of those rules are modified by this chapter.

(5) (a) A declaratory proceeding authorized by Section 63G-4-503 is not governed by this chapter, except as explicitly provided in that section.

(b) Judicial review of a declaratory proceeding authorized by Section 63G-4-503 is governed by this chapter.

(6) This chapter does not preclude an agency from enacting a rule affecting or governing an adjudicative proceeding or from following the rule, if the rule is enacted according to the procedures outlined in Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and if the rule conforms to the requirements of this chapter.

(7) (a) If the attorney general issues a written determination that a provision of this chapter would result in the denial of funds or services to an agency of the state from the federal government, the applicability of the provision to that agency shall be suspended to the extent necessary to prevent the denial.

(b) The attorney general shall report the suspension to the Legislature at its next session.

(8) Nothing in this chapter may be interpreted to provide an independent basis for jurisdiction to review final agency action.

(9) Nothing in this chapter may be interpreted to restrict a presiding officer, for good cause shown, from lengthening or shortening a time period prescribed in this chapter, except the time period established for judicial review.

Renumber remaining sections accordingly.

Senator Adams’ motion to amend passed on a voice vote. Senator Christensen commented and the bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble                      Dayton                      Madsen                      Robles

**H.B. 243**, as amended, was returned to the House for further consideration.

\* \* \*

**H.J.R. 10**, RULES RESOLUTION ON ELECTRONIC MEETINGS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Morgan                      Romero

**Absent or not voting were:** Senators

Madsen                      Robles                      Urquhart

**H.J.R. 10**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 240**, SOCIAL SERVICES – EMPLOYMENT FIRST PRIORITY, was read the third time, explained by Senator Buttars, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Madsen

**H.B. 240** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Valentine, **H.B. 204**, PROTECTION OF ATHLETES WITH HEAD INJURIES, was read the third time and circled.

\* \* \*

On motion of Senator Adams, **S.B. 64**, WORKERS' COMPENSATION FUND SUBSIDIARY AMENDMENTS, was read the third time and circled.

\* \* \*

On motion of Senator Stevenson, the circle was removed from **H.B. 71**, VICTIM RIGHTS AMENDMENTS, and it was before the Senate.

Senator Stevenson proposed the following amendment:

1. Page 2, Line 29

29 (1) The victim of a crime {~~and a~~} the  
representative of the victim or both shall have the right:

Senator Stevenson's motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Madsen



**H.B. 71**, as amended, was returned to the House for further consideration.

\* \* \*

**S.B. 87**, MARKETABLE RECORD TITLE AMENDMENTS, was read the third time, explained by Senator Reid, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator Madsen

**S.B. 87** was transmitted to the House for consideration.

**SPECIAL RECOGNITION**

A citation was read honoring Helen Cragan on her 102nd birthday. Senator Bramble commented.

\* \* \*

**3rd Sub. S.B. 113**, ELECTION DISTRICT BOUNDARIES, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 23; Nays, 3; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	

**Voting in the negative were:** Senators

Christensen	Dayton	Waddoups
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**Absent or not voting were:** Senators

Hillyard                      Madsen                      Thatcher

**3rd Sub. S.B. 113** was transmitted to the House for consideration.

\* \* \*

**H.B. 78, DEVELOPER FEES**, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble                      Hinkins                      Madsen

**H.B. 78**, as amended, was returned to the House for further consideration.

\* \* \*

**1st Sub. S.B. 139, REVOCATION OF MOTOR VEHICLE REGISTRATION**, was read the third time, explained by Senator Reid, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	McAdams	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams                      Buttars                      Madsen                      Mayne  
Niederhauser

**1st Sub. S.B. 139** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Stephenson, **S.B. 65**, STATEWIDE ONLINE EDUCATION PROGRAM, was read the third time and circled.

\* \* \*

**1st Sub. S.B. 155**, POLITICAL SUBDIVISION’S, was read the third time and explained by Senator McAdams.

Senator McAdams proposed the following amendment:

- 1. Page 2, Line 48:  
Delete “(3)” and insert “(4)”
- 2. Page 3, Line 60:  
After “subject” insert “to”

Senator McAdams’ motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Jenkins	Jones
Knudson	Liljenquist	McAdams	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Hinkins	Madsen	Mayne
Niederhauser	Urquhart		

**1st Sub. S.B. 155** was transmitted to the House for consideration.

\* \* \*

**S.B. 134**, TRANSPARENCY IN HEALTH CARE PROVIDER ADVERTISING, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator

Madsen

**S.B. 134** was transmitted to the House for consideration.

\* \* \*

**S.C.R. 9**, PHILO T. FARNSWORTH CONCURRENT RESOLUTION, was read the third time, explained by Senator Stowell, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Madsen                      McAdams                      Robles

**S.C.R. 9** was transmitted to the House for consideration.

\* \* \*

**S.J.R. 13**, JOINT RESOLUTION – REQUEST FOR PROPOSALS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Madsen	McAdams	Robles
J. Stevenson			

**S.J.R. 13** was transmitted to the House for consideration.

\* \* \*

**2nd Sub. S.B. 61, EDUCATION FOR PRESCRIBING CONTROLLED SUBSTANCES,** was read the third time and explained by Senator Jones. Senator Christensen declared a conflict of interest. Senator Hillyard commented and the bill passed on the following roll call:

**Yeas, 22; Nays, 1; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Reid	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative was:** Senator

Dayton

**Absent or not voting were:** Senators

Buttars	Hinkins	Madsen	McAdams
Robles	Romero		

**2nd Sub. S.B. 61** was transmitted to the House for consideration.

**COMMITTEE OF THE WHOLE**

On motion of Senator Hillyard, Utah Mother of the Year, Sally Ann Fitzgerald Olsen and Utah Young Mother of the Year, Emi Dalton Edgley, addressed the

Senate. Merit Mothers, Linda Knavel and Marilyn Harris were also recognized. Senators Dayton, Romero, Liljenquist, Christensen, and Knudson commented.

On motion of Senator Hillyard, the Committee of the Whole was dissolved.

### **INTRODUCTION OF BILLS**

**S.B. 296, Amendments to Tax Provisions** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Jenkins and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 22, 2011.

# TWENTY-NINTH DAY

## MORNING SESSION

### February 22, 2011

The Senate was called to order at 10:05 a.m., with President Michael Waddoups presiding.

**Prayer** – Brian Tarbet, Adjutant General, Utah National Guard

**Pledge of Allegiance** – Senator Peter Knudson

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2011

The House passed, **S.B. 144**, COUNTY PURCHASING AGENT AMENDMENTS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 2**, FINANCIAL RESPONSIBILITY CONCURRENT RESOLUTION, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 10**, JOINT RESOLUTION CLOSING OREM COURT FACILITY, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 18, 2011

The House concurred in the Senate amendments and passed **H.B. 10**, RENEWAL OF JUDGMENT ACT, by Representative G. Froerer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 18**, HEALTH REFORM – COST CONTAINMENT, by Representative B. Daw, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 45**, VEHICLE IMPOUND AMENDMENTS, by Representative J. Peterson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 46**, COUNTY RECORDER AMENDMENTS, by Representative R. C. Webb, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 198**, TOBACCO RELATED PENALTY AMENDMENTS, by Representative P. Ray, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 203**, CODIFICATION OF STATE CONSTRUCTION AND FIRE CODES, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 206**, SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 208**, ADMINISTRATIVE SERVICES AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 237**, ENFORCEMENT OF LIENS, by Representative Julie Fisher, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

February 18, 2011

The House passed, as amended, **H.B. 70**, ILLEGAL IMMIGRATION ENFORCEMENT ACT, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 271**, RESTRICTIONS ON POLITICAL SUBDIVISIONS REGARDING THE REGULATION OF KNIVES, by Representative R. Wilcox, and it is transmitted for consideration; and



The House passed **H.J.R. 35**, UTAH MITOCHONDRIAL DISEASE AWARENESS WEEK JOINT RESOLUTION, by Representative K. Sumsion, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 18, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and Labor Committee**

- S.B. 314** Alcoholic Beverage Licensing (Sen. J. Valentine)  
**1st Sub. H.B. 91** Real Estate Related Amendments (Rep. G. Froerer)  
 (Sen. J. S. Adams)  
**H.B. 93** Mortgage and Real Estate Licensure Exemptions for Attorneys (Rep. L. Christensen) (Sen. J. Valentine)

#### **Education Committee**

- S.B. 78** Public School Early Graduation Counseling  
 (Sen. D. C. Buttars)  
**S.B. 210** Utah Postsecondary Proprietary School Act Amendments  
 (Sen. C. Bramble)  
**1st Sub. H.B. 92** Public Education Regional Service Centers (Rep. B. Last)  
 (Sen. R. Okerlund)

#### **Government Operations and Political Subdivisions Committee**

- S.B. 72** Initiative Amendments (Sen. L. Hillyard)  
**H.B. 80** Emergency Management (Rep. C. Oda)  
 (Sen. J. Stevenson)  
**H.B. 163** Revisor's Statute (Rep. B. Dee) (Sen. S. Jenkins)  
**H.B. 228** Administrative Rules Reauthorization (Rep. C. Oda)  
 (Sen. H. Stephenson)  
**1st Sub. H.B. 263** Local District Services Amendments (Rep. D. Clark)  
 (Sen. S. Urquhart)  
**1st Sub. H.B. 268** Municipal Enforcement Regarding Property Maintenance  
 (Rep. M. Morley) (Sen. J. S. Adams)

#### **Judiciary, Law Enforcement, and Criminal Justice Committee**

- S.B. 286** Grandparents' Visitation Rights (Sen. D. Hinkins)

- S.J.R. 20** Joint Resolution Supporting Sanpete County Increasing the Number of Contract Beds At its Correctional Facilities (Sen. R. Okerlund)
- 1st Sub. H.B. 75** Dangerous Weapon Amendments (Rep. C. Oda) (Sen. D. Hinkins)
- H.B. 167** Incarceration Amendments (Rep. E. Hutchings) (Sen. D. Thatcher)
- H.B. 177** Canine Body Armor Restricted Account and Income Tax Contribution (Rep. R. Greenwood) (Sen. R. Okerlund)
- H.B. 178** Dispatcher Service Amendments (Rep. R. Greenwood) (Sen. J. Valentine)
- 1st Sub. H.B. 179** Peace Officer Recertification Amendments (Rep. R. Greenwood) (Sen. J. Valentine)
- H.B. 232** Drug Paraphernalia Definition Amendments (Rep. E. Vickers) (Sen. P. Jones)

**Natural Resources, Agriculture and Environment Committee**

- H.B. 88** Agriculture Sustainability Task Force (Rep. J. Draxler) (Sen. L. Hillyard)
- H.J.R. 19** Joint Resolution Opposing the Environmental Protection Agency's Regulation of Greenhouse Gases (Rep. R. Barrus) (Sen. W. Niederhauser)
- H.J.R. 21** Selections of Unappropriated Federal Lands Joint Resolution (Rep. R. Barrus) (Sen. S. Jenkins)

**Revenue and Taxation Committee**

- S.B. 296** Amendments to Tax Provisions (Sen. C. Bramble)

**Transportation, Public Utilities and Technology Committee**

- S.B. 313** Prostate Cancer Special Group License Plate (Sen. B. McAdams)
- H.B. 73** Motor Carrier Transportation Contract Indemnity Agreements (Rep. D. Ipson) (Sen. S. Urquhart)
- 1st Sub. H.B. 81** Tow Truck Amendments (Rep. L. Perry) (Sen. P. Knudson)
- 1st Sub. H.B. 261** Amendments to Transportation Provisions (Rep. D. Brown) (Sen. W. Niederhauser)

**Workforce Services and Community and Economic Development Committee**

- S.C.R. 16** Bonds of Friendship with Iran Concurrent Resolution (Sen. P. Knudson)

- H.B. 180** Debt Collection Data Match with Worker Registry  
(Rep. D. Clark) (Sen. S. Urquhart)
- H.J.R. 28** Veterans Day Joint Resolution (Rep. J. Anderson)  
(Sen. M. Waddoups)

Margaret Dayton  
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

**STANDING COMMITTEE REPORTS**

Mr. President: February 18, 2011

The Business and Labor Committee recommends **S.B. 100**, SECURITIES WHISTLEBLOWER PROGRAM ACT, by Senator B. McAdams, be replaced and favorably recommends **2nd Sub. S.B. 100**, SECURITIES FRAUD REPORTING PROGRAM ACT with the following amendments and recommends it be considered read for the first time:

- 1. Page 8, Lines 230 through 232:

230 (f) knows that, or has a reckless disregard as to whether, the disclosure is of original

231 information that is false or frivolous { ~~- or~~ }

232 (g) has a legal duty to report the original information to the commission or division ; or

(h) the employer or entity in the covered judicial or administrative action that relates to the information provided by the reporter is subject to the jurisdiction of the Securities and Exchange Commission under Section 21F of the Securities Exchange Act, 15 U.S.C. Sec. 78u-6, and regulations issued under that section ; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 272**, SECURED CREDITOR AMENDMENTS, by Senator D. Liljenquist.

John L. Valentine, Chair

Mr. President: February 18, 2011

The Education Committee reports a favorable recommendation on **S.B. 179**, MATH EDUCATION INITIATIVE, by Senator H. Stephenson; and

The Education Committee reports a favorable recommendation on **S.B. 206**, LABOR ORGANIZATION PROVISIONS IN TEACHER CONTRACTS, by Senator H. Stephenson.

Howard A. Stephenson, Chair

Mr. President:

February 18, 2011

The Health and Human Services Committee reports a favorable recommendation on **S.B. 253**, STATE HOSPITAL AMENDMENTS, by Senator J. S. Adams, with the following amendments:

1. Page 1, Lines 19 through 21:

19       ►       requires that, on or before August 1, 2011, the division shall, in consultation with

20       the Privatization Policy Board, issue a request for proposals for a private entity to , under the direction and control of the division:

21       •       administer the state hospital {~~-, under the direction and control of the division-~~} ; or  
       • administer the state hospital in partnership with the division ;

2. Page 3, Lines 66 through 69:

(b) allow for options of operating the state hospital through a partnership between a private entity and the division:

66       {~~(b)~~}       (c) ensure that the successful responder will operate the state hospital:

67       (i) at a cost that is at or below the cost to the state of operating the state hospital; and

68       (ii) in a manner that is in compliance with federal and state law and regulations; and

69       {~~(e)~~}       (d) ensure that the division will have complete access to, at any time; ; and

The Health and Human Services Committee reports a favorable recommendation on **S.C.R. 14**, CONCURRENT RESOLUTION HONORING PROVIDERS OF HEALTH CARE SERVICES TO MILITARY PERSONNEL AND THEIR DEPENDENTS, by Senator J. S. Adams; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 216**, REUNIFICATION SERVICES AMENDMENTS, by Representative M. Newbold.

D. Chris Butters, Chair

### STANDING COMMITTEE REPORTS

Mr. President:

February 18, 2011

The Business and Labor Committee reports a favorable recommendation on **H.B. 55**, VOLUNTEER SEARCH AND RESCUE WORKERS' COMPENSATION CLAIMS, by Representative K. Powell, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 79**, PROPERTY AND CASUALTY CERTIFICATE OF INSURANCE ACT, by Representative T. Kiser, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Business and Labor Committee recommends **1st Sub. H.B. 212**, CHARGES BY HEALTH PROVIDERS FOR MEDICAL RECORDS, by Representative F. Gibson, be replaced and favorably recommends **2nd Sub. H.B. 212**, CHARGES BY HEALTH PROVIDERS FOR MEDICAL RECORDS and that it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

### INTRODUCTION OF BILLS

**S.B. 176, Candidate Party Affiliation** (B. McAdams), was read the first time by short title and referred to the Rules Committee.

**S.B. 209, Telecommunications Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 229, Transportation Funding Revisions** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.B. 237, Pollution Control Facility Amendments** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

**S.B. 259, Sales and Use Tax Exemption for Certain Local Government Taxes and Fees** (D. Stowell), was read the first time by short title and referred to the Rules Committee.

**S.B. 261, Wrongful Foreclosure Act** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

### COMMITTEE OF THE WHOLE

On motion of Senator Knudson, U. S. Senator Mike Lee spoke in Committee of the Whole. Senators Stephenson, Valentine, Liljenquist, Buttars and Christensen commented.

On motion of Senator Knudson, the Committee of the Whole was dissolved.

### CONSENT CALENDAR

**S.C.R. 13, ROTARY CLUB CONCURRENT RESOLUTION**, was read the third time, explained by Senator Davis, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Waddoups			

**Absent or not voting were:** Senators

Jenkins	Niederhauser	Thatcher	Van Tassell
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**S.C.R. 13** was transmitted to the House for consideration.

\* \* \*

**S.B. 90, BOARD OF PARDONS RETIREMENT AMENDMENTS**, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Jenkins	Madsen
Niederhauser	Thatcher	Van Tassell	

**S.B. 90** was transmitted to the House for consideration.

**COMMUNICATIONS FROM THE GOVERNOR**

**ADVISE AND CONSENT**

Mr. President: February 3, 2011

In accordance with Utah Code Annotated 67-1-1 and 67-1-2, I propose and transmit the following appointments:

**State Board of Financial Institutions:**

Richard Thomas Beard is appointed to replace James Anderson as a member of the State Board of Financial Institutions, the remaining portion of the term will expire July 1, 2011. See Utah Code Annotated 7-1-203.

William E. Tingey is appointed to replace William D. Farley as a member of the State Board of Financial Institutions, the remaining portion of the term will expire July 1, 2011. See Utah Code Annotated 7-1-203.

**Board of Pardons and Parole:**

Clark Harms is reappointed as a member of the Board of Pardons and Parole, a term to expire February 28, 2016. See Utah Code Annotated 77-27-2.

**Board of Aging and Adult Services:**

Richard Kirkham Jolley is appointed as a member of the Board of Aging and Adult Services, a term to expire April 1, 2015. See Utah Code Annotated 62A-1-107.

**Utah State Fair Corporation Board of Directors**

Randall N. Parker is appointed to replace Lorin Moench Jr. as a member of the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2015. See Utah Code Annotated 9-4-1104.

Lowell S. Peterson is reappointed as a member of the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2015. See Utah Code Annotated 9-4-1104.

Donald J. Marchant is reappointed as a member of the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2015. See Utah Code Annotated 9-4-1104.

**Utah Athletic Foundation Board of Directors:**

Bob Wheaton is appointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2014. See SJR 1 Passed February 3, 2007 and Bylaws of Utah Athletic Foundation.

Catherine Raney-Norman is appointed to replace Derek D. Parra as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2014. See SJR 1 Passed February 3, 2007 and Bylaws of Utah Athletic Foundation.

Eric Hutchings is appointed to replace Doral Vance as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2014. See SJR 1 Passed February 3, 2007 and Bylaws of Utah Athletic Foundation.

J. Michael Mattsson is appointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2014. See SJR 1 Passed February 3, 2007 and Bylaws of Utah Athletic Foundation.

Spencer F. Eccles is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2013. See SJR 1 Passed February 3, 2007 and Bylaws of Utah Athletic Foundation.

**Water Quality Board:**

Daniel C. Snarr is reappointed as a member of the Water Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19-5-103.

Leland Jay Myers is reappointed as a member of the Water Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19-5-103. Health Facilities Committee:

Lou Jean Flint is appointed as a member of the Health Facilities Committee, a term to expire July 1, 2014. See Utah Code Ann. 26-1-7 & 26-21-3.

Betty Lynn Davis is appointed to replace Mary Peterson as a member of the Health Facilities Committee, a term to expire July 1, 2015. See Utah Code Annotated 26-1-7 & 26-21-3.



DaNece Tait Fickett is appointed to replace Jeffrey Love as a member of the Health Facilities Committee, the remaining portion of the term will expire July 1, 2012. See Utah Code Annotated 26-1-7 & 26-21-3.

**Public Service Commission:**

Ron Allen is reappointed as a member of the Public Service Commission, a term to expire March 1, 2017. See Utah Code Annotated 54-1-1.5.

**Board of Tourism Development:**

Paul Michael Taylor is appointed to replace Frank W. Jones as a member of the Board of Tourism Development, the remaining portion of the term will expire June 30, 2013. See Utah Code Annotated 63M-1-1402.

**Utah Comprehensive Health Insurance Pool Board of Directors:**

Steven Madsen Canfield is appointed to replace Irene Link as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, the remaining portion of the term will expire June 30, 2011. See Utah Code Annotated 31A-29-104.

**Utah Department of Health:**

W. David Patton is appointed as the Interim Manager of the Utah Department of Health. See Utah Code Annotated 67-1-1.5 (3)(a)(ii)

**Permanent Community Impact Fund Board:**

Dennis Bruce Drake is appointed to replace D. Maloy Dodds as a member of the Permanent Community Impact Fund Board, the remaining portion of the term will expire July 1, 2012. See Utah Code Annotated 9-4-304.

**State Board of Regents:**

Mark R. Stoddard is appointed to replace Rosanita Cespedes as a member of the State Board of Regents, the remaining portion of the term will expire June 30, 2011. See Utah Code Annotated 53B-1-104.

**Utah Commission on Uniform State Laws:**

Lorie D. Fowlke is appointed as a member of the Utah Commission on Uniform State Laws, to represent the Utah State Bar, a term to expire July 1, 2015. See Utah Code Annotated 68-4-5.

Thank you for your timely consideration and confirmation of the above appointments.

Gary R. Herbert  
Governor

Mr. President: February 17, 2011

The Senate Transportation and Public Utilities and Technology Confirmation Committee met on February 17, 2011, and highly recommends that Mr. Ron Allen be reappointed to the Public Service Commission.

Kevin T. Van Tassell, Chair

On motion of Senator Hillyard, the Senate voted to consent to the Governor's appointments as read by Leslie McLean on the following vote:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Niederhauser
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**SECOND READING CALENDAR**

**S.B. 51, AMENDMENTS TO LOCAL SALES AND USE TAXES FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES**, was read the second time. Senator Hillyard explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser

Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Waddoups	

**Absent or not voting were:** Senators

Adams	Van Tassell
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\* \* \*

On motion of Senator Mayne, the Senate voted to move **S.C.R. 12**, WEAR RED MONTH CONCURRENT RESOLUTION, to the top of the Second Reading Calendar.

On motion of Senator Mayne, under suspension of the rules, **S.C.R. 12**, WEAR RED MONTH CONCURRENT RESOLUTION, was considered read the second and third times. Senator Mayne explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Dayton	Hillyard
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Waddoups

**Absent or not voting were:** Senators

Adams	Christensen	Davis	Knudson
Van Tassell			

**S.C.R. 12** was transmitted to the House.

\* \* \*

On motion of Senator Mayne, the circle was removed from **S.B. 235**, CHARTER SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, and it was before the Senate.

On motion of Senator Mayne, the following substitute bill replaced the original bill:

**1st Sub. S.B. 235 Charter School Students' Participation in Extracurricular Activities** (K. Mayne)

Senator Mayne explained the bill. Senators Buttars and Jones commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Jenkins
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\* \* \*

On motion of Senator Liljenquist, the circle was removed from **S.B. 149**, QUALIFICATIONS FOR THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH, and it was before the Senate. Senator Liljenquist explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Buttars	Davis	Dayton	Hinkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	J. Stevenson
Stowell	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams	Bramble	Christensen	Hillyard
Jenkins	Madsen	H. Stephenson	Thatcher
Urquhart			

\* \* \*

On motion of Senator Liljenquist, the circle was removed from **S.B. 180**, MEDICAID REFORM, and it was before the Senate.

On motion of Senator Liljenquist, the following substitute bill replaced the original bill:

**2nd Sub. S.B. 180 Medicaid Reform** (D. Liljenquist)

On motion of Senator Liljenquist, the bill was circled.

\* \* \*

On motion of Senator Reid, the circle was removed from **S.J.R. 9, JOINT RESOLUTION – GOVERNANCE OF PUBLIC AND HIGHER EDUCATION**, and it was before the Senate. Senator Reid explained the bill. Senators Buttars, Van Tassell, McAdams, and Davis commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 6; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Morgan	Niederhauser	Okerlund	Reid
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Davis	Mayne	McAdams	Robles
Romero	Stowell		

\* \* \*

On motion of Senator Madsen, the circle was removed from **S.B. 141, BURGLARY OFFENSE AMENDMENTS**, and it was before the Senate. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams                      Christensen                      Davis                      Mayne

\* \* \*

On motion of Senator Bramble, **S.B. 69**, SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION, was read the second time and circled.

\* \* \*

**S.B. 157**, PROPERTY TAX REVISIONS, was read the second time.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

**1st Sub. S.B. 157 Property Tax Revisions** (C. Bramble)

Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams                      J. Stevenson                      Thatcher

\* \* \*

On motion of Senator Mayne, the circle was removed from **S.B. 69**, SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION, and it was before the Senate. Senator Mayne explained the bill. Senators Okerlund and Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 5; Absent, 4.**

**Voting in the affirmative were:** Senators

Buttars	Davis	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Reid	Robles	Romero	H. Stephenson
Stowell	Thatcher	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Dayton	Hillyard	Okerlund	J. Stevenson
Valentine			

**Absent or not voting were:** Senators

Adams	Bramble	Christensen	Urquhart
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\* \* \*

On motion of Senator Jenkins, and at 12:00 noon, the Senate recessed.

**AFTERNOON SESSION**

The Senate reassembled at 2:20 p.m., with President Waddoups presiding.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 22, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

**Business and Labor Committee**

**S.B. 261** Wrongful Foreclosure Act (Sen. C. Bramble)

**Government Operations and Political Subdivisions Committee**

**H.B. 271** Restrictions on Political Subdivisions Regarding the Regulation of Knives (Rep. R. Wilcox)  
(Sen. A. Christensen)

**Health and Human Services Committee**

**H.J.R. 35** Utah Mitochondrial Disease Awareness Week Joint Resolution (Rep. K. Sumsion) (Sen. H. Stephenson)

**Judiciary, Law Enforcement, and Criminal Justice Committee**

**S.B. 176** Candidate Party Affiliation (Sen. B. McAdams)

**Natural Resources, Agriculture and Environment Committee****S.B. 237** Pollution Control Facility Amendments (Sen. L. Hillyard)**Revenue and Taxation Committee****S.B. 209** Telecommunications Amendments (Sen. C. Bramble)**S.B. 259** Sales and Use Tax Exemption for Certain Local Government Taxes and Fees (Sen. D. Stowell)**Transportation, Public Utilities and Technology Committee****S.B. 229** Transportation Funding Revisions (Sen. J. S. Adams)

Margaret Dayton

Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

**STANDING COMMITTEE REPORTS**

Mr. President:

February 22, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 204**, CAPITAL DEVELOPMENT AND IMPROVEMENT PROCESS APPROVAL REQUIREMENTS AMENDMENTS, by Senator J. S. Adams; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 25**, FEDERAL LAW JOINT RESOLUTION, by Senator J. Valentine; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 103**, ELECTION AMENDMENTS, by Representative D. Brown; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 262**, DIVIDED SCHOOL DISTRICT ASSETS AND LIABILITIES, by Representative K. Sumsion; and



The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **4th Sub. H.J.R. 12**, JOINT RESOLUTION ON JOINT RULES CHANGES, by Representative W. Harper.

Peter C. Knudson, Chair

Mr. President: February 22, 2011

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 270**, MODIFICATIONS TO SALES AND USE TAX, by Senator J. S. Adams; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 276**, PERSONAL PROPERTY AUDITS, by Senator R. Okerlund; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 296**, AMENDMENTS TO TAX PROVISIONS, by Senator C. Bramble.

Curtis S. Bramble, Chair

Mr. President: February 22, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 198**, DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS, by Senator S. Jenkins; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 251**, LOBBYIST TRAINING, by Senator M. Waddoups.

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President: February 22, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 265**, MOTOR VEHICLE EMISSIONS AMENDMENTS, by Representative F. Gibson, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Lines 19 through 20  
House Committee Amendments  
2-10-2011:

19 Other Special Clauses:

20           {~~None~~}     This bill provides an immediate effective date.

2. Page 5, Line 140: maintenance program in accordance with the requirements of this section.

Section 2. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

## INTRODUCTION OF BILLS

**S.B. 285, Industrial Assistance Fund Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

## JOINT CONFERENCE COMMITTEE REPORT

Mr. President:

February 18, 2011

The Joint Conference Committee comprised of Sens. Adams, Niederhauser, and Mayne, and Reps. Dunnigan, Kiser, and Biskupksi, recommends **1st Sub. H.B. 19, INSURANCE LAW RELATED AMENDMENTS**, by Representative J. Dunnigan, with the following amendments:

1. Include all House amendments
2. Include all Senate amendments
3. Also include the following amendments:

Page 1, Lines 13 through 14:

13           ▶     amends definitions;

          ▶ creates the Insurance Department Restricted Account;

14       ▶       addresses fees for captive insurance companies and the cap on the Captive

Page 3, Lines 57 through 58:

57       31A-2-212, as last amended by Laws of Utah 2007, Chapter 309

31A-3-101, as last amended by Laws of Utah 2008, Chapter 382  
31A-3-103, as last amended by Laws of Utah 2010, Chapter 10

58       31A-3-304, as last amended by Laws of Utah 2010, Chapters 10, 68 and last amended

Page 42, Line 1294:

1294 Accountability Act[, P.L. 104-191, pursuant to 110 Stat. 1968, Sec. 2722].

Section 4. Section 31A-3-101 is amended to read:

31A-3-101. General finance provisions.

~~{-(1) The department’s expenses shall be paid from the General Fund.}~~ Department expenditures shall conform to the Legislature’s appropriation adopted under Title 63J, Chapter 1, Budgetary Procedures Act.

~~{-(2) Except as provided in Section 31A-2-206, or as otherwise specifically provided in this title, all money collected by the commissioner shall be deposited without deduction in the General Fund.-}~~

Section 5. Section 31A-3-103 is amended to read:

31A-3-103. Fees.

(1) For purposes of this section, “services” means functions that are reasonable and necessary to enable the commissioner to perform the duties imposed by this title including:

- (a) issuing or renewing a license or certificate of authority;
- (b) filing a policy form;
- (c) reporting a producer appointment or termination; and
- (d) filing an annual statement.

(2) Except as otherwise provided by this title:

(a) the commissioner may set and collect a fee for services provided by the commissioner;

(b) a fee related to the renewal of a license may be imposed no more frequently than once each year; and

(c) a fee charged by the commissioner shall be set in accordance with Section 63J-1-504.

~~{-(3) Except as otherwise provided in this title, a fee established pursuant to this section shall be deposited into the General Fund for appropriation by the Legislature.-}~~

~~{-(4)-}~~ (3) (a) The commissioner shall publish a schedule of fees established pursuant to this section.

(b) The commissioner shall, by rule, establish the deadlines for payment of a fee established pursuant to this section.

(4) (a) Beginning July 1, 2011, there is created in the General Fund a restricted account known as the "Insurance Department Restricted Account."

(b) Except as provided in Subsection (4)(c), the Insurance Department Restricted Account shall consist of:

(i) fees authorized by this section; and

(ii) other money received by the department, including:

(A) reimbursements for examination costs incurred by the department; and

(B) forfeitures collected under this title.

(c) The department shall deposit money it receives that is subject to a restricted account or enterprise fund created by this title into the restricted account or enterprise fund in accordance with the statute creating the restricted account or enterprise fund, and the department may not deposit the money into the Insurance Department Restricted Account.

(d) Subject to appropriation by the Legislature, the department may expend money in the Insurance Department Restricted Account to fund the operations of the department.

(e) At the end of each fiscal year, the director of the Division of Finance shall transfer into the General Fund any money deposited into the Insurance Department Restricted Account under Subsection (4)(b) that exceeds the legislative appropriations from the Insurance Department Restricted Account for that year.

Page 102c, Lines 3137do through 3137dp

Senate Committee Amendments

2-9-2011:

3137do (7) A licensee may not receive noncommission compensation from an insured or enrollee for providing a service or engaging in an

3137dp act that is required to be provided or performed in order to receive commission compensation, except for the surplus lines

transactions that do not receive commissions . ←Ŝ

Sen. Stuart Adams and  
Rep. Jim Dunnican, Chairs

On motion of Senator Adams, the Senate voted to concur in the conference committee amendments to **1st Sub. H.B. 19**, INSURANCE LAW RELATED AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Buttars	Jenkins	Madsen
Okerlund	Thatcher		

**1st Sub. H.B. 19** was signed by the President in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Stowell, the Senate voted to lift **S.B. 57**, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CAT MANAGEMENT INITIATIVE, from the Judiciary, Law Enforcement, and Criminal Justice Committee and assign it to the Natural Resources, agriculture and Environment Committee.

**THIRD READING CALENDAR**

On motion of Senator Dayton, the circle was removed from **H.B. 238**, RADIOLOGIC TECHNOLOGIST AND RADIOLOGY PRACTICAL TECHNICIAN LICENSING ACT, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Buttars	Madsen	Okerlund
Thatcher			

**H.B. 238** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

On motion of Senator Liljenquist, the circle was removed from **2nd Sub. S.B. 180, MEDICAID REFORM**, and it was before the Senate. Senator Liljenquist explained the bill. Senators Reid, Hillyard, Dayton, Davis, Urquhart, and Jones commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Buttars	Thatcher
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\* \* \*

On motion of Senator Hillyard, the circle was removed from **3rd Sub. S.B. 96, ALIMONY AMENDMENTS**, and it was before the Senate. Senator Hillyard explained the bill. The bill failed on the following roll call:

**Yeas, 11; Nays, 17; Absent, 1.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Hillyard	Hinkins
Jenkins	Knudson	Madsen	Okerlund
Stowell	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Bramble	Buttars	Dayton	Jones
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine			

**Absent or not voting was:** Senator Adams

**3rd Sub. S.B. 96** was filed.

\* \* \*

**S.B. 159**, SEX OFFENDER REGISTRY REVISIONS, was read the second time. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 1, Line 20  
 20       •       sexual exploitation of a vulnerable adult; and
2. Page 1, Line 23:  
 23                    {~~• a felony or class A misdemeanor voyeurism offense; and~~}
3. Page 2, Line 29:  
 29            {~~None~~}       This bill coordinates with S.B. 106, Sexual Exploitation Amendments, by amending the reference to a code section citation amended in S.B. 106
4. Page 5, Line 122:  
 122 than 18 years of age    if the offense is committed    {~~—~~  
 —} on or after May 10, 2011;
5. Page 15, Line 449:  
 449 retirement, or investment accounts.

Section 2. If this S.B. 159 and S.B. 106, Sexual Exploitation Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by amending Subsection 77-27-21.5(1)(n)(i)(B) to read: “(B) Section 76-5b-202, sexual exploitation of a vulnerable adult, on or after May 10, 2011.”

Senator Stowell’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams                      Jenkins

\* \* \*

On motion of Senator McAdams, **S.B. 164, ATTORNEY FEES AND COURT COSTS AMENDMENTS**, was read the second time and circled.

\* \* \*

On motion of Senator Niederhauser, **S.B. 230, DNA AMENDMENTS**, was read the second time and circled.

\* \* \*

On motion of Senator Niederhauser, **S.B. 86, SUNSET REAUTHORIZATIONS**, was read the second time and circled.

\* \* \*

**S.B. 177, SECURITY AGENCY QUALIFICATION AMENDMENTS**, was read the second time. Senator Dayton explained the bill.



Senator Dayton proposed the following amendment:

- 1. Page 18, Lines 541 through 542

541 apprentice license requires the filing of a {~~bond or~~} liability insurance policy as [described]

542 required in Subsections {~~53-9-109~~} 53-9-110 (2) and (3) .

Senator Dayton’s motion to amend passed on a voice vote. Senator Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Jenkins
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\* \* \*

On motion of Senator Okerlund, **S.B. 271**, EMINENT DOMAIN REVISIONS, was read the second time and circled.

\* \* \*

**S.B. 191**, WORKERS’ COMPENSATION COVERAGE WAIVERS, was read the second time. Senator Mayne explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Knudson
Liljenquist	Mayne	McAdams	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Jenkins	Jones	Madsen
Niederhauser	J. Stevenson		

\* \* \*

**1st Sub. S.B. 67, ANNUAL EYE EXAMINATION FOR CHILDREN IN GRADES KINDERGARTEN THROUGH THREE,** was read the second time. Senator Robles explained the bill. Senators Hillyard and Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 4; Absent, 4.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Hillyard	Hinkins
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Buttars	Dayton	Niederhauser	Valentine
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**Absent or not voting were:** Senators

Adams	Bramble	Jenkins	Jones
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\* \* \*

On motion of Senator Christensen, **S.C.R. 11, DIXIE STATE COLLEGE CONCURRENT RESOLUTION,** was read the second time and circled.

\* \* \*

**1st Sub. S.B. 137, MEDICAID AMENDMENTS,** was read the second time.

On motion of Senator Christensen, the following substitute bill replaced the original bill:

**3rd Sub. S.B. 137 Medicaid Amendments (A. Christensen)**

On motion of Senator Christensen, the bill was circled.

\* \* \*

On motion of Senator Hillyard, **S.B. 150, NEGLIGENCE CREDENTIALING,** was read the second time and circled.

\* \* \*

**S.B. 199**, UTAH COMMISSION ON UNIFORM STATE LAWS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Jenkins	Jones
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\* \* \*

**S.B. 200**, STATE DEBT COLLECTIONS AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Buttars	Jones	Madsen
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\* \* \*

On motion of Senator Hillyard, **S.B. 214**, MOTOR VEHICLE RENTAL COMPANY FEE DISCLOSURES, was read the second time and circled.

\* \* \*

On motion of Senator Urquhart, **S.B. 55**, ELECTRONIC SIGNATURES, was read the second time and circled.

\* \* \*

**1st Sub. S.B. 151**, REAL ESTATE TRANSACTIONS AND SECURITIES, was read the second time. Senator McAdams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams	Buttars	Hillyard	Jones
Morgan			

\* \* \*

On motion of Senator Jenkins, the circle was removed from **S.B. 86**, SUNSET REAUTHORIZATIONS, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 3, Lines 63 through 64

63 (8) Section 53A–17a–163, Performance–based Compensation Pilot Program is repealed

64 July 1, {–2011–} 2016 .

Senator Jenkins’s motion to amend passed on a voice vote. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 1; Absent, 5.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Mayne

McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative was:** Senator Dayton

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Jones			

\* \* \*

**S.B. 250, ELECTRONIC TRANSMISSIONS AND DIRECTORS ACTIONS,** was read the second time. Senator McAdams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Christensen	Hillyard	Jones
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\* \* \*

**1st Sub. S.B. 290, ABATEMENT OF WEEDS, GARBAGE, REFUSE, AND UNSIGHTLY OBJECTS,** was read the second time. Senator Knudson explained the bill.

On motion of Senator Knudson, the following substitute bill replaced the original bill:

**2nd Sub. S.B. 290 Abatement of Weeds, Garbage, Refuse, and Unsightly Objects** (P. Knudson)

The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Jones
Madsen			

\* \* \*

On motion of Senator Adams, the circle was removed from **S.B. 230**, DNA AMENDMENTS, and it was before the Senate. Senator Adams explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell			

**Absent or not voting were:** Senators

Buttars	Hillyard	Jones	Waddoups
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\* \* \*

On motion of Senator Adams, the circle was removed from **S.B. 271**, EMINENT DOMAIN REVISIONS, and it was before the Senate. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	J. Stevenson	Stowell	Thatcher
Valentine	Van Tassell		

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Jones
H. Stephenson	Urquhart	Waddoups	

\* \* \*

On motion of Senator Stevenson, the circle was removed from **1st Sub. S.B. 56**, OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN AMENDMENTS, and it was before the Senate. Senator Stevenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 17; Nays, 0; Absent, 12.****Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Jenkins	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	J. Stevenson	Valentine
Van Tassell			

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Hinkins
Jones	Madsen	Robles	H. Stephenson
Stowell	Thatcher	Urquhart	Waddoups

\* \* \*

On motion of Senator Adams, the circle was removed from **S.B. 150**, NEGLIGENT CREDENTIALING, and it was before the Senate. Senator Adams explained the bill. Senators Valentine, Romero, McAdams, and Christensen commented. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 6; Absent, 2.****Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hinkins	Jenkins	Knudson

Liljenquist	Madsen	Mayne	McAdams
Niederhauser	Okerlund	Reid	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Van Tassell			

**Voting in the negative were:** Senators

Dayton	Hillyard	Morgan	Robles
Romero	Valentine		

**Absent or not voting were:** Senators

Jones	Waddoups
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### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 22, 2011

The House passed, **1st Sub. S.J.R. 3**, ADULT IMMUNIZATION AWARENESS MONTH JOINT RESOLUTION, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 22, 2011

The House passed, as substituted, **2nd Sub. H.B. 76**, FEDERAL LAW EVALUATION AND RESPONSE, by Representative K. Ivory, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 115**, MECHANICS' LIENS AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 172**, SERVICE ANIMAL AMENDMENTS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed **H.C.R. 8**, CONCURRENT RESOLUTION ON PROVIDING CONTINUING FEDERAL FINANCIAL ASSISTANCE FOR THE DELIVERY OF BASIC SERVICES TO DUTCH JOHN, UT, by Representative M. Brown, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.



\* \* \*

On motion of Senator Jenkins and at 5:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 23, 2011.

# THIRTIETH DAY

## MORNING SESSION

**February 23, 2011**

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

**Prayer** – Alan McKay

**Pledge of Allegiance** – Senator Wayne Niederhauser

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 80)

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 22, 2011

The House passed, as substituted, **3rd Sub. H.B. 48**, FINGERPRINTS OF JUVENILES, by Representative J. Peterson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 77**, MEDICAL ASSISTANCE ACCOUNTABILITY, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.B. 86**, VETERAN'S IDENTIFICATION ON DRIVER LICENSE OR IDENTIFICATION CARD, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 99**, MOTION PICTURE INCENTIVES AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 106**, ELECTRONIC MEETINGS REVISIONS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 121**, SEXUAL SOLICITATION AMENDMENTS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 161**, GUARDIAN AD LITEM RESPONSIBILITIES, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 174**, CONTRACTING FOR MEDICAID ELIGIBILITY DETERMINATION SERVICES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 256**, CHILDREN'S HEALTH INSURANCE AND MEDICAID ADMINISTRATIVE SIMPLIFICATION, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 272**, INDIGENT DEFENSE ACT AMENDMENTS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 274**, LOBBYIST DISCLOSURE AND REGULATION ACT AMENDMENTS, by Representative P. Arent, et al, and it is transmitted for consideration; and

The House passed **H.B. 275**, SCHOOL DISTRICT DIVISION AMENDMENTS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed **H.J.R. 4**, JOINT RULES RESOLUTION PROVIDING ETHICS REQUIREMENTS FOR LEGISLATORS ELECT, by Representative P. Arent, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

### INTRODUCTION OF BILLS

**S.B. 279, Grand Jury Modifications** (M. Dayton), was read the first time by short title and referred to the Rules Committee.

**S.B. 309, Government Records Access Management Act Amendments** (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

**S.B. 312, Economic Development Coordination** (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

### THIRD READING CALENDAR

**S.B. 51**, AMENDMENTS TO LOCAL SALES AND USE TAXES FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, was read the third time and explained by Senator Hillyard.

Senator Buttars proposed the following amendment:

1. Page 5, Line 117 through Page 5, Line 125

117 (1) (a) [(+)A] Subject to the other provisions of this section, a  
 118 county legislative body

118 may submit an opinion question to the residents of that county, by  
 119 majority vote of all members

119 of the legislative body, so that each resident of the county, except  
 120 residents in municipalities

120 that have already imposed a sales and use tax under Part 14, City or  
 121 Town Option Funding For

121 Botanical, Cultural, Recreational, and Zoological Organizations or  
 122 Facilities, has an

122 opportunity to express the resident's opinion on the imposition of a  
 123 local sales and use tax of

123 .1% on the transactions described in Subsection 59-12-103(1)  
 124 located within the county, to :

(i)

124 fund cultural facilities, recreational facilities, and zoological  
 125 facilities, botanical organizations,

125 cultural organizations, and zoological organizations, and rural  
 126 radio stations, in that county :or

(ii) provide funding for a botanical organization, cultural organization,  
or zoological organization to pay a school district for use of a school bus  
or facility rental if that use of the school bus or facility rental is in  
furtherance of the botanical organization's, cultural organization's, or  
zoological organization's primary purpose .

2. Page 12, Lines 340 through 347:

340 (1) (a) [(+) ] Subject to [Subsection (6), beginning on January 1,  
 2003,] the other

341 provisions of this section, a city or town legislative body subject to  
 this part may submit an  
 342 opinion question to the residents of that city or town, by majority  
 vote of all members of the  
 343 legislative body, so that each resident of the city or town has an  
 opportunity to express the  
 344 resident’s opinion on the imposition of a local sales and use tax of  
 .1% on the transactions  
 345 described in Subsection 59–12–103(1) located within the city or  
 town, to ;  
(i) fund cultural facilities,  
 346 recreational facilities, and zoological facilities and botanical  
organizations, cultural  
 347 organizations, and zoological organizations in that city or town ;  
or  
(ii) provide funding for a botanical organization, cultural organization,  
or zoological organization to pay a school district for use of a school bus  
or facility rental if that use of the school bus or facility rental is in  
furtherance of the botanical organization’s, cultural organization’s, or  
zoological organization’s primary purpose .

Senator Buttars’ motion to amend passed on a voice vote. Senator Stephenson commented.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**1st Sub. S.B. 235, CHARTER SCHOOL STUDENTS’ PARTICIPATION IN EXTRACURRICULAR ACTIVITIES,** was read the third time, explained by Senator Mayne, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

- |             |          |               |              |
|-------------|----------|---------------|--------------|
| Adams       | Bramble  | Buttars       | Christensen  |
| Davis       | Dayton   | Hillyard      | Hinkins      |
| Jones       | Knudson  | Liljenquist   | Mayne        |
| McAdams     | Morgan   | Niederhauser  | Okerlund     |
| Reid        | Robles   | H. Stephenson | J. Stevenson |
| Stowell     | Thatcher | Urquhart      | Valentine    |
| Van Tassell | Waddoups |               |              |

**Absent or not voting were:** Senators

Jenkins                      Madsen                      Romero

**1st Sub. S.B. 235** was transmitted to the House for consideration.

\* \* \*

**S.B. 149, QUALIFICATIONS FOR THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH**, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Madsen                      J. Stevenson

**S.B. 149** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Reid, **S.J.R. 9, JOINT RESOLUTION – GOVERNANCE OF PUBLIC AND HIGHER EDUCATION**, was read the third time and circled.

\* \* \*

On motion of Senator McAdams, **S.B. 141, BURGLARY OFFENSE AMENDMENTS**, was read the third time and circled.

\* \* \*

On motion of Senator Dayton, **1st Sub. S.B. 157, PROPERTY TAX REVISIONS**, was read the third time and circled.

\* \* \*

**S.B. 69, SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION**, was read the third time and explained by Senator Mayne.

Senators Jenkins and Valentine commented and the bill passed on the following roll call:

**Yeas, 21; Nays, 5; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Hinkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
Stowell	Thatcher	Urquhart	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Dayton	Hillyard	Jenkins	J. Stevenson
Valentine			

**Absent or not voting were:** Senators

Bramble	Madsen	Niederhauser
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**S.B. 69** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Reid, the circle was removed from **S.J.R. 9, JOINT RESOLUTION – GOVERNANCE OF PUBLIC AND HIGHER EDUCATION**, and it was before the Senate. Senator Reid explained the bill. Senators Stephenson, Jenkins, Jones, Valentine, Davis, Buttars, and Romero commented. The bill passed on the following roll call:

**Yeas, 22; Nays, 6; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Morgan
Niederhauser	Okerlund	Reid	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Davis	Mayne	McAdams	Robles
Romero	Stowell		

**Absent or not voting was:** Senator  
Madsen

**S.J.R. 9** was transmitted to the House for consideration.

\* \* \*

**2nd Sub. S.B. 180**, MEDICAID REFORM, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Hillyard                      Madsen

**2nd Sub. S.B. 180** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Valentine, legislative staff was authorized to draft a resolution developing a sister relationship between Utah and Lioaning Province China.

On motion of Senator Buttars, legislative staff was authorized to draft a bill regarding municipal court judges.

\* \* \*

**S.B. 159**, SEX OFFENDER REGISTRY REVISIONS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins



Jones	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard	Knudson	Madsen
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**S.B. 159** was transmitted to the House for consideration.

\* \* \*

**S.B. 177, SECURITY AGENCY QUALIFICATIONS AMENDMENTS,** was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Hillyard	Madsen	Niederhauser	Stowell
Urquhart			

**S.B. 177** was transmitted to the House for consideration.

\* \* \*

**S.B. 191, WORKERS' COMPENSATION COVERAGE WAIVERS,** was read the third time, explained by Senator Mayne, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins

Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard	Madsen	Stowell
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**S.B. 191** was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 67**, ANNUAL EYE EXAMINATION FOR CHILDREN IN GRADES KINDERGARTEN THROUGH THREE, was read the third time and explained by Senator Robles.

Senator Stephenson proposed the following amendment:

1. Page 2, Lines 41 through 43

41 ~~[(2)]~~ (3) (a) The division ;

(i) shall provide vision screening report forms to a person

42 approved by the division to conduct a free vision screening for children aged 3–1/2 to ~~[seven]~~

43 eight ; and

(ii) may work with health care professionals, teachers, and vision screeners to develop protocols that may be used by a parent, teacher, or vision screener to help identify a child who may have conditions that are not detected in a vision screening, such as problems with eye focusing, eye tracking, visual perceptual skills, visual motor integration, and convergence insufficiency; and

(iii) shall, once protocols are established under Subsection (3)(a)(ii), develop language regarding the vision problems identified in Subsection (3)(a)(ii) to be included in the notice required by Subsection (3)(b) .

Senator Stephenson's motion to amend passed on a voice vote. Senators Bramble and Dayton commented and the bill passed on the following roll call:

**Yeas, 23; Nays, 3; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hinkins	Jones	Knudson	Liljenquist

Madsen	Mayne	McAdams	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators  
 Buttars                      Dayton                      Jenkins

**Absent or not voting were:** Senators  
 Hillyard                      Niederhauser                      Stowell

**1st Sub. S.B. 67** was transmitted to the House for consideration.

**SPECIAL RECOGNITION**

Senator Madsen paid special recognition to winners of the Springville Art Museum contest. Dr. Virgil Jacobson was recognized.

\* \* \*

On motion of Senator Jenkins, and at 11:45 a.m., the Senate recessed.

**AFTERNOON SESSION**

The Senate reassembled at 2:25 p.m., with President Waddoups presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 23, 2011

The House passed, **1st Sub. S.B. 16**, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 101**, UTAH UNIFORM SECURITIES ACT ENFORCEMENT, by Senator B. McAdams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 135**, DEPARTMENT OF PUBLIC SAFETY DUTIES AMENDMENTS, by Senator D. Thatcher, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 143**, JUDICIARY AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 15**, DELISTING OF WOLVES CONCURRENT RESOLUTION, by Senator A. Christensen, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 23, 2011

The House adopted the Joint Conference Committee Report dated February 23, 2011, and passed **1st Sub. H.B. 19**, INSURANCE LAW RELATED AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 28**, PENALTIES FOR UNAUTHORIZED USE OF RECORDS, by Representative R. Greenwood, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 71**, VICTIM RIGHTS AMENDMENTS, by Representative B. Wilson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 78**, DEVELOPER FEES, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 243**, OCCUPATIONS AND PROFESSIONS AMENDMENTS, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 257**, CONCEALED FIREARM ACT MODIFICATIONS, by Representative R. Menlove, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

February 23, 2011

The House passed, as amended, **H.B. 98**, CAPITAL OUTLAY FUNDING MODIFICATIONS, by Representative C. Watkins, and it is transmitted for consideration; and

The House passed **H.B. 162**, PEDESTRIANS ON FREEWAYS, by Representative L. Perry, and it is transmitted for consideration; and

The House passed **H.C.R. 7**, CONCURRENT RESOLUTION SUPPORTING PUBLIC POLICIES THAT PROMOTE OUTDOOR ACTIVITIES FOR CHILDREN, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 16**, RESOLUTION SUPPORTING UTAH HIGHWAY PATROL USE OF WHITE CROSSES AS ROADSIDE MEMORIAL, by Representative L. Perry, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President:

February 23, 2011

The House passed, as amended, **1st Sub. S.B. 117**, COMMUNITY ASSOCIATION ACT AMENDMENTS, by Senator S. Urquhart, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 110**, DRIVER LICENSE SUSPENSION AMENDMENTS, by Senator D. C. Buttars, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 58**, CRIME VICTIMS REPARATIONS REVISIONS, by Senator J. S. Adams, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February , 2011

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and Labor Committee**

**1st Sub. H.B. 115** Mechanics' Liens Amendments (Rep. M. Morley)  
(Sen. J. S. Adams)

**Government Operations and Political Subdivisions Committee**

- S.B. 309** Government Records Access Management Act Amendments (Sen. J. Stevenson)
- 2nd Sub. H.B. 76** Federal Law Evaluation and Response (Rep. K. Ivory) (Sen. W. Niederhauser)
- H.B. 86** Veteran's Identification on Driver License or Identification Card (Rep. G. Hughes) (Sen. M. Dayton)
- 1st Sub. H.B. 106** Electronic Meetings Revisions (Rep. B. Daw) (Sen. S. Urquhart)
- H.B. 172** Service Animal Amendments (Rep. K. Grover) (Sen. M. Dayton)
- H.B. 274** Lobbyist Disclosure and Regulation Act Amendments (Rep. P. Arent) (Sen. B. McAdams)
- H.B. 275** School District Division Amendments (Rep. K. Sumsion) (Sen. M. Dayton)
- H.J.R. 4** Joint Rules Resolution Providing Ethics Requirements for Legislators Elect (Rep. P. Arent) (Sen. B. McAdams)

**Health and Human Services Committee**

- 1st Sub. H.B. 174** Contracting for Medicaid Eligibility Determination Services (Rep. W. Harper) (Sen. A. Christensen)
- 1st Sub. H.B. 256** Children's Health Insurance and Medicaid Administrative Simplification (Rep. J. Dunnigan) (Sen. D. Liljenquist)

**Judiciary, Law Enforcement, and Criminal Justice Committee**

- 3rd Sub. H.B. 48** Fingerprints of Juveniles (Rep. J. Peterson) (Sen. D. Thatcher)
- 1st Sub. H.B. 121** Sexual Solicitation Amendments (Rep. J. Seelig) (Sen. C. Bramble)
- H.B. 161** Guardian Ad Litem Responsibilities (Rep. C. Oda) (Sen. J. Valentine)
- H.B. 272** Indigent Defense Act Amendments (Rep. K. McIff) (Sen. L. Hillyard)
- S.B. 279** Grand Jury Modifications (Sen. M. Dayton)

**Natural Resources, Agriculture and Environment Committee**

- H.C.R. 8** Concurrent Resolution on Providing Continuing Federal Financial Assistance for the Delivery of Basic Services to Dutch John, Utah (Rep. M. Brown) (Sen. K. Van Tassell)

**Revenue and Taxation Committee**

- S.B. 202**                    Pharmaceutical Competitive Pricing (Sen. C. Bramble)
- S.B. 262**                    Tobacco Products Amendments (Sen. C. Bramble)
- S.B. 285**                    Industrial Assistance Fund Amendments  
                                      (Sen. C. Bramble)

**Workforce Services and Community and Economic Development Committee**

- S.B. 312**                    Economic Development Coordination (Sen. S. Jenkins)
- 1st Sub. H.B. 99**         Motion Picture Incentives Amendments (Rep. G. Hughes)  
                                      (Sen. W. Niederhauser)

Margaret Dayton  
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

**INTRODUCTION OF BILLS**

**S.B. 186, Utah Medical Practice Act Amendments** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.B. 273, Emergency Responder Fees**, (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.B. 294, Patient Access Reform**, (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**THIRD READING CALENDAR**

On motion of Senator Christensen, **S.B. 199, UTAH COMMISSION ON UNIFORM STATE LAWS**, was read the third time and circled.

\* \* \*

On motion of Senator Christensen, **S.B. 200, STATE DEBT COLLECTIONS AMENDMENTS**, was read the third time and circled.

\* \* \*

**1st Sub. S.B. 151, REAL ESTATE TRANSACTIONS AND SECURITIES**, was read the third time, explained by Senator McAdams, and passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	Thatcher	Urquhart	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hillyard	Hinkins	Jenkins	Madsen
H. Stephenson	J. Stephenson	Stowell	Valentine

**1st Sub. S.B. 151** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Okerlund, **S.B. 86**, SUNSET REAUTHORIZATIONS, was read the third time and circled.

\* \* \*

**S.B. 250**, ELECTRONIC TRANSMISSIONS AND DIRECTORS ACTIONS, was read the third time, explained by Senator McAdams, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	Thatcher	Urquhart
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Hillyard	Jenkins	Madsen
J. Stephenson	Stowell	Valentine	

**S.B. 250** was transmitted to the House for consideration.

\* \* \*

**2nd Sub. S.B. 290**, ABATEMENT OF WEEDS, GARBAGE, REFUSE, AND UNSIGHTLY OBJECTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:



**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	Urquhart
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard	Jenkins	Madsen	J. Stevenson
Stowell	Thatcher	Valentine	

**2nd Sub. S.B. 290** was transmitted to the House for consideration.

\* \* \*

**S.B. 230, DNA AMENDMENTS,** was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hinkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	Urquhart	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Christensen	Hillyard	Jenkins	Madsen
J. Stevenson	Stowell	Thatcher	Valentine

**S.B. 230** was transmitted to the House for consideration.

\* \* \*

**S.B. 271, EMINENT DOMAIN REVISIONS,** was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	Urquhart	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hillyard	Jenkins	Madsen	Niederhauser
J. Stevenson	Stowell	Thatcher	Valentine

**S.B. 271** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Dayton, **1st Sub. S.B. 56**, OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN AMENDMENTS, was read the third time and circled.

\* \* \*

On motion of Senator Adams, **S.B. 150**, NEGLIGENT CREDENTIALING, was read the third time and circled.

### INTRODUCTION OF BILLS

**S.J.R. 27, Bullying and Cyber Bullying Standards for School Districts Joint Resolution** (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Buttars, **1st Sub. S.B. 212**, JUDICIAL EVALUATION AMENDMENTS, will be considered Thursday, February 24, 2011 at 11:00 a.m.

### SECOND READING CALENDAR

**1st Sub. H.B. 216**, REUNIFICATION SERVICES AMENDMENTS, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Hillyard	Jenkins	Stowell
Thatcher	Urquhart		

\* \* \*

**H.B. 103, ELECTION AMENDMENTS**, was read the second time. Senator Liljenquist explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Hillyard	Jenkins	Stowell
Thatcher	Urquhart		

\* \* \*

On motion of Senator Dayton, **H.B. 262, DIVIDED SCHOOL DISTRICT ASSETS AND LIABILITIES**, was read the second time and circled.

\* \* \*

On motion of Senator Dayton, **4th Sub. H.J.R. 12, JOINT RESOLUTION ON JOINT RULES CHANGES**, was read the second time and circled.

\* \* \*

On motion of Senator Dayton, the circle was removed from **4th Sub. H.J.R. 12, JOINT RESOLUTION ON JOINT RULES CHANGES**, and it was before the

Senate. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Hillyard	Jenkins	Reid
Stowell	Thatcher	Urquhart	

\* \* \*

**S.J.R. 21, RELATIONS WITH THE REPUBLIC OF TURKEY JOINT RESOLUTION**, was read the second time. Senator Knudson explained the bill. Senators Valentine, Davis, and Dayton commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	H. Stephenson
J. Stevenson	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams	Buttars	Hillyard	Jenkins
Reid	Romero	Stowell	Thatcher
Urquhart			

\* \* \*

**S.B. 243, HISTORIC AREAS OR SITES AMENDMENTS**, was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

## 1. Page 2, Lines 40 through 45

40 (2) {~~A~~} (a) Except as provided in Subsection (3), a municipality may not:

41 (a) designate an historical area or site on or after May 10, 2011, and before May 8,

42 2012; or

43 (b) exercise an authority or an action described in Subsection (1), unless the authority

44 or action is for an historical area or site established before May 10, 2011, or on or after May 8,

45 2012.

(3) Subsection (2) does not apply to an historical area or site designated or an authority or action exercised by a municipality in which a person may voluntarily participate.

## 2. Page 3, Lines 60 through 65:

60 (2) {~~A~~} Except as provided in Subsection (3), a county may not:

61 (a) designate an historical area or site on or after May 10, 2011, and before May 8,

62 2012; or

63 (b) exercise an authority or an action described in Subsection (1), unless the authority

64 or action is for an historical area or site established before May 10, 2011, or on or after May 8,

65 2012.

(3) Subsection (2) does not apply to an historical area or site designated or an authority or action exercised by a county in which a person may voluntarily participate.

Senator Niederhauser's motion to amend passed on a voice vote. Senators Dayton, Okerlund, McAdams, Stevenson, Waddoups, Morgan, and Davis commented. Senator McAdams declared a conflict of interest. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 6; Absent, 3.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Jones	Mayne	McAdams	Morgan
Robles	Romero		

**Absent or not voting were:** Senators

Adams	Hillyard	Stowell
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\* \* \*

**S.B. 112, RETIREMENT SYSTEM DIVESTMENT**, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Buttars	Hillyard	Niederhauser
Stowell	Thatcher	Urquhart	

\* \* \*

**1st Sub. S.B. 120, CAREER SERVICE AMENDMENTS**, was read the second time. Senator Liljenquist explained the bill.

On motion of Senator Liljenquist, the following substitute bill replaced the original bill:

**2nd Sub. S.B. 120 Career Service Amendments** (D. Liljenquist)

The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Niederhauser	Stowell	Thatcher	

\* \* \*

**S.B. 127, POST RETIREMENT EMPLOYMENT AMENDMENTS,** was read the second time. Senator Liljenquist explained the bill. Senators Okerlund and Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Hinkins	Jenkins	Niederhauser	Stowell
Urquhart			

\* \* \*

**S.B. 308, AMENDMENTS TO PUBLIC EMPLOYEE’S BENEFIT AND INSURANCE PROGRAM,** was read the second time. Senator Liljenquist explained the bill.

On motion of Senator Liljenquist, the following substitute bill replaced the original bill:

**1st Sub. S.B. 308 Amendments to Public Employee’s Benefit and Insurance Program (D. Liljenquist)**

Senators Dayton and Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Hillyard	Hinkins	Niederhauser
Stowell			

\* \* \*

On motion of Senator Adams, the circle was removed from **S.B. 214, MOTOR VEHICLE RENTAL COMPANY FEE DISCLOSURES**, and it was before the Senate. Senator Adams explained the bill.

Senator Adams proposed the following amendment:

1. Page 2, Lines 55 through 56  
Senate Committee Amendments  
2-14-2011

55 (1) A motor vehicle rental company may include separately stated surcharges, fees, or

56 charges in a rental agreement, including { ~~Ⓢ~~ but not limited  
to ~~Ⓢ~~ } ;

Senator Adams’ motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Jenkins	Jones	Knudson



Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Hillyard	Hinkins	Niederhauser
Stowell			

### INTRODUCTION OF BILLS

**S.B. 256, Teacher Effectiveness Evaluation Process** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

**S.B. 266, Amendments to Election Law** (M. Madsen), was read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Jenkins and at 4:10 p.m., the Senate adjourned until 10:00 a.m., Thursday, February 24, 2011.

# THIRTY-FIRST DAY

## MORNING SESSION

**February 24, 2011**

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

**Prayer** – Right Reverend Scott D. Hayashi, Bishop, Episcopal Diocese of Utah

**Pledge of Allegiance** – Senator Scott Jenkins

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2011

The House passed, as substituted, **1st Sub. H.B. 82**, SALES AND USE TAXES ON CERTAIN LODGING RELATED PURCHASES, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 173**, DEDICATION AND ABANDONMENT OF PUBLIC HIGHWAYS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 253**, EMPLOYMENT OF UNAUTHORIZED ALIENS, by Representative C. Herrod, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

#### STANDING COMMITTEE REPORTS

Mr. President: February 23, 2011

The Business and Labor Committee reports a favorable recommendation on **S.B. 314**, ALCOHOLIC BEVERAGE AMENDMENTS, by Senator J. Valentine, with the following amendments and recommends it be considered read for the first time:



- 5345 ~~63J-1-602.2. List of nonlapsing funds and accounts — Title 31 through Title 45.~~
- 5346 ~~(1) Appropriations from the Technology Development Restricted Account created in~~
- 5347 ~~Section 31A-3-104.~~
- 5348 ~~(2) Appropriations from the Criminal Background Check Restricted Account created in~~
- 5349 ~~Section 31A-3-105.~~
- 5350 ~~(3) Appropriations from the Captive Insurance Restricted Account created in Section~~
- 5351 ~~31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that~~
- 5352 ~~section free revenue.~~
- 5353 ~~(4) Appropriations from the Title Licensee Enforcement Restricted Account created in~~
- 5354 ~~Section 31A-23a-415.~~
- 5355 ~~(5) The fund for operating the state's Federal Health Care Tax Credit Program, as~~
- 5356 ~~provided in Section 31A-38-104.~~
- 5357 ~~(6) The Alcoholic Beverage Control Act Enforcement Fund created in Section~~
- 5358 ~~32B-2-305.~~
- 5359 ~~[(6)] (7) The Special Administrative Expense Account created in Section 35A-4-506.~~
- 5360 ~~[(7)] (8) Funding for a new program or agency that is designated as nonlapsing under~~
- 5361 ~~Section 36-24-101.~~
- 5362 ~~[(8)] (9) The Oil and Gas Conservation Account created in Section 40-6-14.5.~~
- 5363 ~~[(9)] (10) The Off-Highway Access and Education Restricted Account created in~~
- 5364 ~~Section 41-22-19.5.—}~~

Renumber the remaining sections accordingly.

## 6. Page 174, Lines 5373 through 5382:

5373 (1) Except as provided in Subsection (2), this bill takes effect on July 1, 2011.

5374 (2) (a) The repeal of Subsection 32B-6-603(4) (Effective 07/01/11) in this bill takes effect on November 1,

5375 2011.

5376 (b) Title 32B, Chapter 6, Part 8, Reception Center License, enacted by this bill takes

5377 effect on November 1, 2011.

5378 (c) Title 32B, Chapter 6, Part 9, Beer-only Restaurant License, enacted by this bill

5379 takes effect on March 1, 2012.

5380 (d) The following take effect on July 1, 2012:

(i) Section 32B-2-209, enacted by this bill;

(ii) the repeal in this bill of Section 32B-4-506 (Effective 07/01/11);

(iii) the repeal in this bill of Section 32B-4-507 (Effective 07/01/11);

(iv) Section 32B-5-309 (Effective 07/01/11) as amended by this bill; and

(v) Title 32B, Chapter 8a, Transfer of Retail License Act, enacted by this bill { - takes

5381 effect on July 1, 2012.

5382 (e) Section 32B-5-309 as amended by this bill takes effect on July 1, 2012 } .

## 7. Page 73, Lines 2251 through 2256:

2251 (6) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish liquor at

2252 the licensed premises on any day during the period that:

2253 (i) begins at midnight; and

2254 (ii) ends at [~~11:59~~] 11:29 a.m.

2255 (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer during the

2256 hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer , except that a full-service restaurant licensee may not sell, offer for sale, or furnish beer before 11:30 a.m. on any day .

## 8. Page 81, Lines 2478 through 2483:

2478 (6) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish wine

2479 or heavy beer at the licensed premises on any day during the period that:

2480 (i) begins at midnight; and

2481 (ii) ends at [~~11:59~~] 11:29 a.m.

2482 (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer during

2483 the hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer except that a limited-service restaurant licensee may not sell, offer for sale, or furnish beer before 11:30 a.m. on any day .

## 9. Page 102, Lines 3142 through 3145:

3142 (6) (a) An on-premise beer retailer may not sell, offer for sale, or furnish beer at its

3143 licensed premises during a period that:

3144 (i) begins at 1 a.m.; and

3145 (ii) ends at {~~+~~} 9:59 {~~+~~} {~~11:29~~} a.m.

## 10. Page 111, Lines 3411 through 3412:

3411 (6) A beer-only restaurant licensee may sell, offer for sale, or furnish beer during the

3412 hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer except that a beer-only restaurant licensee may not sell, offer for sale, or furnish beer before 11:30 a.m. on any day ; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 91**, REAL ESTATE RELATED AMENDMENTS, by Representative G. Froerer; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 175**, CONDOMINIUM OWNERSHIP ACT MODIFICATIONS, by Representative R. Wilcox; and

The Business and Labor Committee recommends **H.B. 194, SERVICE CONTRACTS ACT AMENDMENTS**, by Representative J. Anderson, be replaced and favorably recommends **1st Sub. H.B. 194, SERVICE CONTRACTS ACT AMENDMENTS** with the following amendments:

1. Page 3, Lines 69 through 71:

69        (2) (a) For a service contract executed on or after July 1, 2011,  
      that exceeds 12 months for a renewal period, a seller shall provide  
70        written notice of an automatic renewal provision prominently  
      displayed on the first page of the  
71        service contract.

John L. Valentine, Chair

Mr. President: February 23, 2011  
The Education Committee reports a favorable recommendation on **S.B. 78, PUBLIC SCHOOL EARLY GRADUATION COUNSELING**, by Senator D. C. Buttars.

Howard A. Stephenson, Chair

Mr. President: February 23, 2011  
The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 68, OFF-HIGHWAY VEHICLE OPERATOR RESPONSIBILITIES**, by Representative M. Noel; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 73, MOTOR CARRIER TRANSPORTATION CONTRACT INDEMNITY AGREEMENTS**, by Representative D. Ipson; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 81, TOW TRUCK AMENDMENTS**, by Representative L. Perry.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: February 23, 2011

The Education Committee reports a favorable recommendation on **S.B. 210**, UTAH POSTSECONDARY PROPRIETARY SCHOOL ACT AMENDMENTS, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Education Committee reports a favorable recommendation on **H.B. 50**, SCHOOL TERMINATION PROCEDURES MODIFICATIONS, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Education Committee reports a favorable recommendation on **H.B. 83**, CHARTER SCHOOL REVOLVING ACCOUNT, by Representative G. Hughes, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 92**, PUBLIC EDUCATION REGIONAL SERVICE CENTERS, by Representative B. Last, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Education Committee reports a favorable recommendation on **H.B. 195**, DEBT SERVICE OBLIGATIONS OF A DIVIDED SCHOOL DISTRICT, by Representative K. Sumsion, and recommends it be considered read for the second time and placed on the Consent Calendar.

Howard A. Stephenson, Chair

Mr. President: February 23, 2011

The Business and Labor Committee reports a favorable recommendation on **H.B. 251**, ALARM SYSTEM AMENDMENTS, by Representative L. Hemingway, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: February 23, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 77**, IGNITION INTERLOCK SYSTEM AMENDMENTS, by Senator J. Valentine, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:



- 1. Page 9, Lines 268 through 269:

268 (b) notify the person of the suspension period in place and the requirements for  
 269 reinstatement {~~-of~~ } of the driving privilege with respect to the ignition interlock restriction suspension; and

- 2. Page 9, Lines 270 through 275:

270 (c) {~~-reinstate~~ } clear the suspension upon:  
 271 (i) receipt of payment of the fee or fees specified in Section 53-3-105; and  
 272 (ii) (A) receipt of electronic notification from an ignition interlock system provider  
 273 showing proof of the installation of an ignition interlock system on the person's vehicle; or  
 274 (B) electronically verifying that the person does not have a vehicle registered in the  
 275 person's name.

- 3. Page 10, Line 299:

299 A violation of {~~-this part~~ } the requirement under this part to be licensed as an ignition interlock system provider or installer is a class C misdemeanor. ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 313**, PROSTATE CANCER SPECIAL GROUP LICENSE PLATE, by Senator B. McAdams, with the following amendments, and recommends it be considered read for the second time and placed on the Consent Calendar:

- 1. Page 2, Lines 46 through 48:

46 {~~-(4) Funds in the account are nonlapsing.~~  
 47 (~~5~~) The } (4) Subject to appropriation, the department shall distribute funds in the account to one or more charitable  
 48 organizations that:

- 2. Page 2, Lines 53 through 54:

53 {~~-(6)~~ } (5) (a) An organization described in Subsection {~~-(5)~~ } (4) may apply to the department to

54 receive a distribution in accordance with Subsection  
~~{-(5)}~~ } (4) .

3. Page 2, Line 56:

56 Subsection ~~{-(5)}~~ } (4) shall expend the distribution only  
for programs within the state that:

4. Page 3, Line 62:

62 department to receive a distribution under Subsection  
~~{-(5)}~~ } (4) .

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

### INTRODUCTION OF BILLS

**S.B. 167, Condominium and Community Association Revisions** (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

**S.B. 184, Disposal of Electronic Waste** (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

**S.B. 217, Education Policy Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 221, State Resource Management Plan for Certain Nonwilderness Study Area Bureau of Land Management Lands** (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

**S.B. 224, Partisan School Board Elections** (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

**S.B. 317, State Parks Access Highway** (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

### CONSENT CALENDAR

**S.B. 160, FEDERAL FUNDS PROCEDURES ACT AMENDMENTS**, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Liljenquist	Mayne	McAdams
Niederhauser	Reid	H. Stephenson	J. Stevenson
Stowell	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Knudson	Madsen	Morgan
Okerlund	Robles	Romero	Thatcher
Urquhart	Valentine		

**S.B. 160** was transmitted to the House for consideration.

\* \* \*

**S.B. 172, POLITICAL SUBDIVISIONS ADMINISTRATION AMENDMENTS**, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Madsen	Okerlund	Robles	Romero
Valentine			

**S.B. 172** was transmitted to the House for consideration.

\* \* \*

**S.B. 203, EXECUTIVE RESIDENCE COMMISSION**, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Reid
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Madsen	Okerlund	Robles
Romero			

**S.B. 203** was transmitted to the House for consideration.

\* \* \*

**S.J.R. 19**, JOINT RESOLUTION APPROVING THE HOUGHTON CASE FINAL SETTLEMENT AGREEMENT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Niederhauser	Reid	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Jenkins	Madsen	Morgan
Okerlund	Robles	Romero	

**S.J.R. 19** was transmitted to the House for consideration.

\* \* \*

**H.B. 67**, STATE BONDING COMMISSION BONDING AUTHORITY, was read the third time, explained by Senator Stowell, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Reid	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Madsen	Morgan	Niederhauser
Okerlund	Robles	Romero	

**H.B. 67** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. S.B. 226, INCOME TAX CREDITS FOR CLEANER BURNING FUELS**, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Madsen	Okerlund	Robles	Romero
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**1st Sub. S.B. 226** was transmitted to the House for consideration.

**SPECIAL RECOGNITION**

The Senate honored retiring members of the Office of Legislative Research and General Counsel. Those retiring include Joy Miller, James Wilson, and Stewart Smith.

### THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 157, PROPERTY TAX REVISIONS**, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 2, Line 31:  
Delete "assessed by the commission"
2. Page 2, Line 32:  
Delete "five" and insert "ten"

Senator Bramble's motion to amend passed on a voice vote. Senator Stephenson commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hillyard	Madsen	Niederhauser	Robles
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**1st Sub. S.B. 157** was transmitted to the House for consideration.

\* \* \*

**1st Sub. H.B. 216, REUNIFICATION SERVICES AMENDMENTS**, was read the third time, explained by Senator Christensen, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins

Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Madsen	Niederhauser	Robles
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**1st Sub. H.B. 216** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 103**, ELECTION AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Madsen
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**H.B. 103** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **S.B. 199**, UTAH COMMISSION ON UNIFORM STATE LAWS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones

Knudson	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Bramble	Liljenquist	Madsen
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**S.B. 199** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **S.B. 200**, STATE DEBT COLLECTIONS AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Buttars	Davis	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Mayne	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Christensen	Liljenquist
Madsen	McAdams	Thatcher	

**S.B. 200** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Jenkins, the circle was removed from **S.B. 86**, SUNSET REAUTHORIZATIONS, and it was before the Senate. Senator Jenkins explained the bill. The bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones



Knudson	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Christensen	Liljenquist	Madsen
Robles	J. Stevenson	Thatcher	

**S.B. 86** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **S.B. 51**, AMENDMENTS TO LOCAL SALES AND USE TAXES FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, and it was before the Senate. Senator Hillyard explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 21 through 23

21       ► changes the imposition period and reauthorization  
period for a ~~{-city or town-}~~ county sales and use tax for  
botanical,

22 cultural, recreational, and zoological organizations or facilities  
from ~~{-an eight-year-}~~ a ten-year

23 period to ~~{-a ten-year-}~~ an eight-year period;

2. Page 6, Line 176 through Page 7, Line 186:

176       (4) (a) ~~{-A-}~~ Except as provided in Subsection (4)(b) or  
(c), a tax authorized under this part shall be:

177       (i) ~~{-except as provided in Subsection (4)(b),-}~~  
administered, collected, and enforced in

178 accordance with:

179       (A) the same procedures used to administer, collect, and enforce  
the tax under:

180       (I) Part 1, Tax Collection; or

181       (II) Part 2, Local Sales and Use Tax Act; and

182 (B) Chapter 1, General Taxation Policies; and

183 (ii) levied for a period of 10 years and may be reauthorized at the  
end of the ten-year

184 period in accordance with this section.

(b) (i) If a tax under this part is imposed for the first time on or  
after July 1, 2011, the tax shall be levied for a period of eight years.

(ii) If a tax under this part is reauthorized in accordance with  
Subsection (4)(a) on or after July 1, 2011, the tax shall be reauthorized for  
an eight-year period.

185 {-(b)-} (c) [Notwithstanding Subsection (4)(a)(i), a]  
A tax under this part is not subject to

186 Subsections 59-12-205(2) through (6).

3. Page 13, Line 390 through Page 14, Line 401  
Senate Committee Amendments  
2-10-2011:

390 (4) (a) ~~Ŝ~~→ [A] Except as provided in Subsection (4)(b), a ←Ŝ  
tax authorized under this

390a part shall be:

391 (i) ~~Ŝ~~→ [except as provided in Subsection (4)(b),] ←Ŝ  
administered, collected, and enforced in

392 accordance with:

393 (A) the same procedures used to administer, collect, and enforce  
the tax under:

394 (I) Part 1, Tax Collection; or

395 (II) Part 2, Local Sales and Use Tax Act; and

396 (B) Chapter 1, General Taxation Policies; and

397 (ii) (A) levied for a period of ~~Ŝ~~→ [ ] eight [ ] ←Ŝ years; and

398 (B) may be reauthorized at the end of the ~~Ŝ~~→ [ ] eight-year [ ]  
ten-year ←Ŝ period in

398a accordance

399 with this section.

400 {———} (b) ~~Ŝ~~→ (b) (i) If a tax under this part is imposed for the  
first time on or after July 1,

400a ~~2011, the tax shall be levied for a period of 10 years.~~

400b ~~(ii) If a tax under this part is reauthorized in accordance with Subsection (4)(a) on or~~

400c ~~after July 1, 2011, the tax shall be reauthorized for a ten year period. }~~

400d { ~~(c)~~ } (b) ←Ŝ [Notwithstanding ~~Subsection (4)(a)(i), a~~] A tax under this section is not subject to

401 Subsections 59–12–205(2) through (6).

Senator Stephenson’s motion to amend failed on a voice vote. Senator Okerlund commented. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Mayne	McAdams	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Christensen	Liljenquist	Madsen
Niederhauser			

**S.B. 51** was transmitted to the House for consideration.

**TIME CERTAIN CALENDAR**

On motion of Senator Buttars, under suspension of the rules, **1st Sub. S.B. 212, JUDICIAL EVALUATION AMENDMENTS**, was considered read the second and third times. Senator Buttars explained the bill. Senators Valentine and Romero commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Dayton
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Reid	Robles

Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Christensen	Davis	Hinkins	McAdams
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**1st Sub. S.B. 212** was transmitted to the House.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **H.B. 217**, APPOINTMENT OF DIRECTOR OF THE DIVISION OF HEALTH CARE FINANCING, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Christensen	Hillyard	Madsen
McAdams	Thatcher		

**H.B. 217** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Stevenson, the circle was removed from **1st Sub. S.B. 56**, OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN AMENDMENTS, and it was before the Senate. Senator Stevenson explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones

Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Christensen	Madsen	McAdams
Thatcher			

**1st Sub. S.B. 56** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Dayton, **4th Sub. H.J.R. 12**, JOINT RESOLUTION ON JOINT RULES CHANGES, was read the third time and circled.

\* \* \*

**S.J.R. 21**, RELATIONS WITH THE REPUBLIC OF TURKEY JOINT RESOLUTION, was read the third time and explained by Senator Knudson. Senators Valentine and Stevenson commented and the bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Christensen	Hillyard	McAdams	Reid
Robles			

**S.J.R. 21** was transmitted to the House for consideration.

\* \* \*

**S.B. 243**, HISTORIC AREAS OR SITES AMENDMENTS, was read the third time and explained by Senator Niederhauser.

Senator Niederhauser proposed the following amendment:

1. Page 2, Lines 45a through 45b  
Senate 2nd Reading Amendments  
2-23-2011

45a ~~{  $\hat{S}$  → (3) Subsection (2) does not apply to an historical area or site designated or an authority or~~

45b ~~action exercised by a municipality in which a person may voluntarily participate. ←  $\hat{S}$  }~~

(3) The municipality may enact an ordinance described in Subsection (2) only if the ordinance is requested by each owner of record of a parcel of property that would be subject to the ordinance.

2. Page 3, Lines 65a through 65b  
Senate 2nd Reading Amendments  
2-23-2011:

65a ~~{  $\hat{S}$  → (3) Subsection (2) does not apply to an historical area or site designated or an authority or~~

65b ~~action exercised by a county in which a person may voluntarily participate. ←  $\hat{S}$  }~~

(3) The county may enact an ordinance described in Subsection (2) only if the ordinance is requested by each owner of record of a parcel of property that would be subject to the ordinance.

Senator Niederhauser's motion to amend passed on a voice vote and the bill passed on the following roll call:

**Yeas, 19; Nays, 5; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Davis	Jones	Mayne	Morgan
Romero			

**Absent or not voting were:** Senators

Buttars	Hillyard	McAdams	Reid
Robles			

**S.B. 243** was transmitted to the House for consideration.

\* \* \*

**S.B. 112, RETIREMENT SYSTEM DIVESTMENT**, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Hillyard	Knudson	McAdams	Reid
Robles			

**S.B. 112** was transmitted to the House for consideration.

\* \* \*

**2nd Sub. S.B. 120, CAREER SERVICE AMENDMENTS**, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Davis	McAdams	Reid	Robles
Valentine			

**2nd Sub. S.B. 120** was transmitted to the House for consideration.

\* \* \*

**S.B. 127**, POST RETIREMENT EMPLOYMENT AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Madsen	McAdams	Reid	Robles
Valentine			

**S.B. 127** was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 308**, AMENDMENTS TO PUBLIC EMPLOYEE'S BENEFIT AND INSURANCE PROGRAM, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Knudson	Mayne	McAdams	Reid
Robles	Valentine		

**1st Sub. S.B. 308** was transmitted to the House for consideration.



\* \* \*

**S.B. 214**, MOTOR VEHICLE RENTAL COMPANY FEE DISCLOSURES, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Mayne
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Hinkins	Madsen	McAdams	Reid
Robles	Thatcher		

**S.B. 214** was transmitted to the House for consideration.

On motion of Senator Adams, the Senate voted to include the following intent language in the journal:

**INTENT LANGUAGE**

The Legislature intends that the use of “includes” in this bill is inclusive and not exclusive. This intent is consistent with current Utah Code, current and past Utah practice, and is consistent with the Utah Supreme Court’s position about the legal effect of the word “includes” as expressed in its opinion *Checkrite Recovery Services v. King*, 52 P.3d 1265 (Utah 2002).

\* \* \*

On motion of Senator Jenkins, and at 11:50 a.m., the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:15 p.m., with President Waddoups presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2011

The House passed, **3rd Sub. S.B. 125**, PROPERTY TAX EXEMPTION AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill was signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 24, 2011

The House passed, as substituted and amended, **1st Sub. H.B. 176**, AUDIT OF STATE BUDGETS, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 183**, SCHOOL DISTRICT LEAVE POLICIES, by Representative K. Grover, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 267**, PUBLIC BODY RULES OF PROCEDURE, by Representative M. Brown, and it is transmitted for consideration; and

The House passed **H.B. 318**, MONEY MANAGEMENT ACT AMENDMENTS, by Representative J. Bird, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President: February 24, 2011

The House passed, as amended, **S.B. 142**, PUBLIC OFFICIAL CONTACT INFORMATION, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House passed, as amended, **S.J.R. 12**, JOINT RESOLUTION – IMMIGRATION, by Senator S. Reid, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 24, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and Labor Committee**

- S.B. 167** Condominium and Community Association Revisions  
(Sen. W. Niederhauser)
- H.C.R. 7** Concurrent Resolution Supporting Public Policies That Promote Outdoor Activities for Children (Rep. J. Draxler)  
(Sen. P. Jones)

#### **Education Committee**

- S.B. 217** Education Policy Amendments (Sen. C. Bramble)
- S.B. 224** Partisan School Board Elections (Sen. H. Stephenson)
- S.B. 256** Teacher Effectiveness Evaluation Process  
(Sen. J. S. Adams)
- S.J.R. 27** Bullying and Cyber Bullying Standards for School Districts Joint Resolution (Sen. R. Okerlund)

#### **Government Operations and Political Subdivisions Committee**

- S.B. 266** Amendments to Election Law (Sen. M. Madsen)
- S.B. 273** Emergency Responder Fees (Sen. J. S. Adams)

#### **Health and Human Services Committee**

- S.B. 186** Utah Medical Practice Act Amendments  
(Sen. J. S. Adams)

#### **Judiciary, Law Enforcement, and Criminal Justice Committee**

- S.B. 154** Utah Fit Premises Act Modifications (Sen. B. McAdams)

#### **Natural Resources, Agriculture and Environment Committee**

- S.B. 184** Disposal of Electronic Waste (Sen. S. Urquhart)

- S.B. 221** State Resource Management Plan for Certain Nonwilderness Study Area Bureau of Land Management Lands (Sen. R. Okerlund)

**Revenue and Taxation Committee**

- 1st Sub. H.B. 82** Sales and Use Taxes on Certain Lodging Related Purchases (Rep. T. Kiser) (Sen. H. Stephenson)
- H.B. 98** Capital Outlay Funding Modifications (Rep. C. Watkins) (Sen. R. Okerlund)
- 1st Sub. H.B. 253** Employment of Unauthorized Aliens (Rep. C. Herrod) (Sen. D. Liljenquist)

**Transportation, Public Utilities and Technology Committee**

- S.B. 317** State Parks Access Highway (Sen. K. Van Tassell)
- H.B. 162** Pedestrians on Freeways (Rep. L. Perry) (Sen. R. Romero)
- H.B. 173** Dedication and Abandonment of Public Highways (Rep. K. McIff) (Sen. S. Urquhart)

**Workforce Services and Community and Economic Development Committee**

- H.C.R. 16** Resolution Supporting Utah Highway Patrol Use of White Crosses as Roadside Memorial (Rep. L. Perry) (Sen. D. Thatcher)

Margaret Dayton  
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

**STANDING COMMITTEE REPORTS**

Mr. President: February 23, 2011

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 88**, AGRICULTURE SUSTAINABILITY TASK FORCE, by Representative J. Draxler; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.J.R. 19**, JOINT RESOLUTION OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY'S REGULATION OF GREENHOUSE GASES, by Representative R. Barrus; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 82**, URBAN FARMING ASSESSMENT ACT, by Senator W. Niederhauser, with the following amendments:

1. Page 2, Line 45:

45      (a)   {~~over 50% of~~ }   the land to which the phrase applies is being devoted to active urban ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.J.R. 21**, SELECTIONS OF UNAPPROPRIATED FEDERAL LANDS JOINT RESOLUTION, by Representative R. Barrus.

Ralph Okerlund, Chair

Mr. President:

February 24, 2011

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 209**, TELECOMMUNICATIONS AMENDMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 259**, SALES AND USE TAX EXEMPTION FOR CERTAIN LOCAL GOVERNMENT TAXES AND FEES, by Senator D. Stowell; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 262**, TOBACCO PRODUCTS AMENDMENTS, by Senator C. Bramble.

Curtis S. Bramble, Chair

Mr. President:

February 24, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.C.R. 16**, BONDS OF FRIENDSHIP WITH IRAN CONCURRENT RESOLUTION, by Senator P. Knudson, et al; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 180**, DEBT COLLECTION DATA MATCH WITH WORKER REGISTRY, by Representative D. Clark; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.J.R. 28**, VETERANS DAY JOINT RESOLUTION, by Representative J. Anderson.

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

### INTRODUCTION OF BILLS

**S.B. 84, Predator Control Funding** (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

**S.B. 225, Personal Injury Protection Arbitration** (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

**S.B. 239, Motor and Special Fuel Tax Amendments** (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

**S.B. 257, Legislative Counsel Relating to United States Senators** (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

### CONCURRENCE CALENDAR

On motion of Senator Adams, the Senate voted to concur in the House amendments to **S.B. 58**, CRIME VICTIMS REPARATIONS REVISIONS. The bill, as amended, passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Dayton
Hinkins	Jones	Knudson	Liljenquist
Madsen	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Davis	Hillyard	Jenkins
Mayne	Robles		

**S.B. 58** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Buttars, the Senate voted to concur in the House amendments to **S.B. 110**, DRIVER LICENSE SUSPENSION AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Madsen	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Jenkins	Mayne	Robles
Valentine			

**S.B. 110** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to **1st Sub. S.B. 117**, COMMUNITY ASSOCIATION ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Madsen	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Jenkins	Mayne	Robles
Thatcher			

**1st Sub. S.B. 117** was returned to the House for the signature of the Speaker.

**SPECIAL RECOGNITION**

The Senate honored participants in the Special Olympics. Senator Hillyard commented.

**THIRD READING CALENDAR**

On motion of Senator Adams, the circle was removed from **S.B. 150**, NEGLIGENT CREDENTIALING, and it was before the Senate. Senator Adams explained the bill.

Senator Valentine proposed the following amendment:

- 1. Page 1, Lines 26 through 27  
Senate Committee Amendments  
2-15-2011

26 It is the policy of this state that the question of negligent credentialing, as applied to individual members of a

27 ~~It is the policy of this state that the question of negligent credentialing, as applied to individual members of a~~  
~~{-providers }~~ ~~credentialing board~~ ~~in malpractice~~  
~~{-suits }~~ ~~actions~~ . is not recognized as a cause of action.

Senator Valentine’s motion to amend failed on a voice vote. Senators Waddoups and Urquhart commented. The bill passed on the following roll call:

**Yeas, 18; Nays, 4; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Dayton
Hinkins	Knudson	Liljenquist	Madsen
Mayne	McAdams	Okerlund	Reid
H. Stephenson	J. Stevenson	Stowell	Urquhart
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Davis	Morgan	Romero	Valentine
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**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Jones
Niederhauser	Robles	Thatcher	



**S.B. 150** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Madsen, the circle was removed from **S.B. 141**, BURGLARY OFFENSE AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill. The bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	McAdams
Niederhauser	Robles	Thatcher	

**S.B. 141** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Buttars, the circle was removed from **H.B. 192**, CONTROLLED SUBSTANCES ADVISORY COMMITTEE AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Madsen	Mayne	Morgan	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Liljenquist
McAdams	Niederhauser	Robles	Thatcher

\* \* \*

On motion of Senator Urquhart, the circle was removed from **2nd Sub. S.B. 129, LICENSING OF PHYSICIAN–EDUCATORS**, and it was before the Senate. Senator Urquhart explained the bill.

On motion of Senator Urquhart, the following substitute bill replaced the original bill:

**3rd Sub. S.B. 129 Licensing of Physician–Educators (S. Urquhart)**

The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Jenkins
Liljenquist	Niederhauser		

\* \* \*

On motion of Senator Urquhart, the circle was removed from **S.B. 97, HIGHER EDUCATION MISSION BASED FUNDING**, and it was before the Senate. Senator Urquhart explained the bill.

Senator Valentine proposed the following amendment:

1. Page 4, Lines 107e through 107f  
Senate Committee Amendments  
2–11–2011

107e (e) Notwithstanding Subsection (2)(d), the board may allocate funding for a modest

107f amount of growth to doctorate–granting institutions and Southern Utah University. ←Ŝ

(f) Concurrent with recommending mission based funding, the

board shall also recommend to the Legislature ways to address funding any inequities for institutions as compared to institutions with similar missions.

Senator Valentine’s motion to amend passed on a voice vote. Senators Dayton, Hillyard, and Reid commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 3; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Christensen	Davis	Robles
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**Absent or not voting were:** Senators

Bramble	Buttars	Liljenquist	Niederhauser
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\* \* \*

On motion of Senator Hillyard, the circle was removed from **S.B. 131, UNINCORPORATED BUSINESS ENTITY UNIFORM ACTS**, and it was before the Senate.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:

**1st Sub. S.B. 131 Unincorporated Business Entity Uniform Acts**  
(L. Hillyard)

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**S.B. 85, LEGAL NOTICE AMENDMENTS**, was read the second time. Senator Urquhart explained the bill.

Senator Urquhart proposed the following amendment:

1. Page 1, Lines 15 through 20  
Senate Committee Amendments  
2-16-2011

15       ▶       requires a newspaper that publishes a legal notice in the newspaper to publish the

16 legal notice on a public ~~Site~~ legal ~~Site~~ notice website at no additional cost ~~{-}~~ ~~}~~ ~~:~~

17       ▶       eliminates an exception from publication requirements for a county of the first or

18 second class; and

19       {~~-~~ requires that certain bids for construction or improvement projects be published in a

20 newspaper in the county in which the work is to be performed; and~~-~~}

2. Page 1, Line 27 through Page 2, Line 29  
Senate Committee Amendments  
2-16-2011:

27 AMENDS:

28       45-1-101, as last amended by Laws of Utah 2010, Chapters 90 and 254

29       {~~-72-6-107, as last amended by Laws of Utah 2010, Chapter 90-~~}

3. Page 4, Line 96 through Page 5, Line 147: Delete lines 96 through 147

Renumber remaining sections accordingly.

Senator Urquhart's motion to amend passed on a voice vote. Senator Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Waddoups

**Absent or not voting were:** Senators

Buttars	Davis	Hillyard	Liljenquist
Van Tassell			

\* \* \*

**S.C.R. 8**, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY LANDFILL PERMIT, was read the second time. Senator Niederhauser explained the bill.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

**1st Sub. S.C.R. 8 Concurrent Resolution Approving Solid Waste Facility Landfill Permit** (W. Niederhauser)

The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Liljenquist
Madsen			

\* \* \*

On motion of Senator Jenkins, and at 3:35 p.m., the Senate sauntered.

The Senate was called to order at 4:00 p.m., with President Waddoups presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 24, 2011

The House passed, as substituted and amended, **2nd Sub. H.B. 116**, GUEST WORKER PROGRAM ACT, by Representative B. Wright, and it is transmitted for consideration; and

The House passed **H.B. 305**, MIDTERM VACANCIES IN MUNICIPAL OFFICES, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 331**, POST-EMPLOYMENT BENEFITS AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 489**, HOUSING AUTHORITY APPLICATION PROCESS, by Representative G. Froerer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

### STANDING COMMITTEE REPORTS

Mr. President:

February 23, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 60**, PILOT ACCOUNTABILITY PERMIT PROGRAM AND IDENTITY RELATED AMENDMENTS, by Senator L. Robles, be replaced and favorably recommends **1st Sub. S.B. 60**, PILOT ACCOUNTABILITY PERMIT PROGRAM AND IDENTITY RELATED AMENDMENTS with the following amendments:

1. Page 2, Lines 51 through 54:

- 51       •       requiring the establishment of a database; and  
 52       •       providing for the sharing of information with federal  
 agencies under certain  
 53   circumstances; {~~and~~}  
       ▶ directs the Fraudulent Documents Identification Unit to administer a  
 new Identity Theft Victims Restricted Account; and  
 54       ▶       makes technical and conforming amendments.

2. Page 3, Lines 69 through 70:

- 69       63J-1-602.3, as enacted by Laws of Utah 2010, Chapter 265  
67-5-22.7, as enacted by Laws of Utah 2009, Chapter 30  
 70       76-10-526, as last amended by Laws of Utah 2010, Chapter 62

3. Page 11, Lines 325 through 331:

- 325       (c) the attorney general for costs associated with:

326 (i) a multi-agency strike force created under Section 67-5-22.7; {~~or~~ }

327 (ii) a memorandum of understanding executed under Section 67-5-28;

(iii) the Fraudulent Documents Identification Unit created in Section 67-5-22.7; or

(iv) the Identity Theft Victims Restricted Account created in Subsection 67-5-22.7(5);

328 (d) the State Office of Education for costs associated with implementing Section

329 53-16-308; or

330 (e) fund the costs associated with Title 76, Chapter 8, Part 15, Identity Enforcement

331 Act.

4. Page 11, Line 334 through Page 12, Line 353:

334 (1) (a) If a waiver, exemption, or authority described in Section 53-16-202 does not

335 provide for the issuance of a Social Security number to a permit holder, the State Tax

336 Commission shall by rule made in accordance with Title 63G, Chapter 3, Utah Administrative

337 Rulemaking Act, provide a means for a person who receives services from a permit holder to

338 withhold from compensation paid to the permit holder an amount to be determined by State

339 Tax Commission rule that, as closely as possible, equals the income {~~and employment~~ } taxes that

340 would be imposed by state law if the permit holder were an employee with a Social Security

341 number.

342 (b) If a waiver, exemption, or authority described in Section 53-16-202 provides for the

343 issuance of a Social Security number to a permit holder, a person who receives services from a

344 permit holder is required to withhold from compensation as provided in Title 59, Chapter 10.

345 Part 4, Withholding of Tax.

346 (2) The rules described in Subsection (1)(a) shall be substantially similar to Title 59.

347 Chapter 10, Part 4, Withholding of Tax.

348 (3) To the extent feasible and consistent with a waiver, exemption, or authority entered

349 into under Section 53-16-202, the State Tax Commission shall work with the applicable federal

350 government agencies to ensure that the withholding provided for under Subsection (2) is

351 compatible with a federal process by which the federal government collects federal income and employment taxes {~~are collected~~ }

352 that would be imposed under federal law if a permit holder were an employee with a Social

353 Security number.

5. Page 45, Line 1360:

1360 Section 35. Section 76-8-1501 is enacted to read:  
INSERT SECTION HERE

6. Page 45, Line 1389 through Page 46, Line 1390:

1389 (C) a tribal treaty card.

Section 37. Section 67-5-22.7 is amended to read:

67-5-22.7. Multi-agency strike force to combat violent and other major felony crimes associated with illegal immigration and human trafficking -- Fraudulent Documents Identification Unit.

(1) The Office of the Attorney General is authorized to administer and coordinate the operation of a multi-agency strike force to combat violent and other major felony crimes committed within the state that are associated with illegal immigration and human trafficking.

(2) The office shall invite officers of the U.S. Immigration and Customs Enforcement and state and local law enforcement personnel to participate in this mutually supportive, multi-agency strike force to more effectively utilize their combined skills, expertise, and resources.



(3) The strike force shall focus its efforts on detecting, investigating, deterring, and eradicating violent and other major felony criminal activity related to illegal immigration and human trafficking.

(4) In conjunction with the strike force and subject to available funding, the Office of the Attorney General shall establish a Fraudulent Documents Identification Unit:

(a) for the primary purpose of investigating, apprehending, and prosecuting individuals or entities that participate in the sale or distribution of fraudulent documents used for identification purposes;

~~{-and-}~~

(b) to specialize in fraudulent identification documents created and prepared for individuals who are unlawfully residing within the state ~~{-}~~ ; and

(c) to administer the Identity Theft Victims Restricted Account created under Subsection (5).

(5) (a) There is created a restricted account in the General Fund known as the "Identity Theft Victims Restricted Account."

(b) The Identity Theft Victims Restricted Account shall consist of money appropriated to the Identity Theft Victims Restricted Account by the Legislature.

(c) Subject to appropriations from the Legislature, the Fraudulent Documents Identification Unit may expend the money in the Identity Theft Victims Restricted Account to pay a claim as provided in this Subsection (5) to a person who is a victim of identity theft prosecuted under Section 76-6-1102 or 76-10-1801.

(d) To obtain restitution from the Identity Theft Victims Restricted Account, a person shall file a claim with the Fraudulent Documents Identification Unit by no later than one year after the day on which an individual is convicted, pleads guilty, pleads no contest to, pleads guilty in a similar manner to, or resolved by diversion or its equivalent an offense under Section 76-6-1102 or 76-10-1801 for the theft of the identity of the person filing the claim.

(e) A claim filed under this Subsection (5) shall include evidence satisfactory to the Fraudulent Documents Identification Unit:

(i) that the person is the victim of identity theft described in Subsection (5)(d); and

(ii) of the actual damages experienced by the person as a result of the identity theft that are not recovered from a public or private source.

(f) The Fraudulent Documents Identification Unit shall pay a claim of restitution from the Identity Theft Victims Restricted Account:

(i) if the Fraudulent Documents Identification Unit determines that the person has provided sufficient evidence to meet the requirements of Subsection (5)(e);

(ii) in the order that claims are filed with the Fraudulent Documents Identification Unit; and

(iii) to the extent that there is money in the Identity Theft Victims Restricted Account.

(g) If there is insufficient money in the Identity Theft Victims Restrict Account when a claim is filed under this Subsection (5) to pay the claim in full, the Fraudulent Documents Identification Unit may pay a claim when there is sufficient money in the account to pay the claim.

~~{(5)}~~ (6) The strike force shall make an annual report on its activities to the governor and the Legislature's Law Enforcement and Criminal Justice Interim Committee by December 1, together with any proposed recommendations for modifications to this section.

1390 Section 37. Section 76-8-1503 is enacted to read:

Renumber remaining sections accordingly; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 176**, CANDIDATE PARTY AFFILIATION, by Senator B. McAdams; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 248**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Senator C. Bramble, with the following amendments:

1. Page 1, Lines 22 through 23:

22 Other Special Clauses:

23 ~~{None}~~ This bill takes effect on January 1, 2012.

2. Page 5, Lines 125 through 133:

125 (j) the following licensed physicians for the purpose of reviewing and offering an

126 opinion on an individual's request for workers' compensation benefits under Title 34A, Chapter

127 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah Occupational Disease Act:

128 (i) a member of the medical panel described in Section  
34A-2-601; or

129 { ~~(ii) the medical director for the Labor Commission;~~

130 ~~(iii) the medical director for a workers' compensation insurer;~~  
~~or~~

131 ~~(iv) the medical director for a self-insured employer; and }~~  
(ii) a physician offering a second opinion regarding treatment.

132 { ~~(k) a physician for the purpose of checking for prescription  
duplication, drug over use,~~

133 ~~or drug abuse pursuant to Section 58-37f-704. }~~

3. Page 6, Lines 153 through 160:

153 { ~~Section 2. Section 58-37f-704 is enacted to read:~~

154 ~~58-37f-704. Requirement to check controlled substance  
database.~~

155 A licensed physician shall review the database before writing a  
first prescription to a

156 patient for a schedule II or schedule III controlled substance to  
determine if there is evidence

157 relating to the patient of:

158 (1) prescription duplication;

159 (2) drug over use; or

160 (3) drug abuse. }

Section 2. Effective Date

This bill takes effect on January 1, 2012. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 74**, MUNICIPAL JUSTICE COURT JUDGE ELECTIONS, by Representative K. Sumsion; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 75**, DANGEROUS WEAPON AMENDMENTS, by Representative C. Oda.

Mark B. Madsen, Chair

Mr. President: February 24, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 72**, INITIATIVE AMENDMENTS, by Senator L. Hillyard; and

The Government Operations and Political Subdivisions Committee recommends **1st Sub. H.B. 54**, ELECTRONIC COMMUNICATIONS IN PUBLIC MEETINGS, by Representative K. Powell, be replaced and favorably recommends **3rd Sub. H.B. 54**, ELECTRONIC COMMUNICATIONS IN PUBLIC MEETINGS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 271**, RESTRICTIONS ON POLITICAL SUBDIVISIONS REGARDING THE REGULATION OF KNIVES, by Representative R. Wilcox; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 263**, LOCAL DISTRICT SERVICES AMENDMENTS, by Representative D. Clark; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.C.R. 3**, CONCURRENT RESOLUTION URGING CONGRESS TO PASS BALANCED BUDGET AMENDMENT TO U.S. CONSTITUTION, by Representative C. Wimmer.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President: February 24, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 80**, EMERGENCY MANAGEMENT, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 163**, REVISOR'S STATUTE, by Representative B. Dee, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 228**, ADMINISTRATIVE RULES REAUTHORIZATION, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 254**, EMERGENCY PROCEDURES AMENDMENTS, by Representative R. Greenwood, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 268**, MUNICIPAL ENFORCEMENT REGARDING PROPERTY MAINTENANCE, by Representative M. Morley, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

### INTRODUCTION OF BILLS

**S.B. 232, Public Transit District Board of Trustees Amendments** (K. Mayne), was read the first time by short title and referred to the Rules Committee.

**S.B. 307, Amendments to Outdoor Advertising** (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

**S.B. 318, Justice Court Modifications** (D. C. Buttars), was read the first time by short title and referred to the Rules Committee.

### THIRD READING CALENDAR

On motion of Senator Dayton, the circle was removed from **4th Sub. H.J.R. 12, JOINT RESOLUTION ON JOINT RULES CHANGES**, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 18; Nays, 0; Absent, 11.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hinkins
Jenkins	Jones	Knudson	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	J. Stevenson	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Liljenquist	Madsen	Niederhauser	H. Stephenson
Stowell	Thatcher	Urquhart	

**4th Sub. H.J.R. 12** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

**S.B. 197, LOCAL HOUSING AUTHORITY AMENDMENTS**, was read the second time. Senator McAdams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Liljenquist	Robles	Thatcher	Urquhart

\* \* \*

On motion of Senator Christensen, **S.B. 70, COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES AMENDMENTS**, was read the second time and circled.

\* \* \*

**S.B. 76, DISTRIBUTION OF REVENUES COLLECTED UNDER THE LOCAL SALES AND USE TAX ACT**, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hinkins
Jenkins	Jones	Knudson	Mayne
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Liljenquist	Madsen	McAdams	Robles
Urquhart			

\* \* \*

On motion of Senator Okerlund, **S.B. 222, PUBLIC TRANSIT AMENDMENTS**, was read the second time and circled.

\* \* \*

On motion of Senator Jenkins, **1st Sub. S.B. 178, MUNICIPAL LAND USE AMENDMENTS**, was read the second time and circled.

\* \* \*

**S.B. 188, TAX COMMISSION AMENDMENTS**, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Liljenquist	Robles	Urquhart	

\* \* \*

**2nd Sub. S.B. 100**, SECURITIES FRAUD REPORTING PROGRAM ACT, was read the second time. Senator McAdams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.****Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Liljenquist	Robles		

\* \* \*

On motion of Senator Jenkins, **S.B. 272**, SECURED CREDITOR AMENDMENTS, was read the second time and circled.

\* \* \*

**S.B. 179**, MATH EDUCATION INITIATIVE, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 6; Absent, 5.****Voting in the affirmative were:** Senators

Adams	Christensen	Dayton	Hinkins
Jenkins	Knudson	Madsen	McAdams
Niederhauser	Okerlund	Reid	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Van Tassell	Waddoups		



**Voting in the negative were:** Senators

Davis	Jones	Mayne	Morgan
Robles	Romero		

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Liljenquist
Valentine			

\* \* \*

**S.B. 206, LABOR ORGANIZATION PROVISIONS IN TEACHER CONTRACTS**, was read the second time. Senator Stephenson explained the bill. Senators Waddoups and Dayton commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Madsen	Mayne	McAdams	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Hillyard	Knudson	Liljenquist
Niederhauser	Urquhart	Valentine	

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 70, COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES AMENDMENTS**, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

**1st Sub. S.B. 70 Community Development and Renewal Agencies Amendments** (C. Bramble)

Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Hillyard	Liljenquist	Niederhauser
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\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 222**, PUBLIC TRANSIT AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Hillyard	Liljenquist	Niederhauser
J. Stevenson			

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 178**, MUNICIPAL LAND USE AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Hillyard	Madsen
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\* \* \*

On motion of Senator Urquhart, the circle was removed from **S.C.R. 11, DIXIE STATE COLLEGE CONCURRENT RESOLUTION**, and it was before the Senate. Senator Urquhart explained the bill. Senators Valentine and Bramble commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Romero	Thatcher
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\* \* \*

On motion of Senator Adams, **S.C.R. 14, CONCURRENT RESOLUTION HONORING PROVIDERS OF HEALTH CARE SERVICES TO MILITARY PERSONNEL AND THEIR DEPENDENTS**, will be considered Friday, February 25, 2011 at 11:00 a.m.

\* \* \*

On motion of Senator Liljenquist, the circle was removed from **1st Sub. H.B. 66, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES**,

and it was before the Senate. Senator Liljenquist explained the bill. Senators Waddoups and Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 1; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative was:** Senator

Dayton

**Absent or not voting were:** Senators

Bramble	Buttars	Madsen
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\* \* \*

On motion of Senator Niederhauser, the circle was removed from **H.B. 248**, COUNTY OFFICE VACANCIES, and it was before the Senate. Senator Niederhauser explained the bill. Senators Hillyard, Okerlund, Hinkins, and Jenkins commented. The bill passed second reading on the following roll call:

**Yeas, 15; Nays, 9; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Dayton	Jenkins
Knudson	Liljenquist	Mayne	McAdams
Niederhauser	Romero	J. Stevenson	Thatcher
Urquhart	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Davis	Hillyard	Hinkins	Jones
Morgan	Okerlund	Reid	Stowell
Valentine			

**Absent or not voting were:** Senators

Bramble	Buttars	Madsen	Robles
H. Stephenson			

**INTRODUCTION OF BILLS**

**S.B. 300, Government Bonding Amendments** (B. McAdams), was read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Jenkins and at 5:05 p.m., the Senate adjourned until 10:00 a.m., Friday, February 25, 2011.

# THIRTY-SECOND DAY

## MORNING SESSION

**February 25, 2011**

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

**Prayer** – David V. Styler, Millard County School Superintendent

**Pledge of Allegiance** – Senator Ross Romero

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2011

The Speaker of the House has signed **S.B. 58**, CRIME VICTIMS REPARATIONS REVISIONS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 110**, DRIVER LICENSE SUSPENSION AMENDMENTS, by Senator D. C. Buttars, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 117**, COMMUNITY ASSOCIATION ACT AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 24, 2011

The House passed, as amended, **H.B. 85**, ALCOHOLIC BEVERAGE CONTROL ACT – SALES TO MINORS, by Representative V. Peterson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 152**, SCHOOL COMMUNITY COUNCILS AMENDMENTS, by Representative B. Wright, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 259**, COUNTY RECORDER REVISIONS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 333**, UNFAIR INDUCEMENTS RELATED TO INSURANCE PRODUCTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 334**, FAMILY EXPENSE AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 379**, NONJUDICIAL FORECLOSURE OF TRUST DEEDS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed **H.B. 440**, BEER TAX AMENDMENTS, by Representative V. Peterson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

### INTRODUCTION OF BILLS

**S.B. 220, Intermountain Weatherization Training Fund** (S. Jenkins), was read the first time by short title and referred to the Rules Committee.

**S.B. 252, National Popular Vote** (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

**S.B. 263, State Board of Education Powers Amendments** (D. C. Buttars), was read the first time by short title and referred to the Rules Committee.

### CONSENT CALENDAR

**H.B. 55, VOLUNTEER SEARCH AND RESCUE WORKERS' COMPENSATION CLAIMS**, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson

Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
H. Stephenson	J. Stevenson	Stowell	Urquhart
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Hillyard	Madsen
Romero	Thatcher	Valentine	

**H.B. 55** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 79**, PROPERTY AND CASUALTY CERTIFICATE OF INSURANCE ACT, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Okerlund
Robles	H. Stephenson	J. Stevenson	Urquhart
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Madsen	Niederhauser	Reid	Romero
Stowell	Thatcher	Valentine	

**H.B. 79** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Dayton, **2nd Sub. H.B. 212**, CHARGES BY HEALTH PROVIDERS FOR MEDICAL RECORDS, was read the third time and circled.

\* \* \*

**H.B. 265**, MOTOR VEHICLE EMISSION AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:



**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Madsen	Reid	Thatcher	Valentine
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**H.B. 265**, as amended, was returned to the House for further consideration.

**THIRD READING CALENDAR**

**3rd Sub. S.B. 129**, LICENSING OF PHYSICIAN–EDUCATORS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Reid
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**3rd Sub. S.B. 129** was transmitted to the House for consideration.

\* \* \*

**H.B. 192**, CONTROLLED SUBSTANCES ADVISORY COMMITTEE AMENDMENTS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Reid

**H.B. 192** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**S.B. 97, HIGHER EDUCATION MISSION BASED FUNDING**, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Reid

**S.B. 97** was transmitted to the House for consideration.

\* \* \*

**S.B. 85, LEGAL NOTICE AMENDMENTS**, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Reid

**S.B. 85** was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.C.R. 8, CONCURRENT RESOLUTION APPROVING A COMMERCIAL NONHAZARDOUS SOLID WASTE LANDFILL**, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell		

**Voting in the negative was:** Senator  
Waddoups

**Absent or not voting were:** Senators  
Hillyard                      Reid

**1st Sub. S.C.R. 8** was transmitted to the House for consideration.

\* \* \*

**S.B. 197, LOCAL HOUSING AUTHORITY AMENDMENTS**, was read the third time, explained by Senator McAdams, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Reid	J. Stevenson
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**S.B. 197** was transmitted to the House for consideration.

\* \* \*

**S.B. 76, DISTRIBUTION OF REVENUES COLLECTED UNDER THE LOCAL SALES AND USE TAX ACT**, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Niederhauser	Reid	J. Stevenson
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**S.B. 76** was transmitted to the House for consideration.

\* \* \*

**S.B. 188, TAX COMMISSION AMENDMENTS**, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Okerlund
Robles	Romero	H. Stephenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Morgan	Niederhauser	Reid	J. Stevenson
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**S.B. 188** was transmitted to the House for consideration.

\* \* \*

**2nd Sub. S.B. 100**, SECURITIES FRAUD REPORTING PROGRAM ACT, was read the third time, explained by Senator McAdams, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Okerlund	Robles
Romero	H. Stephenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Madsen	Morgan	Niederhauser	Reid
J. Stevenson			

**2nd Sub. S.B. 100** was transmitted to the House for consideration.

\* \* \*

**S.B. 179**, MATH EDUCATION INITIATIVE, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 19; Nays, 6; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins

Knudson	Liljenquist	Madsen	Okerlund
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Waddoups	

**Voting in the negative were:** Senators

Davis	Jones	Mayne	Morgan
Robles	Romero		

**Absent or not voting were:** Senators

McAdams	Niederhauser	Reid	Van Tassell
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**S.B. 179** was transmitted to the House for consideration.

\* \* \*

**S.B. 206**, LABOR ORGANIZATION PROVISIONS IN TEACHER CONTRACTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Waddoups			

**Absent or not voting were:** Senators

Hinkins	Niederhauser	Reid	Van Tassell
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**S.B. 206** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, **1st Sub. S.B. 70**, COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES AMENDMENTS, was read the third time and circled.

\* \* \*

**S.B. 222**, PUBLIC TRANSIT AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Waddoups

**Absent or not voting were:** Senators

Buttars	Hillyard	Hinkins	Niederhauser
Van Tassell			

**S.B. 222** was transmitted to the House for consideration.

**TIME CERTAIN CALENDAR**

On motion of Senator Adams, under suspension of the rules, **S.C.R. 14, CONCURRENT RESOLUTION HONORING PROVIDERS OF HEALTH CARE SERVICES TO MILITARY PERSONNEL AND THEIR DEPENDENTS**, was considered read the second and third times. Senator Adams explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hillyard	Niederhauser	H. Stephenson	Stowell
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**S.C.R. 14** was transmitted to the House.

**THIRD READING CALENDAR**

**1st Sub. S.B. 178, MUNICIPAL LAND USE AMENDMENTS**, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Jenkins	Jones
Knudson	Liljenquist	Madsen	McAdams
Morgan	Okerlund	Reid	Robles
Romero	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Hillyard	Hinkins	Mayne	Niederhauser
H. Stephenson	Stowell		

**1st Sub. S.B. 178** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 70, COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES AMENDMENTS**, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

- 1. Page 2, Lines 42 through 44

42 ENACTS:

43 17C-2-207, Utah Code Annotated 1953  
17C-2-701, Utah Code Annotated 1953

44 17C-3-206, Utah Code Annotated 1953

- 2. Page 27, Line 811:

811 tenant who becomes a developer.

Section 10. Section 17C-2-701 is enacted to read:

Part 7. Urban Renewal Project Area Property

17C-2-701. Railroad crossings within urban renewal project area.

(1) Notwithstanding Section 54-4-15 or other provision of law, and except as provided in Subsection (2), the Department of Transportation created in Section 72-1-201 may not prohibit or close, temporarily or permanently, a public road or highway crossing by a railroad or street railroad that is located within the boundaries of an urban renewal project



area that includes some or all of an inactive industrial site.

(2) The Department of Transportation may prohibit or close a crossing described in Subsection (1) if the Department obtains the advance written consent of the agency that created the urban renewal project area where the crossing is located.

Renumber remaining sections accordingly.

Senator Bramble’s motion to amend passed on a voice vote.

~ ~ ~

Senator Bramble proposed the following amendment:

- 1. Page 6, Line 175:  
Delete “state” and insert “station”

Senator Bramble’s motion to amend passed on a voice vote. Senator Stephenson commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard	Niederhauser	Stowell
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**1st Sub. S.B. 70** was transmitted to the House for consideration.

\* \* \*

**S.C.R. 11, DIXIE STATE COLLEGE CONCURRENT RESOLUTION**, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Hillyard	Stowell
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**S.C.R. 11** was transmitted to the House for consideration.

\* \* \*

**1st Sub. H.B. 66**, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

**Yeas, 25; Nays, 1; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative was:** Senator

Dayton

**Absent or not voting were:** Senators

Buttars	Hillyard	Stowell
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**1st Sub. H.B. 66** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Niederhauser, **H.B. 248**, COUNTY OFFICE VACANCIES, was read the third time and circled.

**SECOND READING CALENDAR**

On motion of Senator Adams, **S.B. 253**, STATE HOSPITAL AMENDMENTS, was read the second time and circled.

\* \* \*

**S.B. 204**, CAPITAL DEVELOPMENT AND IMPROVEMENT PROCESS APPROVAL REQUIREMENTS AMENDMENTS, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hinkins	Jenkins	Jones	Madsen
Mayne	McAdams	Niederhauser	Okerlund
Reid	Robles	J. Stevenson	Thatcher
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Davis	Hillyard	Knudson
Liljenquist	Morgan	Romero	H. Stephenson
Stowell	Urquhart		

\* \* \*

**S.J.R. 25**, FEDERAL LAW JOINT RESOLUTION, was read the second time. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 4, Lines 97 through 99

97 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of

98 the United States, the Majority Leader of the United States Senate, the Speaker of the United

99 States House of Representatives, the governor of each state outside of Utah, the Senate President or President pro tem and the Speaker of the House of each state legislature outside of Utah, and to the members of Utah’s congressional delegation.

Senator Valentine's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 17; Nays, 4; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hinkins	Jenkins	Mayne	Niederhauser
Okerlund	Reid	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Davis	Jones	McAdams	Robles
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**Absent or not voting were:** Senators

Buttars	Hillyard	Knudson	Liljenquist
Madsen	Morgan	Romero	Stowell

\* \* \*

On motion of Senator Adams, **S.B. 270, MODIFICATIONS TO SALES AND USE TAX**, was read the second time and circled.

### **SPECIAL RECOGNITION**

A citation was read honoring fallen soldiers from the state of Utah who have lost their lives during the past year. They include: Lance Cpl. Carlos A. Aragon, PFC Jordan M. Byrd, Sgt. Aaron K. Kramer, Lance Cpl. Nigel K. Olsen, Sgt. First Class James Thode, Chief Warrant Officer 3 Matthew G. Wagstaff, and Capt. Ellery R. Wallace. Senator Christensen commented.

### **INTRODUCTION OF BILLS**

**S.B. 162, Military and Overseas Voting** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Jenkins, and at 11:50 a.m., the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Waddoups presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2011

The House passed, **1st Sub. S.B. 50**, ENHANCED PENALTIES FOR HIV POSITIVE OFFENDER AMENDMENTS, by Senator J. Stevenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 92**, PRIVATE SECURITY SERVICES, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 136**, BOATING AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 25, 2011

The House concurred in the Senate amendments and passed **H.B. 78**, DEVELOPER FEES, by Representative M. Morley, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President: February 25, 2011

The House passed **H.B. 94**, INCOME TAX CREDIT FOR COMBAT RELATED DEATH, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 143**, BALLOT PLACEMENT AMENDMENTS, by Representative S. Eliason, and it is transmitted for consideration; and

The House passed **H.B. 250**, STATE EMBLEM OF SERVICE AND SACRIFICE, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 324**, HIV TESTING OF ALLEGED SEX OFFENDERS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 335**, MILITARY SURVIVORS – TUITION WAIVER AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 375**, SECURITY PERSONNEL LICENSING ACT AMENDMENTS, by Representative K. Ivory, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 399**, ENVIRONMENTAL LITIGATION BOND, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 25, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and Labor Committee**

**1st Sub. H.B. 333** Unfair Inducements Related to Insurance Products  
(Rep. J. Dunnigan) (Sen. C. Bramble)

#### **Education Committee**

**S.B. 257** Legislative Counsel Relating to United States Senators  
(Sen. H. Stephenson)

**S.B. 263** State Board of Education Powers Amendments  
(Sen. D. C. Buttars)

**1st Sub. H.B. 152** School Community Councils Amendments  
(Rep. B. Wright) (Sen. M. Dayton)

**H.B. 183** School District Leave Policies (Rep. K. Grover)  
(Sen. M. Dayton)

**Government Operations and Political Subdivisions Committee**

- S.B. 162** Military and Overseas Voting (Sen. L. Hillyard)  
**S.B. 300** Government Bonding Amendments (Sen. B. McAdams)  
**1st Sub. H.B. 176** Audit of State Budgets (Rep. L. Christensen)  
(Sen. W. Niederhauser)  
**H.B. 318** Money Management Act Amendments  
(Rep. J. Bird) (Sen. P. Knudson)

**Judiciary, Law Enforcement, and Criminal Justice Committee**

- S.B. 225** Personal Injury Protection Arbitration (Sen. S. Urquhart)  
**S.B. 318** Justice Court Modifications (Sen. D. C. Buttars)  
**H.B. 334** Family Expense Amendments (Rep. S. Sandstrom)  
(Sen. A. Christensen)  
**1st Sub. H.B. 379** Nonjudicial Foreclosure of Trust Deeds  
(Rep. R. C. Webb) (Sen. K. Van Tassell)

**Natural Resources, Agriculture and Environment Committee**

- S.B. 84** Predator Control Funding (Sen. D. Hinkins)

**Retirement and Independent Entities Committee**

- 2nd Sub. H.B. 331** Post-employment Benefits Amendments  
(Rep. J. Dougall) (Sen. D. Liljenquist)

**Revenue and Taxation Committee**

- H.B. 440** Beer Tax Amendments (Rep. V. Peterson)  
(Sen. C. Bramble)

**Transportation, Public Utilities and Technology Committee**

- S.B. 232** Public Transit District Board of Trustees Amendments  
(Sen. K. Mayne)  
**S.B. 239** Motor and Special Fuel Tax Amendments  
(Sen. K. Van Tassell)  
**S.B. 307** Amendments to Outdoor Advertising (Sen. S. Urquhart)

**Workforce Services and Community and Economic Development Committee**

- S.B. 220** Intermountain Weatherization Training Fund  
(Sen. S. Jenkins)  
**S.B. 252** National Popular Vote (Sen. S. Urquhart)  
**H.B. 259** County Recorder Revisions (Rep. R. C. Webb)  
(Sen. K. Van Tassell)

- 1st Sub. H.B. 267** Public Body Rules of Procedure (Rep. M. Brown)  
(Sen. L. Hillyard)
- H.B. 305** Midterm Vacancies in Municipal Offices (Rep. K. Powell)  
(Sen. K. Van Tassell)
- H.B. 489** Housing Authority Application Process (Rep. G. Froerer)  
(Sen. S. Reid)

Margaret Dayton  
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

**INTRODUCTION OF BILLS**

**S.B. 165, Election Law Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**CONCURRENCE CALENDAR**

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to **S.B. 142, PUBLIC OFFICIAL CONTACT INFORMATION**. The bill, as amended, passed on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Buttars	Hinkins	Madsen
Mayne	McAdams	Morgan	Stowell
Urquhart			

**S.B. 142** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Reid, the Senate voted to concur in the House amendments to **S.J.R. 12, JOINT RESOLUTION – IMMIGRATION**. Senator Robles commented. The bill, as amended, passed on the following roll call:



**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Buttars	Hinkins	Stowell
Urquhart			

**S.J.R. 12** was returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

On motion of Senator Hillyard, the circle was removed from **1st Sub. S.B. 131, UNINCORPORATED BUSINESS ENTITY UNIFORM ACTS**, and it was before the Senate. Senator Hillyard explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Buttars	Hinkins	Stowell
Urquhart			

\* \* \*

**S.B. 276, PERSONAL PROPERTY AUDITS**, was read the second time. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:

1. Page 1, Line 13

13 requiring ~~{-a county-}~~ the taxing entity for which the audit was performed to bear the full cost.

2. Page 2, Line 33:

33 [~~70%~~] all of the cost shall be borne [~~by the commission and 30%~~] by the ~~{-county-}~~ taxing entity for which the audit was performed . To assist the

Senator Okerlund’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Okerlund	Reid
Robles	Romero	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Hinkins	McAdams	Niederhauser	H. Stephenson
Stowell	Waddoups		

\* \* \*

On motion of Senator Christensen, **S.B. 296**, AMENDMENTS TO TAX PROVISIONS, was read the second time and circled.

\* \* \*

**S.B. 198**, DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 0; Absent, 11.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Jenkins
Jones	Knudson	Liljenquist	Mayne
Morgan	Okerlund	Reid	Robles
Romero	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell		

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Hinkins	Madsen	McAdams	Niederhauser
H. Stephenson	Stowell	Waddoups	

\* \* \*

On motion of Senator Okerlund, **S.B. 251**, LOBBYIST TRAINING, was read the second time and circled.

\* \* \*

**S.B. 314**, ALCOHOLIC BEVERAGE AMENDMENTS, was read the second time. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 27, Lines 826 through 828

826 (d) “Total number of alcohol–related law enforcement officers” means the total number

827 of positions designated as alcohol–related law enforcement officers that are funded as of a specified date as certified by the Department

828 of Public Safety to the department.

2. Page 28, Lines 842 through 843  
Senate Committee Amendments  
2–23–2011:

842 enforcement ratio is calculated, the enforcement ratio would be equal to or less than  $\hat{S}$  → [56.] 52 ←  $\hat{S}$

(d) Once the Department of Public Safety certifies under Subsection (1)(d) the total number of positions designated as alcohol–related law enforcement officers that are funded as of July 1, the Department of Public Safety may not use the funding for the designated alcohol–related law enforcement officers for a purpose other than funding those positions.

843 (3) For purposes of determining the number of state stores that the commission may

3. Page 37, Lines 1134 through 1139:

1134 (1) As used in this section ~~{, “immediate }~~ ;  
 (a) “Applicable department employee” means a department employee who is:

(i) designated as a deputy or assistant director;

(ii) a chief administrative officer of a division within the department;

(iii) a department compliance officer; or

(iv) an employee directly performing licensing or compliance functions of the department.

(b) “Immediate family” means an individual’s:

1135 ~~{-a }~~ (i) spouse; or

1136 ~~{-b }~~ (ii) child who is younger than 18 years of age.

1137 (2) In addition to being subject to Title 67, Chapter 16, Utah Public Officers’ and

1138 Employees’ Ethics Act, an individual who is a commissioner, the director, or ~~{-a }~~ an applicable department

1139 employee may not:

4. Page 38, Lines 1153 through 1156:

1153 (ii) an officer, agent, or employee of a person who applies for or holds a package

1154 agency, license, permit, or certificate under this title, except that a commissioner, the director,

1155 or ~~{-a }~~ an applicable department employee may accept a gift from an officer, agent, or employee if the gift is

1156 equal to or less than \$50; or

5. Page 38, Lines 1160 through 1169:

1160 (3) An immediate family member of a commissioner, the director, or ~~{-a }~~ an applicable department

1161 employee may not:

1162 (a) have a pecuniary interest, whether as the holder of stock or other securities other than a mutual fund , in a

1163 person who applies for or holds a package agency, license, permit, or certificate under this title;

1164 (b) otherwise have a conflict of interest with a person who applies for or holds a

1165 package agency, license, permit, or certificate under this title;

1166 (c) have an office, position, or relationship, or be engaged in a business or avocation

1167 that interferes or is incompatible with the effective and objective fulfillment of the duties of

1168 office or employment of the commissioner, director, or applicable department employee for whom the

1169 person is immediate family;

- 6. Page 98, Lines 3011 through 3012a  
Senate Committee Amendments  
2-23-2011:

3011 (6) a golf driving range;  $\hat{S} \rightarrow$  {~~+~~} or {~~-~~}  $\leftarrow \hat{S}$

3012 (7) a tennis club  $\hat{S} \rightarrow$  {~~+~~} . {~~-~~} {~~;~~ or

3012a (8) ski resort. }  $\leftarrow \hat{S}$

- 7. Page 103, Lines 3180 through 3182:

3180 (1) Before a person may store, sell, offer for sale, or furnish {~~;~~ or allow the consumption of }

3181 an alcoholic product on its premises as a reception center, the person shall first obtain a

3182 reception center license from the commission in accordance with this part.

- 8. Page 105, Lines 3226 through 3231:

3226 (4) (a) Except as otherwise provided in this title, a reception center licensee may sell,

3227 offer for sale, or furnish an alcoholic product at an event only for consumption at the reception

3228 {~~center~~ } center's licensed premises .

3229 (b) A host of an event, a patron, or a person other than the reception center licensee or

3230 staff of the reception center licensee, may not remove an alcoholic product from the reception

3231 {~~center~~ } center's licensed premises .

9. Page 165, Lines 5082 through 5084:

5082 (e) On and after July 1, 2011, ~~{to be considered as having completed an alcohol training~~

5083 ~~and education seminar }~~ an individual shall ~~{attend }~~ complete any test required to demonstrate completion of the alcohol training and education seminar in

5084 ~~the physical presence of an instructor {of the seminar provider }~~ who is authorized to administer the test .

Senator Valentine’s motion to amend passed on a voice vote.

~ ~ ~

Senator Urquhart proposed the following amendment:

1. Page 122, Lines 3772 through 3773

3772 (2) (a) The commission may not approve the transfer of a retail license that results in a

3773 transferee holding a different type of retail license than is held by the transferor.

(b) The commission may not approve the transfer of a retail license from one location to another location, if the location of the premises to which the retail license would be transferred is in a different county than the location of the licensed premises of the retail license being transferred.

Senator Urquhart’s motion to amend passed on a voice vote. Senators Dayton, Stephenson, Bramble, Davis, Jones, and Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 2; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	

**Voting in the negative were:** Senators

Dayton	Robles
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**Absent or not voting were:** Senators

Buttars

Hillyard

Stowell

Waddoups

\* \* \*

On motion of Senator Liljenquist, **S.B. 78**, PUBLIC SCHOOL EARLY GRADUATION COUNSELING, was read the second time and circled.

\* \* \*

On motion of Senator Liljenquist, the circle was removed from **S.B. 272**, SECURED CREDITOR AMENDMENTS, and it was before the Senate. Senator Liljenquist explained the bill.

Senator Liljenquist proposed the following amendment:

- 1. Page 2, Lines 40 through 42

40       (3) (a)   {~~This section does~~}    Subsections (1) and (2)  
do   not apply if the goods [~~which~~] that were the subject of the sale  
41   and [~~which~~] that secured a debt arising from a consumer credit sale  
are damaged to a  
42   significant degree after the goods are delivered to the buyer through  
no fault of the creditor.

- 2. Page 2, Lines 46 through 51:

46       (c)   {~~This section does~~}    Subsections (1) and (2) do  
not apply if the buyer no longer has the goods that were the  
47   subject of the sale.  
48       (d)   {~~This section does~~}    Subsections (1) and (2) do  
not apply if an action taken by the buyer would make the  
49   collection of a judgment unenforceable, including the filing of  
bankruptcy.  
50       (4) Notwithstanding any other provision of this section, a  
creditor has no obligation to  
51   accept the surrender of collateral.

Senator Liljenquist’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell

**Absent or not voting were:** Senators

Buttars	Hillyard	McAdams	Robles
Waddoups			

\* \* \*

On motion of Senator Adams, the circle was removed from **S.B. 270, MODIFICATION TO SALES AND USE TAX**, and it was before the Senate. Senator Adams explained the bill.

Senator Adams proposed the following amendment:

1. Page 65, Line 1986:  
Delete "4.40%" and insert "4.38%"

Senator Adams' motion to amend passed on a voice vote. Senators Jones, Davis, Romero, Robles, Morgan, Stephenson, and Jenkins commented. The bill passed second reading on the following roll call:

**Yeas, 16; Nays, 9; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Dayton	Hinkins
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell

**Voting in the negative were:** Senators

Davis	Jones	Mayne	McAdams
Morgan	Robles	Thatcher	Urquhart
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Jenkins
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\* \* \*

On motion of Senator Christensen, the circle was removed from **3rd Sub. S.B. 137, MEDICAID AMENDMENTS**, and it was before the Senate. Senator Christensen explained the bill. Senators Davis and Liljenquist commented. The bill passed second reading on the following roll call:

**Yeas, 16; Nays, 10; Absent, 3.**

**Voting in the affirmative were:** Senators

Christensen	Dayton	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	Reid	H. Stephenson	J. Stevenson
Stowell	Thatcher	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Adams	Bramble	Davis	Jones
Mayne	McAdams	Robles	Romero
Urquhart	Valentine		

**Absent or not voting were:** Senators

Buttars	Hillyard	Morgan
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\* \* \*

On motion of Senator Niederhauser, **S.B. 82, URBAN FARMING ASSESSMENT**, was read the second time and circled.

\* \* \*

On motion of Senator Davis, **S.B. 209, TELECOMMUNICATIONS AMENDMENTS**, was read the second time and circled.

\* \* \*

**S.B. 259, SALES AND USE TAX EXEMPTION FOR CERTAIN LOCAL GOVERNMENT TAXES AND FEES**, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hinkins
Jones	Knudson	Liljenquist	Madsen

Mayne	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Jenkins	McAdams	Morgan	Niederhauser
Robles	Waddoups		

\* \* \*

On motion of Senator Valentine, **S.B. 262**, TOBACCO PRODUCTS AMENDMENTS, was read the second time and circled.

### INTRODUCTION OF BILLS

**S.B. 231, Film Enterprise Zone** (M. Madsen), was read the first time by short title and referred to the Rules Committee.

**S.B. 234, Economic Development Zone Tax Incentives Act** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

### SECOND READING CALENDAR

On motion of Senator Knudson, **S.C.R. 16**, BONDS OF FRIENDSHIP WITH IRAN CONCURRENT RESOLUTION, was read the second time and circled.

\* \* \*

On motion of Senator Valentine, the Senate voted to move to Consent Calendar.

### CONSENT CALENDAR

On motion of Senator Valentine, the circle was removed from **2nd Sub. H.B. 212**, CHARGES BY HEALTH PROVIDERS FOR MEDICAL RECORDS, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 18; Nays, 0; Absent, 11.**

**Voting in the affirmative were:** Senators

Christensen	Dayton	Hinkins	Jones
Knudson	Madsen	Mayne	McAdams
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell		

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Davis
Hillyard	Jenkins	Liljenquist	Morgan
Thatcher	Urquhart	Waddoups	

**2nd Sub. H.B. 212** was returned to the House for further consideration.

**SECOND READING CALENDAR**

On motion of Senator Knudson, the circle was removed from **S.C.R. 16, BONDS OF FRIENDSHIP WITH IRAN CONCURRENT RESOLUTION**, and it was before the Senate. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Dayton
Hillyard	Liljenquist	Morgan	Robles
Waddoups			

\* \* \*

On motion of Senator Jenkins and at 4:10 p.m., the Senate adjourned until 9:30 a.m., Monday, February 28, 2011.

# THIRTY-FIFTH DAY

## MORNING SESSION

**February 28, 2010**

The Senate was called to order at 9:50 a.m., with President Michael Waddoups presiding.

**Prayer** – Senator Chris Buttars

**Pledge of Allegiance** – Senator Karen Morgan

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 80)

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 25, 2011

The House passed, as substituted and amended, **2nd Sub. H.B. 128**, HEALTH REFORM AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 210**, ANIMAL CRUELTY AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 336**, MEDICAL PROFESSIONAL LICENSING DURING A DECLARED EMERGENCY, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 349**, EXPEDITED JURY TRIALS, by Representative B. King, and it is transmitted for consideration; and

The House passed **H.C.R. 9**, LUPUS AWARENESS MONTH CONCURRENT RESOLUTION, by Representative T. Cosgrove, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 25, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

**Government Operations and Political Subdivisions Committee**

- S.B. 231** Film Enterprise Zone (Sen. M. Madsen)  
**H.B. 399** Environmental Litigation Bond (Rep. M. Noel)  
(Sen. S. Urquhart)

**Health and Human Services Committee**

- H.B. 324** HIV Testing of Alleged Sex Offenders  
(Rep. R. Greenwood) (Sen. J. S. Adams)

**Revenue and Taxation Committee**

- S.B. 165** Election Law Amendments (Sen. C. Bramble)  
**S.B. 234** Economic Development Zone Tax Incentives Act  
(Sen. C. Bramble)

**Workforce Services and Community and Economic Development Committee**

- 1st Sub. H.B. 143** Ballot Placement Amendments (Rep. S. Eliason)  
(Sen. W. Niederhauser)  
**H.B. 250** State Emblem of Service and Sacrifice  
(Rep. M. Newbold) (Sen. D. C. Buttars)  
**H.B. 335** Military Survivors – Tuition Waiver Amendments  
(Rep. M. Morley) (Sen. P. Knudson)  
**H.B. 375** Security Personnel Licensing Act Amendments  
(Rep. K. Ivory) (Sen. H. Stephenson)

Margaret Dayton  
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

**STANDING COMMITTEE REPORTS**

Mr. President:

February 25, 2011

The Business and Labor Committee reports a favorable recommendation on **S.B. 261, WRONGFUL FORECLOSURE ACT**, by Senator C. Bramble; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 115**, MECHANICS' LIENS AMENDMENTS, by Representative M. Morley.

John L. Valentine

Mr. President:

February 25, 2011

The Education Committee reports a favorable recommendation on **S.B. 53**, ELIGIBILITY FOR INTERSCHOLASTIC ACTIVITIES IN SECONDARY SCHOOLS, by Senator M. Madsen, with the following amendments:

1. Page 4, Lines 105 through 108:

105     (e) "Recruiting" means a solicitation or conversation:

106     (i) initiated by:

107     (A) an employee of a school or school district; {~~or~~ }

108     (B) a coach or advisor of an interscholastic activity; or  
(C) a member of a booster, alumni, or other organization that  
performs a substantially similar role as a booster organization, affiliated  
with a school or school district;

2. Page 4, Lines 109 through 113:

109     (ii) to influence a student, or the student's relative or legal  
guardian, to transfer to a

110 school for the purpose of participating in an interscholastic activity  
at the school; and

111     (iii) with an offer for the student, or the student's relative or  
legal guardian, that the

112 school or person has the capacity to fulfill.

113     (f) "School" means a public school.

3. Page 5, Lines 121 through 138:

121     (i) the student:

122     (A) submitted an application for admission to the school for the  
qualifying school year

123 in accordance with Section 53A-2-207 between December 1 and  
June 30 prior to the qualifying

124 school year; {~~and~~ }

125 (B) received written notification of acceptance of the application described in

126 Subsection (2)(a)(i)(A) on or before June 30 prior to the qualifying school year; and

(C) is transferring between schools for the first time during high school;

127 (ii) the student ;

(A) is accepted for late enrollment to the school for the school year prior to

128 the qualifying school year; {~~or~~ } and

(B) is transferring between schools for the first time during high school;

(iii) the student:

(A) transfers from a school to a charter school;

(B) enrolls at the charter school on or before June 30 prior to the qualifying school year; and

(C) is transferring between schools for the first time during high school; or

129 {~~(iii)~~ } (iv) the student:

130 (A) transfers from a school to the student's school of residence; and

131 (B) enrolls for the qualifying school year at the student's school of residence on or

132 before June 30 prior to the qualifying school year;

133 (b) the student enrolls at the student's school of residence on or before June 30 prior to

134 the qualifying school year;

135 {~~(c) the student enrolls at a school that is a charter school on or before June 30 prior to~~

136 the qualifying school year; }

137 {~~(d)~~ } (c) the student enrolls in a school other than the student's school of residence; or

138 {~~(e)~~ } (d) the student's parent does not reside within the school's attendance area.

4. Page 5, Lines 141 through 142:

141 transfer between schools if the school, school district, or association can prove that the student

142 was recruited to transfer {~~solely~~} primarily for an athletic purpose by:

5. Page 5, Lines 143 through 144:

143 (a) an employee of a school or school district; {~~or~~}

144 (b) a coach or advisor of an interscholastic activity {~~z~~} ; or

(c) a member of a booster, alumni, or other organization that performs a substantially similar role as a booster organization, affiliated with a school or school district. ; and

The Education Committee recommends **S.B. 73**, PUBLIC SCHOOL TEACHER TENURE MODIFICATIONS, by Senator H. Stephenson, be replaced and favorably recommends **1st Sub. S.B. 73**, PUBLIC SCHOOL TEACHER TENURE MODIFICATIONS; and

The Education Committee reports a favorable recommendation on **H.B. 220**, CIVICS EDUCATION AMENDMENTS, by Representative M. Morley, with the following amendments:

1. Page 2, Lines 35 through 36  
House Committee Amendments  
2-4-2011:

35 (c) Instruction in American history and government shall include a study of:

36 (i) forms of government, such as a republic, a pure democracy, ~~→~~ a ← monarchy.

2. Page 2, Lines 37 through 38  
House Committee Amendments  
2-4-2011:

37 (ii) the United States' form of government, a ~~→~~ constitutional compound ← republic.



38 (3) School curricula and activities shall include [the appropriate] a thorough study of

Howard A. Stephenson, Chair

Mr. President: February 25, 2011

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 174**, CONTRACTING FOR MEDICAID ELIGIBILITY DETERMINATION SERVICES, by Representative W. Harper; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 256**, CHILDREN'S HEALTH INSURANCE AND MEDICAID ADMINISTRATIVE SIMPLIFICATION, by Representative J. Dunnigan.

D. Chris Butters, Chair

Mr. President: February 25, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 229**, TRANSPORTATION FUNDING REVISIONS, by Senator J. S. Adams; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 252**, RAILROAD AND RAILROAD CROSSING AMENDMENTS, by Representative R. Greenwood.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President: February 25, 2011

The Health and Human Services Committee reports a favorable recommendation on **H.C.R. 5**, PATIENT AND SAFETY-CENTERED PRESCRIPTION LABELS CONCURRENT RESOLUTION, by Representative M. Poulson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **H.J.R. 35**, UTAH MITOCHONDRIAL DISEASE

AWARENESS WEEK JOINT RESOLUTION, by Representative K. Sumsion, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Butters, Chair

Mr. President:

February 25, 2011

The Transportation and Public Utilities and Technology Committee recommends **S.B. 317**, STATE PARKS ACCESS HIGHWAY, by Senator K. Van Tassell, be replaced and favorably recommends **1st Sub. S.B. 317**, STATE PARKS ACCESS HIGHWAY and that it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 221**, CLASSIC CAR INSPECTIONS, by Representative F. Cox, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 162**, PEDESTRIANS ON FREEWAYS, by Representative L. Perry, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

### INTRODUCTION OF BILLS

**S.B. 189, Tax Code Modifications** (B. McAdams), was read the first time by short title and referred to the Rules Committee.

**S.B. 277, Child Custody Task Force** (L. Robles), was read the first time by short title and referred to the Rules Committee.

**S.B. 282, Small Mining Operations** (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

**S.B. 288, Utah Immigration Enforcement Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 301, Public Transit Revisions** (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

**SPECIAL RECOGNITION**

Senator Jones paid special recognition to the “Utah Saves” program to promote financial education for Utahns.

**THIRD READING CALENDAR**

**S.B. 204**, CAPITAL DEVELOPMENT AND IMPROVEMENT PROCESS APPROVAL REQUIREMENTS AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Stowell
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**S.B. 204** was transmitted to the House for consideration.

\* \* \*

**S.J.R. 25**, FEDERAL LAW JOINT RESOLUTION, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 23; Nays, 2; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Reid
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

McAdams	Romero
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**Absent or not voting were:** Senators

Hillyard                      Hinkins                      Robles                      Stowell

**S.J.R. 25** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Okerlund, **1st Sub. S.B. 131**, UNINCORPORATED BUSINESS ENTITY UNIFORM ACTS, was read the third time and circled.

\* \* \*

**S.B. 276**, PERSONAL PROPERTY AUDITS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard                      Hinkins                      Stowell

**S.B. 276** was transmitted to the House for consideration.

\* \* \*

**S.B. 198**, DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS, was read the third time and explained by Senator Jenkins.

Senator Jenkins proposed the following amendment:

1. Page 2, Lines 29 through 30

29 AMENDS:

30            { ~~63J-1-602.1, as enacted by Laws of Utah 2010, Chapter~~  
265- }

1. Page 3, Line 83 through Page 4, Line 108:

83 (b) evaluating the effectiveness of the loan and loan guarantee  
84 program.

84 { ~~Section 4. Section 63J-1-602.1 is amended to read:~~

85 ~~63J-1-602.1. List of nonlapsing accounts and funds — General~~  
86 ~~authority and Title~~

86 ~~1 through Title 30.~~

87 ~~(1) Appropriations made to the Legislature and its committees.~~

88 ~~(2) The Salinity Offset Fund created in Section 4-2-8.5.~~

89 ~~(3) The Invasive Species Mitigation Account created in Section~~  
90 ~~4-2-8.7.~~

90 ~~(4) The Rangeland Improvement Account created in Section~~  
91 ~~4-20-2.~~

91 ~~(5) The State Small Business Credit Initiative Program Fund~~  
92 ~~created in Section~~

92 ~~9-4-1601.~~

93 ~~[(5)] (6) The Percent for Art Program created in Section~~  
94 ~~9-6-404.~~

94 ~~[(6)] (7) The Centennial History Fund created in Section~~  
95 ~~9-8-604.~~

95 ~~[(7)] (8) The Uintah Basin Revitalization Fund, as provided in~~  
96 ~~Section 9-10-108.~~

96 ~~[(8)] (9) The Navajo Revitalization Fund created in Section~~  
97 ~~9-11-104.~~

97 ~~[(9)] (10) The LeRay McAllister Critical Land Conservation~~  
98 ~~Program created in~~

98 ~~Section 11-38-301.~~

99 ~~[(10)] (11) The Clean Fuels and Vehicle Technology Fund~~  
100 ~~created in Section 19-1-403.~~

100 ~~[(11)] (12) An appropriation made to the Division of Wildlife~~  
101 ~~Resources for the~~

101 ~~appraisal and purchase of lands under the Pelican Management~~  
Act, as provided in Section

102 ~~23-21a-6.~~

103 ~~[(12)] (13) Award money under the Crime Reduction Assistance Program, as provided~~

104 ~~under Section 24-1-19.~~

105 ~~[(13)] (14) Funds collected from the emergency medical services grant program, as~~

106 ~~provided in Section 26-8a-207.~~

107 ~~[(14)] (15) The Utah Health Care Workforce Financial Assistance Program created in~~

108 ~~Section 26-46-102. }~~

Senator Jenkins' motion to amend passed on a voice vote. Senator Davis commented

On motion of Senator Jenkins, the bill was circled.

\* \* \*

On motion of Senator Valentine, **S.B. 314, ALCOHOLIC BEVERAGE AMENDMENTS**, was read the third time and circled.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **H.B. 248, COUNTY OFFICE VACANCIES**, and it was before the Senate.

Senator Okerlund made a motion to substitute the bill. Senators Knudson, Stowell, Romero, and Urquhart commented. The motion failed on a voice vote. The bill passed on the following roll call:

**Yeas, 19; Nays, 7; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Dayton
Jenkins	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Robles
Romero	H. Stephenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Christensen	Davis	Knudson	Okerlund
Reid	J. Stevenson	Stowell	

**Absent or not voting were:** Senators

Hillyard                      Hinkins                      Jones

**H.B. 248** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**S.B. 272**, SECURED CREDITOR AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Knudson	Liljenquist	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hillyard                      Jones                      Madsen                      Niederhauser

**S.B. 272** was transmitted to the House for consideration.

\* \* \*

**S.B. 270**, MODIFICATIONS TO SALES AND USE TAX, was read the third time and explained by Senator Adams.

Senator Adams proposed the following amendment:

- 1. Page 1, Lines 13 through 18

13       ▶       increases the state sales and use tax rate on food and food ingredients to the general

14 state sales and use tax rate;

      ▶       reduces the general state sales and use tax rate:

15       ▶       adjusts state sales and use tax allocations  
      {~~to the Centennial Highway Fund Restricted~~

16 ~~Account~~}       for transportation purposes ;

17 ► provides that food and food ingredients are taxable for purposes of certain local

18 option sales and use taxes; and

2. Page 72, Line 2226 through Page 73, Line 2245:

2226 ~~[(b)]~~ (8) (a) Notwithstanding Subsection (3)(a), in addition to the amount deposited in

2227 Subsection (7)(a), and until Subsection (8)~~[(e)]~~(b) applies, for a fiscal year beginning on or

2228 after July 1, 2011, the Division of Finance shall deposit into the Centennial Highway Fund

2229 Restricted Account created by Section 72–2–118 a portion of the taxes listed under Subsection

2230 (3)(a) equal to ~~[8.3%]~~ { ~~–7.6%~~ } 8.3% of the revenues collected from the following taxes, which

2231 represents a portion of the approximately 17% of sales and use tax revenues generated annually

2232 by the sales and use tax on vehicles and vehicle–related products:

2233 (i) the tax imposed by Subsection (2)(a)(i)(A); and

2234 (ii) the tax imposed by Subsection (2)(b)(i)~~[(i)]~~;

2235 ~~[(iii) the tax imposed by Subsection (2)(c)(i); and]~~

2236 ~~[(iv) the tax imposed by Subsection (2)(d)(i)(A)(I).]~~

2237 ~~[(e)]~~ (b) Notwithstanding Subsection (3)(a) and in addition to the amounts deposited

2238 under Subsection (7)(b), when the highway general obligation bonds have been paid off and the

2239 highway projects completed that are intended to be paid from revenues deposited in the

2240 Centennial Highway Fund Restricted Account as determined by the Executive Appropriations

2241 Committee under Subsection 72–2–118(6)(d), the Division of Finance shall deposit into the

2242 Transportation Investment Fund of 2005 created by Section 72–2–124 a portion of the taxes



2243 listed under Subsection (3)(a) equal to [~~8.3%~~]  
{~~-7.6%~~} 8.3% of the revenues collected from the

2244 following taxes, which represents a portion of the  
approximately 17% of sales and use tax

2245 revenues generated annually by the sales and use tax on vehicles  
and vehicle-related products:

Senator Adams’ motion to amend passed on a voice vote. Senators Davis,  
Valentine, and Romero commented.

~ ~ ~

Senator Stephenson proposed the following amendment:

- 1. Page 65, Line 1986:  
Senate Floor Amendments  
2– 25– 2011  
Delete “4.38% ”and insert “4.35%”

Senator Stephenson’s motion to amend passed on a voice vote. The bill  
passed on the following roll call:

**Yeas, 19; Nays, 9; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	Reid	H. Stephenson	J. Stevenson
Stowell	Valentine	Van Tassell	

**Voting in the negative were:** Senators

Davis	Mayne	McAdams	Morgan
Robles	Romero	Thatcher	Urquhart
Waddoups			

**Absent or not voting was:** Senator  
Jones

**S.B. 270** was transmitted to the House for consideration.

\* \* \*

**3rd Sub. S.B. 137, MEDICAID AMENDMENTS**, was read the third time,  
explained by Senator Christensen, and failed on the following roll call:

**Yeas, 8; Nays, 18; Absent, 3.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Hillyard	Liljenquist
Madsen	Reid	Thatcher	Waddoups

**Voting in the negative were:** Senators

Adams	Bramble	Davis	Dayton
Jenkins	Knudson	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell		

**Absent or not voting were:** Senators

Hinkins	Jones	Niederhauser
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**3rd Sub. S.B. 137** was filed.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **1st Sub. S.B. 131**, UNINCORPORATED BUSINESS ENTITY UNIFORM ACTS, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 243, Lines 7520 through 7523

7520 (3) Notwithstanding contrary provisions of this chapter, a series' debts, liabilities,

7521 obligations, and expenses are enforceable against the assets of that series only and may not be

7522 enforced against the assets of the limited liability company generally or another series { - } if:

7523 (a) the operating agreement provides for separate treatment of the series:

2. Page 251, Lines 7771 through 7774:

7771 (1) A foreign limited liability company that is authorized to do business in this state

7772 that is governed by an operating agreement that establishes or provides for the establishment of

7773 a series, {~~the foreign limited liability company~~ } shall indicate that fact on the application for a

7774 certificate of authority as a foreign limited liability company.

Senator Hillyard’s motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Jones	Knudson	Niederhauser	Romero
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**1st Sub. S.B. 131** was transmitted to the House for consideration.

\* \* \*

**S.B. 259, SALES AND USE TAX EXEMPTION FOR CERTAIN LOCAL GOVERNMENT TAXES AND FEES**, was read the third time and explained by Senator Stowell. Senator Bramble commented and the bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Jones
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**S.B. 259** was transmitted to the House for consideration.

\* \* \*

**S.C.R. 16**, BONDS OF FRIENDSHIP WITH IRAN CONCURRENT RESOLUTION, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**S.C.R. 16** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, legislative staff was authorized to draft a bill regarding changing the name of Centers of Excellence.

\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 204**, PROTECTION OF ATHLETES WITH HEAD INJURIES, and it was before the Senate.

On motion of Senator Valentine, the following substitute bill replaced the original bill:

**1st Sub. H.B. 204 Protection of Athletes with Head Injuries** (P. Ray)

On motion of Senator Valentine, the bill was circled.

\* \* \*

On motion of Senator Valentine, the Senate voted to lift **H.B. 107**, VOLUNTEER FIREFIGHTERS' RETIREMENT AMENDMENTS, and **2nd**

**Sub. H.B. 331**, POST-EMPLOYMENT BENEFITS AMENDMENTS, from the Retirement and Independent Entities Committee and assign them to the Business and Labor Committee.

\* \* \*

On motion of Senator Jenkins, the circle was removed from **S.B. 198**, DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill. Senators Valentine and Davis commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Madsen	Niederhauser	Okerlund	Urquhart
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**S.B. 198** was transmitted to the House for consideration.

\* \* \*

Senator McAdams made the motion, under suspension of the rules, to lift **S.B. 148**, UTAH FAIR HOUSING AND EMPLOYMENT, from Rules and assign it to the Business and Labor Committee. Senators Dayton, Bramble, Stephenson, Buttars, Robles, Davis, Romero, and Jenkins commented. The motion failed on the following roll call vote:

**Yeas, 7; Nays, 21; Absent, 1.**

**Voting in the affirmative were:** Senators

Davis	Jones	Mayne	McAdams
Morgan	Robles	Romero	

**Voting in the negative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins

Knudson	Liljenquist	Madsen	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting was:** Senator  
Niederhauser

### SECOND READING CALENDAR

**S.B. 72**, INITIATIVE AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Okerlund	Robles
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Dayton	Morgan	Niederhauser	Reid
Romero			

\* \* \*

On motion of Senator Buttars, **S.B. 248**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, was read the second time and circled.

\* \* \*

On motion of Senator Buttars, the circle was removed from **S.B. 78**, PUBLIC SCHOOL EARLY GRADUATION COUNSELING, and it was before the Senate. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 1, Lines 11 through 15

11 This bill:

12       ▶       requires a public school to prepare a sample early graduation schedule to provide to

13 a seventh or ninth grade student and the student's parent or guardian; and

14       ▶       requires a public school to notify ~~{-a-}~~ seventh and ninth grade ~~{-student-}~~ students and the ~~{-student's-}~~ students' parent or

15 guardian of early graduation requirements and the centennial scholarship.

2. Page 1, Line 26 through Page 2, Line 29:

26       53A-15-102.1. Early graduation course requirements — Student and parent

27 notification of early graduation course requirements during seventh ~~{-grade-}~~ and ninth grades .

28       (1) A public school that provides educational instruction to a seventh grade or ninth grade student

29 shall:

3. Page 2, Lines 33 through 39:

33       (b) notify a student and the student's parent or guardian during the student's seventh

34 grade year and ninth grade year ;

35       (i) that the student may graduate early; and

36       (ii) of the centennial scholarship described in Section 53A-15-102; and

37       (c) provide each seventh grade and ninth grade student, and the student's parent or guardian, with a

38 sample early graduation schedule that the student may complete for the student to graduate at,

39 or before, the conclusion of the eleventh grade.

Senator Buttars' motion to amend passed on a voice vote. The bill second reading passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Bramble	McAdams	Reid
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\* \* \*

On motion of Senator Jenkins, and at 11:50 a.m., the Senate recessed.

**AFTERNOON SESSION**

The Senate reassembled at 2:15 p.m., with President Waddoups presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 28, 2011

The House passed, **S.B. 130**, SURPLUS PROPERTY AMENDMENTS, by Senator S. Reid, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 145**, UTAH EDUCATIONAL SAVINGS PLAN AMENDMENTS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 142**, PUBLIC OFFICIAL CONTACT INFORMATION, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.J.R. 12**, JOINT RESOLUTION – IMMIGRATION, by Senator S. Reid, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.



\* \* \*

Mr. President: February 28, 2011

The House passed, as substituted and amended, **1st Sub. H.B. 138**, FEDERAL RECEIPTS REPORTING REQUIREMENTS, by Representative K. Ivory, and it is transmitted for consideration; and

The House passed **H.B. 155**, CYCLING LAWS, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 156**, ASSESSMENT OF PROPERTY WITH CONSERVATION EASEMENT, by Representative D. Pitcher, and it is transmitted for consideration; and

The House passed **H.B. 316**, TAXATION OF SURPLUS LINES OF INSURANCE, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 392**, RETENTION ELECTIONS FOR JUSTICE COURT JUDGES, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 403**, CHANGES TO FIT PREMISES ACT, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed **H.J.R. 11**, JOINT RESOLUTION HONORING LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF FIRE, by Representative L. Perry, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

### RULES COMMITTEE REPORTS

To the Members of the Senate: February , 2011

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and Labor Committee**

**2nd Sub. H.B. 128** Health Reform Amendments (Rep. J. Dunnigan)  
(Sen. J. Valentine)

#### **Health and Human Services Committee**

**H.B. 336** Medical Professional Licensing During a Declared  
Emergency (Rep. E. Vickers) (Sen. A. Christensen)

**H.C.R. 9** Lupus Awareness Month Concurrent Resolution  
(Rep. T. Cosgrove) (Sen. P. Jones)

**Judiciary, Law Enforcement, and Criminal Justice Committee**  
**1st Sub. H.B. 349** Expedited Jury Trials (Rep. B. King) (Sen. S. Urquhart)

**Natural Resources, Agriculture and Environment Committee**  
**S.B. 282** Small Mining Operations (Sen. D. Hinkins)

**Revenue and Taxation Committee**  
**S.B. 189** Tax Code Modifications (Sen. B. McAdams)  
**S.B. 288** Utah Immigration Enforcement Amendments  
(Sen. C. Bramble)

**Transportation, Public Utilities and Technology Committee**  
**S.B. 301** Public Transit Revisions (Sen. J. Stevenson)  
Margaret Dayton  
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

### STANDING COMMITTEE REPORTS

Mr. President: February 25, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 238**, VERIFICATION OF EMPLOYMENT STATUS, by Senator D. Hinkins, with the following amendments:

1. Page 4, Lines 95 through 97:

95 (5) (a) The chief executive officer of a public employer, or a  
person designated by the chief executive officer, shall in writing  
annually certify

96 on behalf of the public employer whether the government entity  
was in compliance with this

97 section in the previous calendar year. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 279**, GRAND JURY MODIFICATIONS, by Senator M. Dayton, with the following amendments:

1. Page 1, Lines 13 through 15:

13       ▶       requires a grand jury subpoena to be issued to a:

14       •       minor, who is a victim of crime    <sub>±</sub>   at least 72  
 hours before the victim is required to testify; and

15               { ~~• witness to testify at least 48 hours before the  
 witness is required to testify; and~~ }

2. Page 2, Lines 44 through 47:

44       { ~~(i)~~ }    (c) A subpoena requiring a minor, who is  
a victim of a crime   <sub>±</sub>   to testify before a grand jury may not be  
 45 served less than 72 hours before the victim is required to testify.

46       { ~~(ii) A subpoena requiring a witness to testify before a grand~~  
~~jury may not be served less~~  
 47 than 48 hours before the witness is required to testify. }   ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 286**, GRANDPARENTS’ VISITATION RIGHTS, by Senator D. Hinkins; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 20**, JOINT RESOLUTION SUPPORTING SANPETE COUNTY INCREASING THE NUMBER OF CONTRACT BEDS AT ITS CORRECTIONAL FACILITIES, by Senator R. Okerlund; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 121**, SEXUAL SOLICITATION AMENDMENTS, by Representative J. Seelig; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 167**, INCARCERATION AMENDMENTS, by Representative E. Hutchings; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 179**, PEACE OFFICER RECERTIFICATION AMENDMENTS, by Representative R. Greenwood.

Mark B. Madsen, Chair

Mr. President: February 25, 2011

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 57**, ANIMAL CONTROL – EXCEPTION FOR

COMMUNITY CAT MANAGEMENT INITIATIVE, by Senator D. Stowell, be replaced and favorably recommends **1st Sub. S.B. 57**, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CAT MANAGEMENT INITIATIVE; and

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 221**, STATE RESOURCE MANAGEMENT PLAN FOR CERTAIN NONWILDERNESS STUDY AREA BUREAU OF LAND MANAGEMENT LANDS, by Senator R. Okerlund, be replaced and favorably recommends **1st Sub. S.B. 221**, STATE OF UTAH RESOURCE MANAGEMENT PLAN FOR FEDERAL LANDS and further recommends that **1st Sub. S.B. 221** be read for the first time; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 51**, SCHOOL AND INSTITUTIONAL TRUST LANDS, by Representative R. Barrus, with the following amendments:

1. Page 1, Lines 16 through 17:

16     ▶     exempts the Administration from fee agency provisions for certain fees in the Budgetary

17 Procedures Act;

2. Page 2, Lines 28 through 29:

28     ▶     requires the Permanent Community Impact Fund Board to ~~{consult with}~~ consider recommendations from the

29 administration ~~{before}~~ when awarding certain grants;

3. Page 3, Lines 72 through 73:

72     (iv)   ~~{consult with}~~ } consider recommendations from  
the School and Institutional Trust Lands Administration  
~~{before}~~ } when

73 awarding a grant described in Subsection 9-4-303(6).

4. Page 7, Lines 182 through 183  
House Committee Amendments  
2-2-2011:

182   (f)   ~~{The}~~ } (i) Except as provided in Subsection (3)(f)(ii), the administration is not subject to the fee agency requirements of Section

183 63J-1-504.

(ii) The following fees of the administration are subject to the requirements of Section 63J-1-504: application, assignment, amendment, affidavit for lost documents, name change, reinstatement, grazing non use, extension of time, partial conveyance, patent reissue, collateral assignment, electronic payment, and processing.

5. Page 23, Line 707 through Page 24, Line 708:

707 (b) The administration shall make recommendations to the Permanent Community Impact Fund Board {~~shall consult with the~~ }

708 {~~administration before~~ } for its consideration when awarding the grants described in Subsection (6)(a).

6. Page 29, Lines 865 through 866:

865 (8) {~~The~~ } (a) Except as provided in Subsection (8)(b), the School and Institutional Trust Lands Administration, established in 53C-1-201,

866 is exempt from the requirements of this section.

(b) The following fees of the School and Institutional Trust Lands Administration are subject to the requirements of this section: application, assignment, amendment, affidavit for lost documents, name change, reinstatement, grazing non use, extension of time, partial conveyance, patent reissue, collateral assignment, electronic payment, and processing.

Ralph Okerlund, Chair

Mr. President:

February 28, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 273**, EMERGENCY RESPONDER FEES, by Senator J. S. Adams.

Peter C. Knudson, Chair

Mr. President:

February 28, 2011

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 30**, EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS, by Senator J. Valentine; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 202**, PHARMACEUTICAL COMPETITIVE PRICING, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 285**, INDUSTRIAL ASSISTANCE FUND AMENDMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 82**, SALES AND USE TAXES ON CERTAIN LODGING RELATED PURCHASES, by Representative T. Kiser; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 226**, LOCAL GOVERNMENT FEE AUTHORITY, by Representative W. Harper, with the following amendments:

1. Page 2, Lines 35 through 37  
House Floor Amendments  
2-8-2011:

35        (5) (a) Except as provided in Subsection (5)(b), on or after ~~July~~ December ~~{-January }~~ ~~{-1 }~~ 31 ~~←~~ ~~→~~

35a    ~~→~~ [2011] 2012 ~~←~~ a service area

36    may not charge or collect a fee under Section 17B-1-643 for:

37        (i) law enforcement services;

2. Page 2, Lines 42 through 45  
House Floor Amendments  
2-8-2011:

42        (b) Subsection (5)(a) does not apply to:

43        (i) a fee charged or collected on an individual basis rather than a  
general basis ~~{-and in~~

44    accordance with Section 26-8a-403} ;

45        (ii) a non-911 service as defined in Section 26-8a-102 that is  
provided under a contract ; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 440**, BEER TAX AMENDMENTS, by Representative V. Peterson.

Curtis S. Bramble, Chair

Mr. President:

February 28, 2011

The Workforce Services and Community and Economic Development Committee recommends **S.B. 220**, INTERMOUNTAIN WEATHERIZATION

TRAINING FUND, by Senator S. Jenkins, be replaced and favorably recommends **1st Sub. S.B. 220**, INTERMOUNTAIN WEATHERIZATION TRAINING FUND.

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President: February 25, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 266**, RESTITUTION AMENDMENTS, by Representative D. Clark, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: February 25

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 237**, POLLUTION CONTROL FACILITY AMENDMENTS, by Senator L. Hillyard, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.C.R. 8**, CONCURRENT RESOLUTION ON PROVIDING CONTINUING FEDERAL FINANCIAL ASSISTANCE FOR THE DELIVERY OF BASIC SERVICES TO DUTCH JOHN, UT, by Representative M. Brown, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 3, Lines 62 through 64:

62 that would help finance local services; {~~and~~}

63 WHEREAS, the commercial developments that were anticipated to occur in Dutch

64 John to help finance local services have not been established {~~and~~} and

WHEREAS, Daggett County is more than 85% federally owned, thus limiting the ability of the county to raise needed property taxes to

support the unincorporated community of Dutch John:

Ralph Okerlund, Chair

Mr. President: February 28, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 106**, ELECTRONIC MEETINGS REVISIONS, by Representative B. Daw, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 172**, SERVICE ANIMAL AMENDMENTS, by Representative K. Grover, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 275**, SCHOOL DISTRICT DIVISION AMENDMENTS, by Representative K. Sumsion, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 28, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 312**, ECONOMIC DEVELOPMENT COORDINATION, by Senator S. Jenkins, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.C.R. 16**, RESOLUTION SUPPORTING UTAH HIGHWAY PATROL USE OF WHITE CROSSES AS ROADSIDE MEMORIAL, by Representative L. Perry, et al, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

\* \* \*

On motion of Senator Van Tassell, the Senate moved to lift **S.B. 68**, SOLID WASTE AMENDMENTS – FINANCIAL ASSURANCE REQUIREMENTS,



from the Natural Resources, Agriculture and Environment Committee and assign it to the Transportation, Public Utilities and Technology Committee.

\* \* \*

On motion of Senator Okerlund, **1st Sub. S.B. 221**, STATE RESOURCE MANAGEMENT PLAN FOR CERTAIN NONWILDERNESS STUDY AREA BUREAU OF LAND MANAGEMENT LANDS, will be considered Wednesday, March 2, 2011, at 11:00 a.m.

### INTRODUCTION OF BILLS

**S.B. 223, Guardianship Revisions** (B. McAdams), was read the first time by short title and referred to the Rules Committee.

**S.B. 278, Charter School Property Tax Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 280, Government Operations Amendments** (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

**S.B. 287, Specialty License Plate Amendments** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 293, Military Installation Development Authority and Annexation Amendments** (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

**S.B. 310, Motor Vehicle Insurance Amendment** (M. Madsen), was read the first time by short title and referred to the Rules Committee.

### SECOND READING CALENDAR

On motion of Senator Romero, **S.B. 176**, CANDIDATE PARTY AFFILIATION, was read the second time and circled.

\* \* \*

On motion of Senator Romero, **1st Sub. S.B. 60**, PILOT ACCOUNTABILITY PERMIT PROGRAM AND IDENTITY RELATED AMENDMENTS, was read the second time and circled.

\* \* \*

On motion of Senator Valentine, the Senate voted to move to Third Reading Calendar.

### THIRD READING CALENDAR

On motion of Senator Valentine, the circle was removed from **1st Sub. H.B. 204, PROTECTION OF ATHLETES WITH HEAD INJURIES**, and it was before the Senate. Senator Christensen commented. The bill passed on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hinkins
Jones	Knudson	Mayne	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Jenkins	Liljenquist	Madsen	McAdams
Robles	Stowell		

**1st Sub. H.B. 204**, as amended, was returned to the House for further consideration.

### SECOND READING CALENDAR

On motion of Senator Romero, **1st Sub. H.B. 91, REAL ESTATE RELATED AMENDMENTS**, was read the second time and circled.

\* \* \*

On motion of Senator Romero, **H.B. 175, CONDOMINIUM OWNERSHIP ACT MODIFICATIONS**, was read the second time and circled.

\* \* \*

**1st Sub. H.B. 194, SERVICE CONTRACTS ACT AMENDMENTS**, was read the second time. Senator Thatcher explained the bill. Senators Valentine, Reid, Stephenson, Waddoups, Jenkins, Madsen, and Christensen commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 5; Absent, 5.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hinkins
Jones	Knudson	Liljenquist	Madsen

Mayne	McAdams	Morgan	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Van Tassell	

**Voting in the negative were:** Senators

Jenkins	Niederhauser	Reid	Valentine
Waddoups			

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Stowell			

\* \* \*

On motion of Senator Urquhart, **H.B. 68**, OFF-HIGHWAY VEHICLE OPERATOR RESPONSIBILITIES, was read the second time and circled.

\* \* \*

On motion of Senator Urquhart, **H.B. 73**, MOTOR CARRIER TRANSPORTATION CONTRACT INDEMNITY AGREEMENTS, was read the second time and circled.

\* \* \*

**1st Sub. H.B. 81**, TOW TRUCK AMENDMENTS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Waddoups		

**Absent or not voting were:** Senators

Adams	Buttars	Hillyard	Jenkins
McAdams	Stowell	Van Tassell	

\* \* \*

On motion of Senator Okerlund, **H.B. 88**, AGRICULTURE SUSTAINABILITY TASK FORCE, was read the second time and circled.

\* \* \*

On motion of Senator Okerlund, **H.J.R. 19**, JOINT RESOLUTION OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY'S REGULATION OF GREENHOUSE GASES, was read the second time and circled.

\* \* \*

On motion of Senator Okerlund, **H.J.R. 21**, SELECTIONS OF UNAPPROPRIATED FEDERAL LANDS JOINT RESOLUTION, was read the second time and circled.

\* \* \*

On motion of Senator Urquhart, **H.B. 180**, DEBT COLLECTION DATA MATCH WITH WORKER REGISTRY, was read the second time and circled.

\* \* \*

On motion of Senator Davis, **H.J.R. 28**, VETERANS DAY JOINT RESOLUTION, was read the second time and circled.

\* \* \*

On motion of Senator Madsen, **1st Sub. H.C.R. 3**, CONCURRENT RESOLUTION URGING CONGRESS TO PASS BALANCED BUDGET AMENDMENT TO U.S. CONSTITUTION, was read the second time and circled.

\* \* \*

On motion of Senator Urquhart, **1st Sub. H.B. 263**, LOCAL DISTRICT SERVICES AMENDMENTS, was read the second time and circled.

\* \* \*

On motion of Senator Urquhart, the circle was removed from **S.B. 52**, TORTIOUS ACT ARBITRATION, and it was before the Senate. Senator Urquhart explained the bill.

On motion of Senator Urquhart, the following substitute bill replaced the original bill:

**2nd Sub. S.B. 52 Tortious Act Arbitration** (S. Urquhart)

The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Christensen	Hillyard	Jenkins
Reid	Stowell		

### TIME CERTAIN CALENDAR

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 28, 2011

The House passed **H.J.R. 43**, TAIWAN JOINT RESOLUTION, by Representative R. Menlove, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communication filed. The bill was read the first time by short title and referred to the Rules Committee.

On motion of Senator Knudson, under suspension of the rules, the Senate voted to lift **H.J.R. 43**, TAIWAN JOINT RESOLUTION, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Knudson, under suspension of the rules, **H.J.R. 43**, TAIWAN JOINT RESOLUTION, was considered read the second and third times and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Christensen	Hillyard	Okerlund
Reid	Stowell		

**H.J.R. 43** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

**H.B. 271**, RESTRICTIONS ON POLITICAL SUBDIVISIONS REGARDING THE REGULATION OF KNIVES, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 3; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Reid	Robles
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Jones	McAdams	Romero
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**Absent or not voting were:** Senators

Bramble	Hillyard	Stowell
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\* \* \*

On motion of Senator Adams, the circle was removed from **H.B. 175**, CONDOMINIUM OWNERSHIP ACT MODIFICATIONS, and it was before the Senate. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Waddoups		

**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Reid
Robles	Stowell	Van Tassell	

\* \* \*

On motion of Senator Adams, the circle was removed from **1st Sub. H.B. 91**, REAL ESTATE RELATED AMENDMENTS, and it was before the Senate. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Liljenquist
Reid	Stowell		

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **H.J.R. 19**, JOINT RESOLUTION OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY’S REGULATION OF GREENHOUSE GASES, and it was before the Senate. Senator Niederhauser explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 3; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Jones	McAdams	Romero
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**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Knudson
Reid	Robles	Stowell	

\* \* \*

On motion of Senator Waddoups, the circle was removed from **S.B. 251**, LOBBYIST TRAINING, and it was before the Senate. Senator Waddoups explained the bill. Senators Dayton, Christensen, and Romero commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.****Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Romero	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Hillyard	Reid	Robles
H. Stephenson	Stowell		

\* \* \*

On motion of Senator Waddoups, the circle was removed from **H.J.R. 28**, VETERANS DAY JOINT RESOLUTION, and it was before the Senate. Senator Waddoups explained the bill. Senator Valentine commented.

On motion of Senator Waddoups, under suspension of the rules, **H.J.R. 28**, VETERANS DAY JOINT RESOLUTION, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.****Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	



**Absent or not voting were:** Senators  
Hillyard                      Stowell

**H.J.R. 28** was signed by the President in open session and returned to the House for the signature of the speaker.

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 209**, TELECOMMUNICATIONS AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

- 1. Page 1, Lines 9 through 17

9            This bill provides that the existing surcharge on residential and business lines, for the

10 provision of telecommunications devices to hearing and speech impaired persons, shall

11 apply to    {~~residential, business, and mobile telephone numbers~~} each access line for residential and business telephone service and each telephone number for mobile telephone service .

12    Highlighted Provisions:

13            This bill:

14            ►        provides that the existing surcharge on residential and business lines, for the

15 provision of telecommunications devices to hearing and speech impaired persons,

16 shall apply to    {~~residential, business, and mobile telephone numbers~~} each access line for residential and business telephone service and each telephone number for mobile telephone service ;

17            ►        reduces the maximum surcharge from 25 cents to 20 cents; and

- 2. Page 3, Lines 65 through 75:

65            (4) (a) The commission shall impose a surcharge on each { ~~residence and business~~

66 ~~access line of each customer to the local exchange of any telephone corporation providing such~~

67 ~~lines in this state~~ {telephone number of each residential and  
business customer in this state } residential and business access line  
of each customer of local-exchange telephone service in this state, and  
each residential and business telephone number of each customer of  
mobile telephone service in this state .

68 which shall be collected by the telecommunications corporation  
providing public

69 telecommunications service to the customer, to cover the costs of:

70 (i) the program described in Subsection (2); and

71 (ii) payments made under Subsection (5).

72 (b) The commission shall establish by rule the amount to be  
 charged under this section,

73 ~~[which may]~~ provided that:

74 (i) the surcharge does not exceed ~~[25]~~ 20 cents per ~~[residence]~~  
month for each

75 residential and business { ~~[access—line.]~~ {telephone  
number } access line for local-exchange telephone service, and for  
each residential and business telephone number for mobile telephone  
service ; and

Senator Bramble’s motion to amend passed on a voice vote. The bill passed  
 second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Waddoups			

**Absent or not voting were:** Senators

Hillyard	Reid	Stowell	Van Tassell
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\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 248,**  
 CONTROLLED SUBSTANCE DATABASE AMENDMENTS, and it was before

the Senate. Senator Bramble explained the bill. Senators Valentine and Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Davis	Hillyard	Mayne
Reid	Stowell		

**INTRODUCTION OF BILLS**

**S.B. 181, Lobbyist Disclosure and Regulation Act Revisions** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 233, Tax Modifications** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 236, Referendum Amendments** (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

**S.B. 281, Election Registration Amendments** (P. Knudson), was read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Jenkins and at 4:05 p.m., the Senate adjourned until 9:30 a.m., Tuesday, March 1, 2011.

# THIRTY-SIXTH DAY

## MORNING SESSION

**March 1, 2011**

The Senate was called to order at 9:40 a.m., with President Michael Waddoups presiding.

**Prayer** – Father Seleazar Silva, Cathedral of the Madeleine

**Pledge of Allegiance** – Senator Pat Jones

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 80)

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 28, 2011

The House passed, **2nd Sub. S.B. 61**, EDUCATION FOR PRESCRIBING CONTROLLED SUBSTANCES, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 128**, REGULATORY AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 12**, WEAR RED MONTH CONCURRENT RESOLUTION, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 13**, JOINT RESOLUTION – REQUEST FOR PROPOSALS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 14**, COMMUNICATIONS DEVICE USAGE JOINT RESOLUTION, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President: February 28, 2011  
The House concurred in the Senate amendments and passed **H.B. 265**, MOTOR VEHICLE EMISSIONS AMENDMENTS, by Representative F. Gibson, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President: February 28, 2011  
The House passed, as amended, **H.B. 104**, HOMEOWNER ASSOCIATION AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 169**, FIREARM LAWS MODIFICATIONS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 191**, NONRESIDENT TUITION WAIVER AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 233**, INSURANCE COVERAGE FOR AMINO ACID-BASED FORMULA, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 269**, COMMISSION ON CIVIC AND CHARACTER EDUCATION, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed **H.B. 323**, MULTICOUNTY APPRAISAL TRUST AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 327**, PUBLIC EDUCATION ANNUAL REPORT AMENDMENTS, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed **H.B. 351**, HOMELESS COORDINATING COMMITTEE MODIFICATIONS, by Representative V. Peterson, and it is transmitted for consideration; and

The House passed **H.B. 358**, ACCESS TO CONTROLLED SUBSTANCE DATABASE REVISIONS, by Representative S. Eliason, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 371**, MOTOR HOME TAXES AND FEES, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 411**, APPROACHING STATIONARY EMERGENCY VEHICLE AMENDMENTS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed **H.B. 444**, OPERATION AND MAINTENANCE NEEDS REPORT FOR UTAH HIGHWAYS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 490**, UTAH STATE FLAG DAY COMMEMORATION, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.C.R. 13**, SECURE RURAL SCHOOLS CONCURRENT RESOLUTION, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 38**, JOINT RESOLUTION TO AMEND RULE OF EVIDENCE, by Representative J. Dunnigan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 28, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Education Committee**

**S.B. 223** Guardianship Revisions (Sen. B. McAdams)

#### **Government Operations and Political Subdivisions Committee**

**S.B. 277** Child Custody Task Force (Sen. L. Robles)

**S.B. 280** Government Operations Amendments (Sen. R. Okerlund)

**S.B. 281** Election Registration Amendments (Sen. P. Knudson)

**H.J.R. 11** Joint Resolution Honoring Law Enforcement Officers Killed in the Line of Fire (Rep. L. Perry)  
(Sen. P. Knudson)

**Judiciary, Law Enforcement, and Criminal Justice Committee**

**1st Sub. H.B. 392** Retention Elections for Justice Court Judges  
(Rep. C. Oda) (Sen. D. C. Buttars)

**H.B. 403** Changes to Fit Premises Act (Rep. J. Seelig)  
(Sen. W. Niederhauser)

**Revenue and Taxation Committee**

**S.B. 181** Lobbyist Disclosure and Regulation Act Revisions  
(Sen. C. Bramble)

**S.B. 278** Charter School Property Tax Amendments  
(Sen. C. Bramble)

**S.B. 287** Specialty License Plate Amendments (Sen. C. Bramble)

**S.B. 233** Tax Modifications (Sen. C. Bramble)

**Transportation, Public Utilities and Technology Committee**

**S.B. 310** Motor Vehicle Insurance Amendment (Sen. M. Madsen)

**S.B. 236** Referendum Amendments (Sen. K. Van Tassell)

**Workforce Services and Community and Economic Development Committee**

**S.B. 293** Military Installation Development Authority and Annexation Amendments (Sen. J. Stevenson)

**H.B. 94** Income Tax Credit for Combat Related Death  
(Rep. M. Newbold) (Sen. D. C. Buttars)

**H.B. 155** Cycling Laws (Rep. C. Moss) (Sen. W. Niederhauser)

**1st Sub. H.B. 156** Assessment of Property with Conservation Easement  
(Rep. D. Pitcher) (Sen. S. Jenkins)

Margaret Dayton

Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

**STANDING COMMITTEE REPORTS**

The Education Committee reports a favorable recommendation on **S.B. 224**, PARTISAN SCHOOL BOARD ELECTIONS, by Senator H. Stephenson, with the following amendments:

1. Page 1, Lines 24 through 25:

24 Other Special Clauses:

25           {~~None~~}       This bill coordinates with H.B. 143, Ballot Placement Amendments, by providing substantive and technical amendments.

2. Page 2, Line 38:

38           53A-11-102.5, as last amended by Laws of Utah 2010, Chapter 210

Utah Code Sections Affected by Coordination Clause:

20A-6-302, as last amended by Laws of Utah 2006, Chapter 326

3. Page 17, Line 516:

516 Education -- Selection of candidates by the governor -- Ballot placement.

Section 13. Coordinating S.B. 224 with H.B. 143 -- Substantive and technical amendments.

If this S.B. 224 and HB. 143, Ballot Placement Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by amending Subsection 20A-6-302(1)(c) to read:

“ [(b)] (c) the names of candidates [for the State Board of Education] are placed on the ballot [as certified by the lieutenant governor under Section 20A-14-105;] in the order specified under Section 20A-6-305.” ; and

The Education Committee reports a favorable recommendation on **S.B. 256**, TEACHER EFFECTIVENESS EVALUATION PROCESS, by Senator J. S. Adams; and

The Education Committee reports a favorable recommendation on **S.B. 257**, LEGISLATIVE COUNSEL RELATING TO UNITED STATES SENATORS, by Senator H. Stephenson; and

The Education Committee reports a favorable recommendation on **S.B. 263**, STATE BOARD OF EDUCATION POWERS AMENDMENTS, by Senator D. C. Buttars; and



The Education Committee reports a favorable recommendation on **S.J.R. 27**, BULLYING AND CYBER BULLYING STANDARDS FOR SCHOOL DISTRICTS JOINT RESOLUTION, by Senator R. Okerlund.

Howard A. Stephenson, Chair

Mr. President:

February 28, 2011

The Health and Human Services Committee reports a favorable recommendation on **S.B. 186**, UTAH MEDICAL PRACTICE ACT AMENDMENTS, by Senator J. S. Adams, with the following amendments:

1. Page 1, Line 14:

14       ▶ prohibits an individual from using the title “doctor,”  
“M.D.” or {~~“O.D.”~~}        ”D.O.” in a

2. Page 3, Line 66:

66 forgery, or intentional deception, misrepresentation, misstatement,  
or omission; {~~or~~}       or

3. Page 3, Lines 79 through 84:

79 this title[.] {~~or~~}        .

80        {~~(g) using the designation “doctor,” “Dr.,” or a comparable  
designation in a manner~~

81 which might cause a reasonable person to believe the individual  
using the designation is a

82 doctor licensed under this title, if the individual is not licensed  
under this title, provided that an

83 individual who has received an earned doctorate may use the  
designation of the degree if it is

84 followed by “Not Licensed” or “Not Licensed in Utah” in the same  
size and style of lettering. }

4. Page 8, Line 230:

230       (iv) had a federal registration or license denied, suspended,  
or revoked by competent federal authority

5. Page 17, Line 499:

499 United States {~~—~~} or its territories, {~~or Canada,~~  
~~—~~} submitting a current certification by the Educational

6. Page 18, Lines 548 through 549:

548 (c) comply with the requirements for licensure under  
Subsection (1)(a) through (d) {~~-and~~ } ;

549 (1)(e)(i) , and (1)(g) through (j) ;

7. Page 19, Lines 566 through 567:

566 (f) submit to a records review, a practice history review, and  
 {~~-physical and~~

567 psychological } comprehensive assessments, if requested  
by the division in collaboration with the board; and

8. Page 27, Line 829:

829 doctor of osteopathic medicine {~~-degree~~ } but is not a  
licensed osteopathic physician and surgeon

9. Page 29, Line 866:

866 located outside of the United States [of], or its [jurisdictions]  
 {~~-districts~~  or } territories {~~-, or Canada~~ }

10. Page 35, Line 1069:

1069 The division in collaboration with the board may assess  
penalties {~~-under~~ } as described in Section 58-67-503.

D. Chris Buttars, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President:

February 28, 2011

The Education Committee reports a favorable recommendation on **S.B. 217**, EDUCATION POLICY AMENDMENTS, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar.

Howard A. Stephenson, Chair

On motion of Senator Dayton, the committee report was adopted. The bill was considered read the second time and placed on the Consent Calendar.

### INTRODUCTION OF BILLS

**S.B. 201, Protection Against Unfair Competition Through Misappropriated Technology Act** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

**S.B. 244, Salt Lake County Highway Project Funding** (W. Niederhauser), was read the first time by short title and referred to the Rules Committee.

**S.J.R. 26, Joint Resolution Recognizing the Contributions of the Sundance Institute and the Sundance Film Festival** (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

### CONSENT CALENDAR

**H.B. 50, SCHOOL TERMINATION PROCEDURES MODIFICATIONS**, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Hillyard	Madsen	Niederhauser
Stowell			

**H.B. 50** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Okerlund, **H.B. 83, CHARTER SCHOOL REVOLVING ACCOUNT**, was read the third time and circled.

\* \* \*

**1st Sub. H.B. 92, PUBLIC EDUCATION REGIONAL SERVICE CENTERS**, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Niederhauser
Stowell	Thatcher		

**1st Sub. H.B. 92** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Dayton, **H.B. 195**, DEBT SERVICE OBLIGATIONS OF A DIVIDED SCHOOL DISTRICT, was read the third time and circled.

\* \* \*

**H.B. 251**, ALARM SYSTEM AMENDMENTS, was read the third time, explained by Senator Jones, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Niederhauser
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**H.B. 251** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**S.B. 77**, IGNITION INTERLOCK SYSTEM AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Niederhauser
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**S.B. 77** was transmitted to the House for consideration.

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**S.B. 313**, PROSTATE CANCER SPECIAL GROUP LICENSE, was read the third time, explained by Senator McAdams, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	McAdams	Morgan
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Mayne
Niederhauser	Robles		

**S.B. 313** was transmitted to the House for consideration.

\* \* \*

**H.B. 80**, EMERGENCY MANAGEMENT, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	McAdams
Morgan	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Hillyard	Mayne	Niederhauser
Robles			

**H.B. 80** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 163, REVISOR'S STATUTE**, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	McAdams
Morgan	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Hillyard	Mayne	Niederhauser
Robles			

**H.B. 163** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Stephenson, under suspension of the rules, the Senate voted to lift **H.B. 228, ADMINISTRATIVE RULES REAUTHORIZATION**, from the Consent Calendar and place it on the bottom of the Third Reading Calendar.

\* \* \*

**H.B. 254**, EMERGENCY PROCEDURES AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	McAdams
Morgan	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Hillyard	Mayne	Niederhauser
Okerlund	Robles		

**H.B. 254** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 268**, MUNICIPAL ENFORCEMENT REGARDING PROPERTY MAINTENANCE, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Reid	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Okerlund
Robles			

**1st Sub. H.B. 268** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **H.B. 83**, CHARTER SCHOOL REVOLVING ACCOUNT, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Reid	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Jenkins	Madsen	Okerlund
Robles			

**H.B. 83** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

### THIRD READING CALENDAR

**S.B. 72**, INITIATIVE AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Jenkins	Robles
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**S.B. 72** was transmitted to the House for consideration.



\* \* \*

**S.B. 78, PUBLIC SCHOOL EARLY GRADUATION COUNSELING**, was read the third time, explained by Senator Buttars, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	J. Stevenson
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**S.B. 78** was transmitted to the House for consideration.

\* \* \*

**1st Sub. H.B. 194, SERVICE CONTRACTS ACT AMENDMENTS**, was read the third time and explained by Senator Thatcher.

Senator Valentine proposed the following amendment:

- Page 2, Line 37:  
After "business" delete "for profit"

Senator Valentine’s motion to amend passed on a voice vote.

~ ~ ~

Senator Jenkins proposed the following amendment:

- Page 3, Line 65 through 68:  
Delete lines 65 through 68

Senator Jenkins’ motion to amend passed on a voice vote. Senators Reid, Bramble, and Madsen commented and the bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Buttars
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**1st Sub. H.B. 194**, as amended, was returned to the House for further consideration.

\* \* \*

**1st Sub. H.B. 81**, TOW TRUCK AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Thatcher
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**1st Sub. H.B. 81** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**2nd Sub. S.B. 52**, TORTIOUS ACT ARBITRATION, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Niederhauser
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**2nd Sub. S.B. 52** was transmitted to the House for consideration.

\* \* \*

**H.B. 271, RESTRICTIONS ON POLITICAL SUBDIVISIONS REGARDING THE REGULATION OF KNIVES,** was read the third time and explained by Senator Christensen.

Senator Christensen proposed the following amendment:

- 1. Page 2, Lines 36 through 37

36       (3) (a) Unless specifically authorized by the Legislature  
           ~~{ by statute }~~ or, subject to Subsection (3)(b), a municipal  
ordinance with a criminal penalty, a municipality may not  
 37 enact or enforce an ordinance or a regulation pertaining to a knife.  
(b) A municipality may not enact an ordinance with a criminal  
penalty pertaining to a knife that is:  
(i) more restrictive than a state criminal penalty pertaining to a  
knife; or  
(ii) has a greater criminal penalty than a state penalty pertaining  
to a knife.

- 2. Page 2, Lines 44 through 45:

44       (3) (a) Unless specifically authorized by the Legislature  
           ~~{ by statute. }~~ or, subject to Subsection (3)(b), a county  
ordinance with a criminal penalty, a county may not enact  
 45 or enforce an ordinance or a regulation pertaining to a knife.  
(b) A county may not enact an ordinance with a criminal penalty  
pertaining to a knife that is:

- (i) more restrictive than a state criminal penalty pertaining to a knife; or
- (ii) has a greater criminal penalty than a state penalty pertaining to a knife.

Senator Christensen’s motion to amend passed on a voice vote and the bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	McAdams	J. Stevenson
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**H.B. 271**, as amended, was returned to the House for further consideration.

\* \* \*

**S.B. 210**, UTAH POSTSECONDARY PROPRIETARY SCHOOL ACT AMENDMENTS, was removed from the Consent Calendar and placed at bottom of the Third Reading Calendar.

\* \* \*

**H.B. 175**, CONDOMINIUM OWNERSHIP ACT MODIFICATIONS, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles

Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**H.B. 175** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 91**, REAL ESTATE RELATED AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Reid	Robles	Romero
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Niederhauser      H. Stephenson

**1st Sub. H.B. 91** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Dayton, **H.J.R. 19**, JOINT RESOLUTION OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY’S REGULATION OF GREENHOUSE GASES, was read the third time and circled.

\* \* \*

**S.B. 251**, LOBBYIST TRAINING, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins

Jenkins	Jones	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Knudson                      Niederhauser

**S.B. 251** was transmitted to the House for consideration.

\* \* \*

**S.B. 209**, TELECOMMUNICATIONS AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**S.B. 209** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **H.J.R. 19**, JOINT RESOLUTION OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY'S REGULATION OF GREENHOUSE GASES, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

1. Page 3, Line 83

83 the President of the United States, the governor of each state outside of Utah, the Senate President or President pro tem and the Speaker of the House of each state legislature outside of Utah and to the members of Utah's Congressional Delegation.

Senator Niederhauser's motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 20; Nays, 7; Absent, 2.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Dayton
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Reid
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Davis	Jones	Mayne	McAdams
Morgan	Robles	Romero	

**Absent or not voting were:** Senators

Adams	Hillyard
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**H.J.R. 19** was returned to the House for further consideration.

\* \* \*

**S.B. 248, CONTROLLED SUBSTANCE DATABASE AMENDMENTS,** was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative was:** Senator

Dayton

**Absent or not voting was:** Senator

Adams

**S.B. 248** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, **S.B. 210**, UTAH POSTSECONDARY PROPRIETARY SCHOOL ACT AMENDMENTS, was read the third time and circled.

\* \* \*

On motion of Senator Bramble, **H.B. 228**, ADMINISTRATIVE RULES REAUTHORIZATION, was read the third time and circled.

**SECOND READING CALENDAR**

On motion of Senator Bramble, the circle was removed from **S.B. 262**, TOBACCO PRODUCTS AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Hillyard	Niederhauser
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\* \* \*

On motion of Senator Bramble, **S.B. 261**, WRONGFUL FORECLOSURE ACT, was read the second time and circled.

\* \* \*

On motion of Senator Madsen, **S.B. 53**, ELIGIBILITY FOR INTERSCHOLASTIC ACTIVITIES IN SECONDARY SCHOOLS, was read the second time and circled.



\* \* \*

**1st Sub. S.B. 73**, PUBLIC SCHOOL TEACHER TENURE MODIFICATIONS, was read the second time. Senator Stephenson explained the bill. Senator Morgan commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 4; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Knudson
Liljenquist	Madsen	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Jones	Mayne	McAdams	Morgan
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**Absent or not voting were:** Senators

Bramble	Jenkins	Niederhauser	Robles
Thatcher			

\* \* \*

On motion of Senator Urquhart, **S.B. 138**, DRIVER LICENSE QUALIFICATION AMENDMENTS, will be considered Friday, March 4, 2011, at 2:30 p.m.

\* \* \*

On motion of Senator Urquhart, the circle was removed from **S.B. 89**, HOMEOWNER ASSOCIATION RESERVE ACCOUNT, and it was before the Senate.

On motion of Senator Urquhart, the following substitute bill replaced the original bill:

**1st Sub. S.B. 89 Homeowner Association Reserve Account** (S. Urquhart)

Senator Urquhart explained the bill. Senators Van Tassell, Mayne, and Waddoups commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Robles
Thatcher	Valentine		

\* \* \*

On motion of Senator Urquhart, the circle was removed from **H.B. 68**, OFF-HIGHWAY VEHICLE OPERATOR RESPONSIBILITIES, and it was before the Senate. Senator Urquhart explained the bill The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.****Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Liljenquist	Madsen	McAdams	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Mayne
Niederhauser	Thatcher	Valentine	

\* \* \*

On motion of Senator Urquhart, the circle was removed from **H.B. 180**, DEBT COLLECTION DATA MATCH WITH WORKER REGISTRY, and it was before the Senate. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.****Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins

Jones	Knudson	Liljenquist	Madsen
McAdams	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Hillyard	Mayne	Morgan	Niederhauser
Valentine			

\* \* \*

On motion of Senator Urquhart, the circle was removed from **1st Sub. H.B. 263**, LOCAL DISTRICT SERVICES AMENDMENTS, and it was before the Senate. Senator Urquhart explained the bill.

Senator Urquhart proposed the following amendment:

1. Page 3, Lines 80 through 81

80 or the conversion to underground of an existing electric utility line~~[.];~~ {~~-OE~~ }

81 (xvii) the control or abatement of earth movement or a landslide {~~-~~ } ;or

(xviii) the operation of animal control services and facilities.

Senator Urquhart’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones
Knudson	Liljenquist	Madsen	McAdams
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Hillyard	Jenkins	Mayne	Morgan
Valentine			

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 296**, AMENDMENTS TO TAX PROVISIONS, and it was before the Senate. Senator

Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Mayne	Valentine
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\* \* \*

**S.B. 229, TRANSPORTATION FUNDING REVISIONS,** was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Reid	Robles	H. Stephenson	J. Stevenson
Stowell	Thatcher	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

McAdams	Romero
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**Absent or not voting were:** Senators

Buttars	Urquhart
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\* \* \*

**S.B. 238, VERIFICATION OF EMPLOYMENT STATUS,** was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 3; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Reid	H. Stephenson
J. Stevenson	Stowell	Thatcher	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

McAdams	Robles	Romero
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**Absent or not voting were:** Senators

Buttars	Davis	Madsen	Urquhart
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\* \* \*

**S.B. 279, GRAND JURY MODIFICATIONS,** was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.**

**Voting in the affirmative were:** Senators

Christensen	Dayton	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Mayne
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Waddoups	

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Davis
Hillyard	Jones	McAdams	Niederhauser
Urquhart	Van Tassell		

\* \* \*

**S.B. 286, GRANDPARENTS' VISITATION RIGHTS,** was read the second time. Senator Hinkins explained the bill. Senators Valentine, Reid, Christensen, and Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Christensen	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Davis
Hillyard	McAdams	Niederhauser	Urquhart

\* \* \*

**S.J.R. 20**, JOINT RESOLUTION SUPPORTING SANPETE COUNTY INCREASING THE NUMBER OF CONTRACT BEDS AT ITS CORRECTIONAL FACILITIES, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Jenkins	Knudson	Liljenquist	Madsen
Morgan	Niederhauser	Okerlund	Reid
Robles	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams	Bramble	Hillyard	Hinkins
Jones	Mayne	McAdams	Romero
Stowell			

\* \* \*

On motion of Senator Okerlund, **1st Sub. S.B. 57**, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CAT MANAGEMENT INITIATIVE, was read the second time and circled.

\* \* \*

On motion of Senator Okerlund, **S.B. 273**, EMERGENCY RESPONDER FEES, was read the second time and circled.

\* \* \*

**S.B. 30, EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS**, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 1; Absent, 8.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Morgan	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative was:** Senator Romero

**Absent or not voting were:** Senators

Adams	Bramble	Hillyard	Knudson
Mayne	McAdams	Robles	Stowell

\* \* \*

On motion of Senator Dayton, the Senate voted to lift **S.B. 280, GOVERNMENT OPERATIONS AMENDMENTS**, from the Government Operations and Political Subdivisions Committee and assign it to the Natural Resources, Agriculture and Environment Committee.

\* \* \*

On motion of Senator Jenkins, and at 11:50 a.m., the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 3:00 p.m., with President Waddoups presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 1, 2011

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 212**, CHARGES BY HEALTH PROVIDERS FOR MEDICAL RECORDS, by Representative F. Gibson, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President: March 1, 2011

The House passed, as substituted and amended, **2nd Sub. H.B. 95**, AMENDMENTS TO TRAFFIC CODE PROVISIONS, by Representative L. Perry, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 280**, STATE AGENCY REALIGNMENT, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 328**, STATE GOVERNMENT WORK WEEK, by Representative M. Noel, et al, and it is transmitted for consideration; and

The House passed **H.B. 359**, BUSINESS RESOURCE CENTER ADVISORY BOARD MODIFICATION, by Representative V. Peterson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 398**, UTAH STATE INSTRUCTIONAL MATERIALS ACCESS CENTER FUNDING, by Representative S. Handy, and it is transmitted for consideration; and

The House passed **H.B. 415**, SCHOOLS FOR THE DEAF AND BLIND FOUNDATION, by Representative S. Handy, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 461**, ENERGY PRODUCER STATES' AGREEMENT, by Representative R. Barrus, and it is transmitted for consideration; and



The House passed **H.C.R. 15**, NAVAJO ELECTRIFICATION DEMONSTRATION PROJECT CONCURRENT RESOLUTION, by Representative C. Watkins, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

**STANDING COMMITTEE REPORTS**

Mr. President:

February 28, 2011

The Business and Labor Committee reports a favorable recommendation on **S.B. 167**, CONDOMINIUM AND COMMUNITY ASSOCIATION REVISIONS, by Senator W. Niederhauser; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 93**, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS, by Representative L. Christensen, with the following amendments:

- 1. Page 4, Lines 94 through 113  
House Committee Amendments  
2-10-2011:

94 (m) an attorney admitted to practice law in this state ~~{-}~~ :  
(i) if the attorney is not

95 principally engaged in the business of negotiating residential mortgage loans when considering the attorney's ordinary practice as a whole for all the attorney's clients ; and (ii) ~~{-}~~ when

96 the attorney ~~H~~→ [renders services] engages in loan modification assistance ←~~H~~ in the course of

96a the attorney's practice as an attorney.

97 (3) An individual who will engage in an activity as a mortgage loan originator is

98 exempt from this chapter only if the individual is an employee or agent exempt under

99 Subsection (2)(g).

100 ~~{-}~~ (4) (a) Notwithstanding Subsection (2)(m) ~~{-}~~ , an attorney exempt from this chapter

101 may not engage in conduct described in Section 61-2c-301 when transacting business of

102 residential mortgage loans. { - }

103 { - } (b) If an attorney exempt from this chapter violates Subsection (4)(a), the attorney: { - }

104 { - } (i) is not subject to enforcement by the division under Part 4, Enforcement; and { - }

105 { - } (ii) { -is- } may be subject to disciplinary action generally applicable to an attorney admitted to

106 practice law in this state. { - }

107  $\hat{H} \rightarrow$  [E] [€] { -(4) } (c) If the division receives a complaint

107a { - } alleging { - } { -regarding } an attorney exempt from this chapter

108 { - } is in violation of Subsection (4)(a) { - } or that an attorney subject to this chapter has violated this chapter, the division shall forward the complaint to the

108a Utah State

109 Bar for disciplinary action. [ ]

(d) For an attorney who the division finds is not to be exempt under Subsection (2)(m), the division may independently take enforcement action against the attorney under Part 4, Enforcement.

110 [E] (5) [ ] [ (4) ]  $\leftarrow \hat{H}$  (a) An individual who is exempt under Subsection (2)

110a or (3) may voluntarily

111 obtain a license under this chapter by complying with Part 2, Licensure.

112 (b) An individual who voluntarily obtains a license pursuant to this

112a Subsection  $\hat{H} \rightarrow$  [E] (5) [ ] [ (4) ]  $\leftarrow \hat{H}$

113 shall comply with all the provisions of this chapter. ; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 333**, UNFAIR INDUCEMENTS RELATED TO INSURANCE PRODUCTS, by Representative J. Dunnigan.

John L. Valentine, Chair

Mr. President: March 1, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 225**, PERSONAL INJURY PROTECTION ARBITRATION, by Senator S. Urquhart; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 318**, JUSTICE COURT MODIFICATIONS, by Senator D. C. Buttars; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 161**, GUARDIAN AD LITEM RESPONSIBILITIES, by Representative C. Oda; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 334**, FAMILY EXPENSE AMENDMENTS, by Representative S. Sandstrom.

Mark B. Madsen, Chair

Mr. President: March 1, 2011

The Transportation and Public Utilities and Technology Committee recommends **S.B. 232**, PUBLIC TRANSIT DISTRICT BOARD OF TRUSTEES AMENDMENTS, by Senator K. Mayne, be replaced and favorably recommends **1st Sub. S.B. 232**, PUBLIC TRANSIT DISTRICT BOARD OF TRUSTEES AMENDMENTS; and

The Transportation and Public Utilities and Technology Committee recommends **S.B. 239**, MOTOR AND SPECIAL FUEL TAX AMENDMENTS, by Senator K. Van Tassell, be replaced and favorably recommends **1st Sub. S.B. 239**, MOTOR AND SPECIAL FUEL TAX AMENDMENTS with the following amendments:

1. Page 2, Lines 50 through 51:

50 (c) (i) Beginning on or after January 1, 2013, the commission shall, every two years in

51 the odd year, increase the rate imposed under Subsection (1)(a) by  
 { ~~-.75 cents~~ } 3/4 of one cent ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 173**, DEDICATION AND ABANDONMENT OF PUBLIC HIGHWAYS, by Representative K. McIff; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 261**, AMENDMENTS TO TRANSPORTATION PROVISIONS, by Representative D. Brown.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President:

February 28, 2011

The Business and Labor Committee reports a favorable recommendation on **H.C.R. 7**, CONCURRENT RESOLUTION SUPPORTING PUBLIC POLICIES THAT PROMOTE OUTDOOR ACTIVITIES FOR CHILDREN, by Representative J. Draxler, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 2, Lines 30 through 35:

30 WHEREAS, there are also concerns that many of our younger  
generation are becoming

31 disconnected from nature;

32 WHEREAS, youth are shunning the great outdoors in favor of  
sedentary activities {~~such~~

33 ~~as video games, television, the Internet, and movies~~} ;

34 WHEREAS, numerous studies have shown that there are many  
health, physical,

35 emotional, and educational benefits to playing in and experiencing  
Utah's outdoors;

30

John L. Valentine, Chair

Mr. President:

March 1, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 24**, JOINT RESOLUTION SUPPORTING

EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, by Senator D. Hinkins, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.C.R. 1**, CONCURRENT RESOLUTION URGING CONGRESS TO ADDRESS EMPLOYMENT RELATED CHILD IDENTITY THEFT, by Representative S. Duckworth, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President:

March 1, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 184**, MOTOR AND SPECIAL FUEL TAX ACT AMENDMENTS, by Representative C. Herrod, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

## INTRODUCTION OF BILLS

**S.B. 174, Motor Vehicle Insurance Coverage Amendments** (S. Urquhart), was read the first time by short title and referred to the Rules Committee.

**S.B. 305, Economic Development Through Education / Career Alignment** (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

## COMMUNICATIONS FROM THE GOVERNOR

### ADVISE AND CONSENT

Mr. President:

January 20, 2011

I am pleased to inform you that I have appointed Sherene Dillon as a Judge of the Second District Juvenile Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A-10-101.

Thank you for your timely consideration and confirmation of Ms. Dillon.

Gary R. Herbert  
Governor

Mr. President:

February 23, 2011

The Senate Judicial Confirmation Committee met on February 23, 2011, and reports a favorable recommendation for Ms. Sherene Dillon to be confirmed to the position of Judge in the Second District Juvenile Court.

Scott K. Jenkins, Chair

On motion of Senator Hillyard, the Senate voted to consent to the Governor's appointment as listed in his communication dated January 20, 2011, as read by Leslie McLean, on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Knudson	Robles
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### COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, Judge Sherene Dillon spoke in Committee of the Whole.

On motion of Senator Jenkins, the Committee of the Whole was dissolved.

### CONSENT CALENDAR

On motion of Senator Dayton, the circle was removed from **H.B. 195**, DEBT SERVICE OBLIGATIONS OF A DIVIDED SCHOOL DISTRICT, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	McAdams	Okerlund	Robles
---------	---------	----------	--------

**H.B. 195** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Dayton, under suspension of the rules, the Senate voted suspend the 24-hour rule and consider **H.B. 275** on the Consent Calendar.

\* \* \*

**H.B. 275**, SCHOOL DISTRICT DIVISION AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Reid	Romero
H. Stephenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Buttars	Jenkins	Okerlund
Robles	J. Stevenson		

**H.B. 275** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

On motion of Senator Dayton, the circle was removed from **H.B. 262**, DIVIDED SCHOOL DISTRICT ASSETS AND LIABILITIES, and it was before

the Senate. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Reid	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Buttars	Hinkins	Okerlund
Robles	Urquhart		

### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

March 1, 2011

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Education Committee**

**S.B. 305** Economic Development Through Education/Career Alignment (Sen. H. Stephenson)

#### **Judiciary, Law Enforcement, and Criminal Justice Committee**

**H.B. 104** Homeowner Association Amendments (Rep. R. C. Webb)  
(Sen. J. S. Adams)

**1st Sub. H.B. 138** Federal Receipts Reporting Requirements (Rep. K. Ivory)  
(Sen. W. Niederhauser)

**1st Sub. H.B. 169** Firearm Laws Modifications (Rep. J. Seelig)  
(Sen. K. Mayne)

**H.B. 316** Taxation of Surplus Lines of Insurance (Rep. T. Kiser)  
(Sen. C. Bramble)

**H.B. 323** Multicounty Appraisal Trust Amendments  
(Rep. G. Froerer) (Sen. D. Stowell)

**H.B. 358** Access to Controlled Substance Database Revisions  
(Rep. S. Eliason) (Sen. W. Niederhauser)

**H.B. 411** Approaching Stationary Emergency Vehicle Amendments  
(Rep. D. Ipson) (Sen. J. Valentine)

**H.J.R. 38** Joint Resolution to Amend Rule of Evidence  
(Rep. J. Dunnigan) (Sen. R. Okerlund)



- S.B. 174** Motor Vehicle Insurance Coverage Amendments  
(Sen. S. Urquhart)
- 1st Sub. H.B. 70** Illegal Immigration Enforcement Act (Rep. S. Sandstrom)  
(Sen. M. Dayton)

**Natural Resources, Agriculture and Environment Committee**

- S.J.R. 26** Joint Resolution Recognizing the Contributions of the Sundance Institute and the Sundance Film Festival  
(Sen. J. Stevenson)
- 1st Sub. H.B. 191** Nonresident Tuition Waiver Amendments  
(Rep. C. Wimmer) (Sen. D. Hinkins)
- 1st Sub. H.B. 269** Commission on Civic and Character Education  
(Rep. L. Christensen) (Sen. M. Dayton)
- 1st Sub. H.B. 327** Public Education Annual Report Amendments  
(Rep. L. Christensen) (Sen. M. Dayton)
- 1st Sub. H.B. 233** Insurance Coverage for Amino Acid-based Formula  
(Rep. C. Moss) (Sen. P. Knudson)
- H.B. 490** Utah State Flag Day Commemoration (Rep. Julie Fisher)  
(Sen. M. Madsen)
- H.C.R. 13** Secure Rural Schools Concurrent Resolution  
(Rep. M. Noel) (Sen. D. Hinkins)

**Transportation, Public Utilities and Technology Committee**

- S.B. 201** Protection Against Unfair Competition Through Misappropriated Technology Act (Sen. C. Bramble)
- S.B. 244** Salt Lake County Highway Project Funding  
(Sen. W. Niederhauser)
- H.B. 351** Homeless Coordinating Committee Modifications  
(Rep. V. Peterson) (Sen. J. Valentine)
- H.B. 371** Motor Home Taxes and Fees (Rep. D. Ipson)  
(Sen. J. Valentine)
- H.B. 444** Operation and Maintenance Needs Report for Utah Highways (Rep. Julie Fisher) (Sen. J. S. Adams)

Margaret Dayton  
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

\* \* \*

On motion of Senator Dayton, the Senate voted to lift **S.B. 277**, CHILD CUSTODY TASK FORCE, from the Government Operations and Political Subdivisions Committee and assign it to the Judicial, Law Enforcement and Criminal Justice Committee.

\* \* \*

On motion of Senator Stephenson, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Stephenson, the circle was removed from **S.B. 65**, STATEWIDE ONLINE EDUCATION PROGRAM, and it was before the Senate. Senator Stephenson explained the bill. The bill failed on the following roll call:

**Yeas, 13; Nays, 10; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Dayton	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Reid
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine			

**Voting in the negative were:** Senators

Christensen	Davis	Hillyard	Jones
Mayne	Morgan	Robles	Romero
Stowell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Buttars	McAdams	Niederhauser
Okerlund	Van Tassell		

**S.B. 65** was filed.

**SECOND READING CALENDAR**

On motion of Senator Christensen, **S.B. 202**, PHARMACEUTICAL COMPETITIVE PRICING, was read the second time and circled.

\* \* \*

On motion of Senator Christensen, **S.B. 285**, INDUSTRIAL ASSISTANCE FUND AMENDMENTS, was read the second time and circled.

On motion of Senator Dayton, **1st Sub. S.B. 220**, INTERMOUNTAIN WEATHERIZATION TRAINING FUND, was read the second time and circled.

\* \* \*

On motion of Senator Van Tassell, the Senate voted to recall **H.B. 248**, COUNTY OFFICE VACANCIES, from the House for further consideration.

\* \* \*

**3rd Sub. H.B. 54**, ELECTRONIC COMMUNICATIONS IN PUBLIC MEETINGS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	McAdams
Niederhauser	Thatcher		

\* \* \*

On motion of Senator Urquhart, the circle was removed from **H.B. 73**, MOTOR CARRIER TRANSPORTATION CONTRACT INDEMNITY AGREEMENTS, and it was before the Senate.

On motion of Senator Urquhart, the following substitute bill replaced the original bill:

**1st Sub. H.B. 73 Motor Carrier Transportation Contract Indemnity Agreements** (D. Ipson)

Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Mayne
McAdams	Niederhauser	J. Stevenson	

\* \* \*

On motion of Senator Jenkins, the circle was removed from **1st Sub. S.B. 220**, INTERMOUNTAIN WEATHERIZATION TRAINING FUND, and it was before the Senate. Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

## 1. Page 2, Lines 50 through 51

50 (c) make rules in accordance with Title 63G, Chapter 3,  
Utah Administrative Rulemaking Act,  
 51 establishing:

Senator Jenkins' motion to amend passed on a voice vote. Senator Dayton commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Reid	Robles	H. Stephenson
J. Stevenson	Stowell	Thatcher	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Madsen
McAdams	Romero	Urquhart	

\* \* \*

**1st Sub. H.B. 75**, DANGEROUS WEAPON AMENDMENTS, was read the second time. Senator Hinkins explained the bill. Senators Valentine commented.

On motion of Senator Hinkins, the bill was circled.

\* \* \*

On motion of Senator Jenkins and at 4:10 p.m., the Senate adjourned until 9:30 a.m., Wednesday, March 2, 2011.

# THIRTY-SEVENTH DAY

## MORNING SESSION

**March 2, 2011**

The Senate was called to order at 9:45 a.m., with President Michael Waddoups presiding.

**Prayer** – Senator John Valentine

**Pledge of Allegiance** – Cache Thompson

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 80)

### SPECIAL PRESENTATION

A citation was read honoring Cache Thompson, Eagle Scout. President Waddoups commented.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 1, 2011

The House concurred in the Senate amendments and passed **1st Sub. H.B. 204**, PROTECTION OF ATHLETES WITH HEAD INJURIES, by Representative P. Ray, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

March 1, 2011

The House passed, as substituted, **1st Sub. H.B. 110**, TEACHER SALARY SUPPLEMENT PROGRAM AMENDMENTS, by Representative M. Poulson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 134**, COLLECTION OF FRONT-LINE TEACHERS DATA, by Representative J. Nielson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 140**, DIVORCE WAITING PERIOD AMENDMENTS, by Representative V. Peterson, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 224**, RADIO FREQUENCY IDENTIFICATION, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 287**, RESTRUCTURING OF THE DEPARTMENT OF COMMUNITY AND CULTURE, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 434**, COUNTY AMENDMENTS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 438**, WATER QUALITY BOARD AMENDMENTS, by Representative B. Wright, and it is transmitted for consideration; and

The House passed **H.C.R. 14**, WILD LANDS CONCURRENT RESOLUTION, by Representative C. Watkins, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

### STANDING COMMITTEE REPORTS

Mr. President:

March 1, 2011

The Government Operations and Political Subdivisions Committee recommends **S.B. 162**, MILITARY AND OVERSEAS VOTING, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 162**, MILITARY AND OVERSEAS VOTING; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 300**, GOVERNMENT BONDING AMENDMENTS, by Senator B. McAdams; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **2nd Sub. H.B. 76**, FEDERAL LAW EVALUATION AND RESPONSE, by Representative K. Ivory, with the following amendments:

1. Page 2, Line 53:

53       ▶       to       { ~~Permanent~~ ~~Community~~ ~~Impact Fund~~ } Department of Administrative Services as an ongoing appropriation:

2. Page 3, Line 60:

60       This bill provides revisor instructions.  
This bill coordinates with H.B. 51, School and Institutional Trust Lands, by merging technical and substantive amendments.

3. Page 3, Line 73:

73       63C-4-108, Utah Code Annotated 1953  
Utah Code Sections Affected by Coordination Clause:  
53C-3-203, as last amended by Laws of Utah 2010, Chapters 79 and 262

4. Page 23, Lines 679 through 682:

679 Item 4 To { ~~Permanent~~ ~~Community~~ ~~Impact Fund~~ } Department of Administrative Services - Finance - Mandated

680 From General Fund Restricted - Land Exchange Distribution Account (\$600,000)

681 Schedule of Programs:

682       { ~~Permanent~~ ~~Community~~ ~~Impact Fund~~ } Land Exchange Distribution (\$600,000)

5. Page 23, Line 691:

691 in the Laws of Utah.  
Section 13. Coordinating H.B. 76 with H.B. 51 -- Merging technical and substantive amendments.

If this H.B. 76 and H.B. 51, School and Institutional Trust Lands, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication:

(1) merge the changes from both bills to modify Subsection 53C-3-203(4)(b)(viii) to read:

“(6) (viii) [Beginning with fiscal year 2009-10, the Legislature



shall ~~annually appropriate 6.5%~~ 3% of the deposits [~~remaining in the account after the appropriation is made in Subsection (4)(a)]~~ to the Permanent Community Impact Fund created in Section 9-4-303, to be used for grants to political subdivisions of the state to mitigate the impacts resulting from the development or use of school and institutional trust lands.” ; and

(2) add a newly enacted Subsection 53C-3-203(5) to read:

”(5) The Permanent Community Impact Fund Board shall consult with the administration before awarding the grants described in Subsection (4)(b)(viii).” ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 399**, ENVIRONMENTAL LITIGATION BOND, by Representative M. Noel.

Peter C. Knudson, Chair

Mr. President:

March 1, 2011

The Revenue and Taxation Committee recommends **S.B. 165**, ELECTION LAW AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 165**, ELECTION LAW AMENDMENTS, with the following amendments:

1. Page 1, Lines 11 through 14:

11 This bill:

12 ► defines terms;

13 ► authorizes a person to vote in an election if the person registers online to vote {~~online~~} at

14 least 15 days before an election;

; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 181**, LOBBYIST DISCLOSURE AND REGULATION ACT REVISIONS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 189**, TAX CODE MODIFICATIONS, by Senator B. McAdams, with the following amendments:

1. Page 2, Line 55 through Page 3, Line 59:

55 commission may make rules:

56 (a) providing procedures for issuing refunds for a tax credit claimed under this section;

57 and

58 (b) for making a transfer from the General Fund into the Education Fund as required by

59 Subsection (4). ; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 287**, SPECIALTY LICENSE PLATE AMENDMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee recommends **S.B. 288**, UTAH IMMIGRATION ENFORCEMENT AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 288**, UTAH IMMIGRATION ENFORCEMENT AMENDMENTS, with the following amendments:

1. Page 21, Lines 629 through 633:

629 63G-12-203; {~~and~~ }

630 (d) the attorney general for costs associated with:

631 (i) litigation related to this chapter;

632 (ii) a multi-agency strike force created under Section 67-5-22.7; or

633 (iii) a memorandum of understanding executed under Section 67-5-28 {~~;~~ } ;and

(e) the Identity Theft Restricted Account created in Section 67-5-22.7.

2. Page 24, Lines 711 through 716:

711 (d) To the extent feasible and consistent with a waiver, exemption, or authority entered

712 into under Section 63G-12-202, the State Tax Commission shall work with the applicable

713 federal government agencies to ensure that the withholding provided for under this Subsection

714 (2) is compatible with a federal process by which {~~the income and~~ } employment taxes are

715 collected that would be imposed under federal law if a permit holder were an employee with a

716 Social Security number.

3. Page 31, Lines 948 through 951:

948 (4) A person is guilty of a class {~~C~~ } B misdemeanor if the person:

949 (a) furnishes false or forged information or documentation in support of an application;

950 or

951 (b) alters the information on a permit.

Curtis S. Bramble, Chair

Mr. President:

March 1, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 293**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AND ANNEXATION AMENDMENTS, by Senator J. Stevenson; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 94**, INCOME TAX CREDIT FOR COMBAT RELATED DEATH, by Representative M. Newbold; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 155**, CYCLING LAWS, by Representative C. Moss, with the following amendments:

1. Page 1, line 20:

Delete “highway” and insert “roadway”

2. Page 2, line 70:

Delete “highway” and insert “roadway”; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **1st Sub. H.B. 156**, ASSESSMENT OF PROPERTY WITH CONSERVATION EASEMENT, by Representative D. Pitcher; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 259**, COUNTY RECORDER REVISIONS, by Representative R. C. Webb; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **1st Sub. H.B. 267**, PUBLIC BODY RULES OF PROCEDURE, by Representative M. Brown; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 305**, MIDTERM VACANCIES IN MUNICIPAL OFFICES, by Representative K. Powell; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 335**, MILITARY SURVIVORS – TUITION WAIVER AMENDMENTS, by Representative M. Morley; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 375**, SECURITY PERSONNEL LICENSING ACT AMENDMENTS, by Representative K. Ivory; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 489**, HOUSING AUTHORITY APPLICATION PROCESS, by Representative G. Froerer.

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President:

March 1, 2011

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 281**, ELECTION REGISTRATION AMENDMENTS, by Senator P. Knudson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 86**, VETERAN'S IDENTIFICATION ON DRIVER LICENSE OR IDENTIFICATION CARD, by Representative G. Hughes, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 318**, MONEY MANAGEMENT ACT AMENDMENTS, by Representative J. Bird, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mr. President: March 1, 2011

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 278**, CHARTER SCHOOL PROPERTY TAX AMENDMENTS, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

Mr. President: March 1, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **1st Sub. H.B. 143**, BALLOT PLACEMENT AMENDMENTS, by Representative S. Eliason, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 250**, STATE EMBLEM OF SERVICE AND SACRIFICE, by Representative M. Newbold, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

### INTRODUCTION OF BILLS

**S.B. 240, Traffic Code Modifications** (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

**S.B. 319, Technology Commercialization and Innovation Act** (C. Bramble), was read the first time by short title and referred to the Rules Committee.

### THIRD READING CALENDAR

On motion of Senator Jenkins, **S.B. 262, TOBACCO PRODUCTS AMENDMENTS**, was read the third time and circled.

\* \* \*

**1st Sub. S.B. 73**, PUBLIC SCHOOL TEACHER TENURE MODIFICATIONS, was read the third time and explained by Senator Stephenson. Senator Jones commented.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

On motion of Senator Jenkins, **1st Sub. S.B. 89**, HOMEOWNER ASSOCIATION RESERVE ACCOUNT, was read the third time and circled.

\* \* \*

On motion of Senator Dayton, **H.B. 68**, OFF-HIGHWAY VEHICLE OPERATOR RESPONSIBILITIES, was read the third time and circled.

\* \* \*

On motion of Senator Dayton, **H.B. 180**, DEBT COLLECTION DATA MATCH WITH WORKER REGISTRY, was read the third time and circled.

\* \* \*

On motion of Senator Dayton, **1st Sub. H.B. 263**, LOCAL DISTRICT SERVICES AMENDMENTS, was read the third time and circled.

\* \* \*

On motion of Senator Dayton, **S.B. 296**, AMENDMENTS TO TAX PROVISIONS, was read the third time and circled.

\* \* \*

On motion of Senator Dayton, **S.B. 229**, TRANSPORTATION FUNDING REVISIONS, was read the third time and circled.

\* \* \*

**S.B. 238**, VERIFICATION OF EMPLOYMENT STATUS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

**Yeas, 20; Nays, 3; Absent, 6.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Niederhauser
Okerlund	Reid	H. Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

McAdams	Robles	Romero
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**Absent or not voting were:** Senators

Adams	Bramble	Hillyard	Morgan
J. Stevenson	Thatcher		

**S.B. 238** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Urquhart, the circle was removed from **1st Sub. S.B. 89, HOMEOWNER ASSOCIATION RESERVE ACCOUNT**, and it was before the Senate. Senator Urquhart explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	McAdams
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Christensen	Mayne	Morgan
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**1st Sub. S.B. 89** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Urquhart, the circle was removed from **H.B. 68, OFF-HIGHWAY VEHICLE OPERATOR RESPONSIBILITIES**, and it was before the Senate. Senator Jenkins commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative was:** Senator

Jenkins

**Absent or not voting were:** Senators

Bramble                      Morgan

**H.B. 68** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Urquhart, the circle was removed from **H.B. 180**, DEBT COLLECTION DATA MATCH WITH WORKER REGISTRY, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	McAdams
Niederhauser	Okerlund	Reid	Robles
Romero	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative was:** Senator

Dayton

**Absent or not voting were:** Senators

Bramble                      Mayne                      Morgan                      H. Stephenson

**H.B. 180** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.



\* \* \*

On motion of Senator Urquhart, the circle was removed from **1st Sub. H.B. 263, LOCAL DISTRICT SERVICES AMENDMENTS**, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
McAdams	Niederhauser	Okerlund	Reid
Romero	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Mayne	Morgan	Robles
H. Stephenson			

**1st Sub. H.B. 263**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Dayton, **S.B. 279, GRAND JURY MODIFICATIONS**, was read the third time and circled.

\* \* \*

**S.B. 286, GRANDPARENTS' VISITATION RIGHTS**, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams                      Bramble                      Morgan                      Robles

**S.B. 286** was transmitted to the House for consideration.

\* \* \*

**S.J.R. 20**, JOINT RESOLUTION SUPPORTING SANPETE COUNTY INCREASING THE NUMBER OF CONTRACT BEDS AT ITS CORRECTIONAL FACILITIES, was read the third time and explained by Senator Okerlund. Senator Jenkins commented and the bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams                      Christensen                      Davis                      Dayton  
Hillyard                      Hinkins                      Jenkins                      Jones  
Knudson                      Liljenquist                      Madsen                      Mayne  
McAdams                      Niederhauser                      Okerlund                      Reid  
Romero                      J. Stevenson                      Stowell                      Thatcher  
Urquhart                      Valentine                      Van Tassell                      Waddoups

**Absent or not voting were:** Senators

Bramble                      Buttars                      Morgan                      Robles  
H. Stephenson

**S.J.R. 20** was transmitted to the House for consideration.

\* \* \*

**S.B. 30**, EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams                      Christensen                      Davis                      Dayton  
Hillyard                      Hinkins                      Jenkins                      Jones  
Knudson                      Liljenquist                      Madsen                      Mayne  
McAdams                      Niederhauser                      Okerlund                      Reid  
H. Stephenson                      J. Stevenson                      Stowell                      Thatcher  
Urquhart                      Valentine                      Van Tassell                      Waddoups

**Voting in the negative was:** Senator Romero

**Absent or not voting were:** Senators

Bramble                      Buttars                      Morgan                      Robles

**S.B. 30** was transmitted to the House for consideration.

\* \* \*

**H.B. 262**, DIVIDED SCHOOL DISTRICT ASSETS AND LIABILITIES, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams                      Bramble                      Buttars                      Madsen  
Morgan

**H.B. 262** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**3rd Sub. H.B. 54**, ELECTRONIC COMMUNICATIONS IN PUBLIC MEETINGS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hinkins
McAdams	Morgan		

**3rd Sub. H.B. 54**, as amended, was returned to the House for further consideration.

\* \* \*

**1st Sub. H.B. 73**, MOTOR CARRIER TRANSPORTATION CONTRACT INDEMNITY AGREEMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Waddoups	

**Absent or not voting were:** Senators

Adams	Buttars	Hillyard	Morgan
Niederhauser	Van Tassell		

**1st Sub. H.B. 73**, as amended, was returned to the House for further consideration.

\* \* \*

**1st Sub. S.B. 220**, INTERMOUNTAIN WEATHERIZATION TRAINING FUND, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Bramble	Morgan	Niederhauser
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**1st Sub. S.B. 220** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Stowell, the Senate voted to reconsider its action on **S.B. 65, STATEWIDE ONLINE EDUCATION PROGRAM**. The bill was placed on the Third Reading Calendar.

**SECOND READING CALENDAR**

**1st Sub. H.B. 74, MUNICIPAL JUSTICE COURT JUDGE ELECTIONS**, was read the second time. Senator Madsen explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 2; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Hillyard	Knudson
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**Absent or not voting was:** Senator

Urquhart

\* \* \*

**1st Sub. H.B. 115, MECHANICS' LIEN AMENDMENTS**, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones

Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hillyard	Jenkins	Robles	Urquhart
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\* \* \*

**H.B. 220**, CIVICS EDUCATION AMENDMENTS, was read the second time. Senator Madsen explained the bill. Senators McAdams, Buttars, Morgan, Liljenquist, Davis, Valentine, and Jones commented. The bill passed second reading on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.****Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator

Hillyard

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **S.B. 82**, URBAN FARMING ASSESSMENT ACT, and it was before the Senate. Senator Niederhauser explained the bill. Senator Valentine commented.

On motion of Senator Niederhauser, the bill was circled.

**TIME CERTAIN CALENDAR**

**1st Sub. S.B. 221**, STATE OF UTAH RESOURCE MANAGEMENT PLAN FOR FEDERAL LANDS, was read the second time. Senator Okerlund explained the bill.

On motion of Senator Okerlund, the following substitute bill replaced the original bill:

**2nd Sub. S.B. 221 State of Utah Resource Management Plan for Federal Lands** (R. Okerlund)

Senators Romero, Van Tassell, Davis, and Urquhart commented.

On motion of Senator Okerlund, under suspension of the rules, **2nd Sub. S.B. 221, STATE OF UTAH RESOURCE MANAGEMENT PLAN FOR FEDERAL LANDS**, was considered read the first, second, and third times. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator Hillyard

**2nd Sub. S.B. 221** was transmitted to the House.

\* \* \*

On motion of Senator Reid, the Senate voted to adopt the following corrected committee report:

Mr. President: March 2, 2011

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 375, SECURITY PERSONNEL LICENSING ACT AMENDMENTS**, by Representative K. Ivory, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stuart C. Reid, Chair

\* \* \*

**1st Sub. H.B. 174, CONTRACTING FOR MEDICAID ELIGIBILITY DETERMINATION SERVICES**, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Hillyard	Madsen	McAdams
H. Stephenson			

\* \* \*

On motion of Senator Jenkins, and at 11:50 a.m., the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Waddoups presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2011

The House passed, **2nd Sub. S.B. 108**, JOINT USE OF A CANAL OR DITCH, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 134**, TRANSPARENCY IN HEALTH CARE PROVIDER ADVERTISING, by Senator J. Stevenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 146**, IMPACT FEE AMENDMENTS, by Senator J. Stevenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 212**, JUDICIAL EVALUATION AMENDMENTS, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 214**, MOTOR VEHICLE RENTAL COMPANY FEE DISCLOSURES, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and



The House passed, **S.C.R. 11**, DIXIE STATE COLLEGE CONCURRENT RESOLUTION, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 14**, CONCURRENT RESOLUTION HONORING PROVIDERS OF HEALTH CARE SERVICES TO MILITARY PERSONNEL AND THEIR DEPENDENTS, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 2, 2011

The House passed **H.B. 87**, SCHOOL FINANCE AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 130**, ELECTION DAY VOTING CENTERS, by Representative R. Chavez–Houck, and it is transmitted for consideration; and

The House passed **H.B. 303**, PREPAID WIRELESS 911 SERVICE CHARGE, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.B. 432**, NUISANCE AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 481**, TRANSPORTATION OF MENTAL ILLNESS PATIENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.J.R. 26**, SCOFIELD LAND TRANSFER JOINT RESOLUTION, by Representative P. Painter, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President: March 2, 2011

The House passed, as amended, **S.B. 87**, MARKETABLE RECORD TITLE AMENDMENTS, by Senator S. Reid, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 242**, ASSESSMENT AREA AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

### STANDING COMMITTEE REPORTS

The Business and Labor Committee reports a favorable recommendation on **2nd Sub. H.B. 128**, HEALTH REFORM AMENDMENTS, by Representative J. Dunnigan.

John L. Valentine, Chair

Mr. President: March 2, 2011

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 152**, SCHOOL COMMUNITY COUNCILS AMENDMENTS, by Representative B. Wright; and

The Education Committee reports a favorable recommendation on **H.B. 183**, SCHOOL DISTRICT LEAVE POLICIES, by Representative K. Grover; and

The Education Committee reports a favorable recommendation on **S.B. 305**, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, by Senator H. Stephenson.

Howard A. Stephenson, Chair

Mr. President: March 2, 2011

The Health and Human Services Committee reports a favorable recommendation on **H.B. 324**, HIV TESTING OF ALLEGED SEX OFFENDERS, by Representative R. Greenwood; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 336**, MEDICAL PROFESSIONAL LICENSING DURING A DECLARED EMERGENCY, by Representative E. Vickers.

D. Chris Butters, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

## STANDING COMMITTEE REPORTS

Mr. President:

March 2, 2011

The Business and Labor Committee reports a favorable recommendation on **H.B. 107, VOLUNTEER FIREFIGHTERS' RETIREMENT AMENDMENTS**, by Representative R. Menlove, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Lines 13 through 15:

13       ▶ requires the Retirement Office to fund the long-term disability benefits for new

14       {~~volunteer~~} firefighters using certain premium tax revenues previously deposited into

15       the Firefighters' Retirement Trust Fund; and

2. Page 2, Lines 44 through 45  
House Committee Amendments  
2-11-2011:

44       (a) an amount determined by the office to fully fund the long-term disability program

45       provided for {~~volunteer~~} firefighters under Section 49-23-601;

3. Page 2, Lines 51 through 51g  
House Committee Amendments  
2-11-2011:

51       (c) any remaining amount in accordance with Section 49-11-902.

51a     ~~{~~H~~→ (3) (a) In accordance with rules made by the office, a participating employer shall~~

51b     ~~provide the office with information on each person who is actively serving the participating~~

51c     ~~employer as a volunteer firefighter in order for the person to be eligible for long term~~

51d     ~~disability coverage under this section.~~

51e     (b) A participating employer shall provide to the office:

51f     (i) the information under Subsection (3)(a), not later than July 1, 2011; and

51g ~~(ii) updates to the information as changes occur.~~ ←<sup>H</sup> }

4. Page 4, Line 119 through Page 5, Line 128:

119 49–23–601. Long–term disability coverage.

120 ~~(1) {–Each–} A participating employer shall cover~~  
~~{–the following employees–} a public safety employee who~~  
~~initially enters employment on or after July 1, 2011.~~ under Title 49,

121 Chapter 21, Public Employees’ Long–Term Disability Act, or a  
 substantially similar long–term

122 disability program ~~{–:–}~~ ±

123 ~~[(1)] {–(a) public safety employees initially entering~~  
~~employment on or after July 1, 2011; }~~

124 ~~[(2)] {–(b) firefighter service employees initially entering~~  
~~employment on or after July 1,~~

125 ~~2011; and–}~~

126 ~~[(3)] {–(c) volunteer firefighters. }~~

127 ~~{–(2) The office shall ensure that the long–term disability~~  
~~program provided for volunteer~~

128 ~~firefighters under this section is funded with money paid under~~  
~~Section 49–11–901.5. }~~

(2) (a) A participating employer shall cover a firefighter employee who  
initially enters employment on or after July 1, 2011 under Title 49,  
Chapter 21, Public Employees’ Long–Term Disability Act.

(b) In accordance with this section, a participating employer shall  
provide long term disability benefit coverage for a volunteer firefighter  
as provided under Section 49–16–701.

(c) The office shall ensure that the cost of the long–term disability  
benefit coverage provided under Subsection (2)(a) and (b) is funded with  
revenue received under Section 49–11–901.5.

John L. Valentine, Chair

Mr. President:

March 2, 2011

The Health and Human Services Committee reports a favorable  
 recommendation on **H.C.R. 9**, LUPUS AWARENESS MONTH CONCURRENT

RESOLUTION, by Representative T. Cosgrove, and recommends it be considered read for the second time and placed on the Consent Calendar

D. Chris Butters, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

### STANDING COMMITTEE REPORTS

Mr. President:

March 2, 2011

Without committee review, the Business and Labor Committee has returned **S.B. 40, EMPLOYMENT PRACTICES AND PROTECTION FROM VIOLENCE**, by Senator P. Jones, to the Rules Committee; and

With committee review, the Business and Labor Committee has returned **S.B. 81, ALCOHOLIC BEVERAGE CONTROL ACT SAMPLING AMENDMENTS**, by Senator R. Romero, to the Rules Committee without recommendation; and

Without committee review, the Business and Labor Committee has returned **S.B. 88 MOTOR VEHICLE INSURANCE – SETTLEMENT OF CLAIMS**, by Senator G. Davis, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **S.B. 109 CHILD PROTECTION REGISTRY AMENDMENTS**, by Senator C. Bramble, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **S.B. 156, UNINSURED AND UNDERINSURED MOTORIST COVERAGE AMENDMENTS**, by Senator S. Urquhart, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **S.B. 208, CONSTRUCTION CONTRACT AMENDMENTS**, by Senator C. Bramble, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **H.B. 42, ALCOHOLIC BEVERAGE CONTROL ACT RETAIL LICENSE QUOTAS**, by Representative G. Froerer, to the Rules Committee; and

The Business and Labor Committee has returned **1st Sub. H.B. 61, HOME BUSINESS WORKERS' COMPENSATION AMENDMENTS**, by Representative R. Barrus, to the Rules Committee without recommendation with the following amendments:

1. Page 1, Lines 14 through 18:
  - 14       ▶       defines terms;
  - 15       ▶       provides that a home business is not considered an employer of an owner's
  - 16       { ~~immediate family member~~ }       spouse       for purposes of workers' compensation if certain
  - 17       conditions are met; and
  - 18       ▶       makes technical and conforming amendments.
2. Page 4, Line 112 through Page 5, Line 126:
  - 112       (6) (a) As used in this Subsection (6):
  - 113       (i) "Hazardous work" means a hazardous occupation as defined in Section 34-23-103.
  - 114       (ii) "Home business" means a business that is primarily conducted at the primary
  - 115       residence of an owner of the business.
  - 116       { ~~(iii) "Immediate family member" means an individual's:~~
  - 117       (A) spouse; or
  - 118       (B) child who lives in the individual's primary residence and who is claimed by the
  - 119       individual as a dependent under Section 151, Internal Revenue Code. }
  - 120       { ~~(iv) }~~       (iii) "Primary residence" means:
  - 121       (A) a dwelling used by an individual as the home at which the individual regularly
  - 122       resides, regardless of whether the dwelling is owned or rented, or is a single-family dwelling or
  - 123       part of a multi-family dwelling;
  - 124       (B) so much of the land surrounding the dwelling described in Subsection (6)(a) {~~(iv) }~~       (iii) (A)
  - 125       as is reasonably necessary for use of the dwelling; and
  - 126       (C) any improvement on the land described in Subsection (6)(a) {~~(iv) }~~       (iii) (B).

3. Page 5, Lines 127 through 131:

127 (b) For purposes of this chapter and Chapter 3, Utah Occupational Disease Act, a home

128 business is not considered an employer of an individual who is:

129 (i) {~~an immediate family member~~ } the spouse of an owner of the home business; and

130 (ii) employed by the home business to engage in business activities that:

131 (A) do not constitute hazardous work; and

4. Page 5, Lines 133 through 137:

133 (6)(b)(i).

134 [(6)] (7) An employer of [agricultural laborers or domestic servants] an agricultural

135 laborer, domestic servant, or home business owner's {~~immediate family member~~ } spouse , who is not

136 considered an employer under this chapter and Chapter 3, Utah Occupational Disease Act, may

137 come under this chapter and Chapter 3, Utah Occupational Disease Act, by complying with:

John L. Valentine, Chair

Mr. President:

March 2, 2011

Without committee review, the Education Committee has returned **S.B. 223**, GUARDIANSHIP REVISIONS, by Senator B. McAdams, to the Rules Committee; and

Without committee review, the Education Committee has returned **H.B. 199**, ADVERTISEMENTS ON SCHOOL BUSES, by Representative J. Bird, to the Rules Committee.

Howard A. Stephenson, Chair

Mr. President:

March 2, 2011

Without committee review, the Health and Human Services Committee has returned **S.B. 54**, PHYSICIAN SUPERVISION OF COSMETIC MEDICAL PROCEDURES, by Senator P. Knudson, to the Rules Committee; and

The Health and Human Services Committee deleted **S.B. 91**, MEDICAL PRACTICE SELF REFERRAL, by Senator D. C. Buttars, and replaced it with **1st Sub. S.B. 91**, MEDICAL PRACTICE SELF REFERRAL, with the following amendments and has returned it to the Rules Committee without recommendation.

1. Page 6, Lines 158 through 159:

158 with a facility that performs MRI, CT, or PET scanning. { ~~All of these tests have been shown to~~

159 ~~be subject to self-referral abuse.~~ } I am also required to tell you under both federal and state law.

D. Chris Buttars, Chair

Mr. President:

March 2, 2011

With committee review, the Workforce Services and Community and Economic Development Committee has returned **S.B. 252**, NATIONAL POPULAR VOTE, by Senator S. Urquhart, to the Rules Committee without recommendation; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **1st Sub. H.B. 99**, MOTION PICTURE INCENTIVES AMENDMENTS, by Representative G. Hughes, to the Rules Committee without recommendation.

Stuart C. Reid, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were returned to the Rules Committee.

### THIRD READING CALENDAR

On motion of Senator Valentine, the circle was removed from **S.B. 314**, ALCOHOLIC BEVERAGE AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill.

On motion of Senator Valentine, the following substitute bill replaced the original bill:

#### **1st Sub. S.B. 314 Alcoholic Beverage Amendments** (J. Valentine)

Senator Urquhart commented. On motion of Senator Valentine, the bill was circled.



\* \* \*

On motion of Senator Adams, the circle was removed from **S.B. 229**, TRANSPORTATION FUNDING REVISIONS, and it was before the Senate. Senator Adams explained the bill. Senators Romero and Jenkins commented. The bill passed on the following roll call:

**Yeas, 18; Nays, 8; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Knudson	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	H. Stephenson	J. Stevenson	Urquhart
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Jenkins	Jones	Niederhauser	Robles
Romero	Stowell	Thatcher	Valentine

**Absent or not voting were:** Senators

Buttars	Hillyard	Liljenquist
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**S.B. 229** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Reid, the Senate voted to lift **2nd Sub. H.B. 116**, GUEST WORKER PROGRAM ACT, from Rules and place it on the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Stephenson, **S.B. 65**, STATEWIDE ONLINE EDUCATION PROGRAM, was before the Senate and circled.

\* \* \*

On motion of Senator Dayton, **H.C.R. 17**, CONCURRENT RESOLUTION HONORING JERRY SLOAN AND PHIL JOHNSON, will be considered Monday, March 7, 2011, at 11:00 a.m.

## SECOND READING CALENDAR

On motion of Senator Hinkins, the circle was removed from **1st Sub. H.B. 75**, DANGEROUS WEAPON AMENDMENTS, and it was before the Senate.

Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 4; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hinkins	Jenkins	Knudson
Madsen	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Jones	Mayne	Morgan	Robles
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**Absent or not voting were:** Senators

Christensen	Hillyard	Liljenquist	McAdams
Valentine			

\* \* \*

On motion of Senator Jenkins, the circle was removed from **H.J.R. 21**, SELECTIONS OF UNAPPROPRIATED FEDERAL LANDS JOINT RESOLUTION, and it was before the Senate. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Voting in the negative was:** Senator

McAdams

**Absent or not voting were:** Senators

Christensen	Hillyard	Liljenquist	Valentine
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\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 285**, INDUSTRIAL ASSISTANCE FUND AMENDMENTS, and it was before the

Senate. Senator Bramble explained the bill. The bill second reading passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Christensen	Hillyard	Liljenquist	Niederhauser
Valentine			

\* \* \*

On motion of Senator Dayton, **1st Sub. H.B. 256**, CHILDREN’S HEALTH INSURANCE AND MEDICAID ADMINISTRATIVE SIMPLIFICATION, was read the second time and circled.

\* \* \*

On motion of Senator Dayton, **H.B. 252**, RAILROAD AND RAILROAD CROSSING AMENDMENTS, was read the second time and circled.

\* \* \*

**1st Sub. H.B. 121**, SEXUAL SOLICITATION AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams	Hillyard	Liljenquist	Niederhauser
Valentine			

\* \* \*

**H.B. 167, INCARCERATION AMENDMENTS**, was read the second time. Senator Thatcher explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.****Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams	Hillyard	Liljenquist	Madsen
Valentine			

\* \* \*

On motion of Senator Jenkins, **1st Sub. H.B. 179, PEACE OFFICER RECERTIFICATION**, was read the second time and circled.

\* \* \*

On motion of Senator Urquhart, **1st Sub. H.B. 51, SCHOOL AND INSTITUTION TRUST FUNDS**, was read the second time and circled.

\* \* \*

**1st Sub. H.B. 82, SALES AND USE TAXES ON CERTAIN LODGING RELATED PURCHASES**, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones

Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hillyard	Jenkins	Madsen	Valentine
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\* \* \*

On motion of Senator Liljenquist, the circle was removed from **1st Sub. H.B. 256, CHILDREN'S HEALTH INSURANCE AND MEDICAID ADMINISTRATIVE SIMPLIFICATION**, and it was before the Senate. Senator Liljenquist explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Dayton	Hillyard	Hinkins	Jenkins
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\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 202, PHARMACEUTICAL COMPETITIVE PRICING**, and it was before the Senate. Senator Bramble explained the bill. Senators Christensen and Davis commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 5; Absent, 5.****Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	

**Voting in the negative were:** Senators

Buttars                      Christensen                      Dayton                      Thatcher  
Waddoups

**Absent or not voting were:** Senators

Hillyard                      Hinkins                      Jenkins                      Robles  
Romero

\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 252**, RAILROAD AND RAILROAD CROSSING AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill. Senator Van Tassell commented.

Senator Mayne proposed the following amendment:

Senator Mayne's motion to amend passed on a voice vote.

1. Page 6, Lines 159 through 160

159     (a) was present on the restricted property in the person's  
capacity as an employee, employees' representative,

160 passenger, contractor, or invitee of the railroad; or

On motion of Senator Valentine, the bill was circled.

\* \* \*

On motion of Senator Reid, **2nd Sub. H.B. 116**, GUEST WORKER PROGRAM ACT, was read the second time and circled.

On motion of Senator Stephenson, the Senate voted to move to Third Reading Calendar.

### **THIRD READING CALENDAR**

On motion of Senator Stephenson, the circle was removed from **S.B. 65**, STATEWIDE ONLINE EDUCATION PROGRAM, and it was before the Senate. Senator Stephenson explained the bill. Senators Jones, Buttars, Davis, Urquhart, Reid, Liljenquist, and Morgan commented. The bill passed on the following roll call:

**Yeas, 17; Nays, 12; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Dayton
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Niederhauser	Reid	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell			

**Voting in the negative were:** Senators

Christensen	Davis	Hillyard	Jones
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	Stowell	Waddoups

**S.B. 65** was transmitted to the House for consideration.

**INTRODUCTION OF BILLS**

**S.B. 228, Criminal Forfeiture Amendments** (D. Liljenquist), was read the first time by short title and referred to the Rules Committee.

**S.B. 274, Court Budget Amendments** (J. Valentine), was read the first time by short title and referred to the Rules Committee.

**S.B. 304, Preventing Bullying and Hazing in Elementary and Secondary Schools** (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

\* \* \*

President Waddoups lifted the following bills from Rules and assigned them to standing committees:

**Education Committee**

<b>S.B. 274</b>	Court Budget Amendments (Sen. J. Valentine)
<b>S.B. 304</b>	Preventing Bullying and Hazing in Elementary and Secondary Schools (Sen. R. Okerlund)

**Transportation, Public Utilities and Technology Committee**

<b>S.B. 228</b>	Criminal Forfeiture Amendments (Sen. D. Liljenquist)
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\* \* \*

On motion of Senator Bramble, the Senate voted to lift **S.B. 319, TECHNOLOGY COMMERCIALIZATION AND INNOVATION ACT**, from Rules and assign it to the Education Committee.

\* \* \*

On motion of Senator Jenkins and at 4:05 p.m., the Senate adjourned until 8:00 a.m., Wednesday, March 3, 2011.



# THIRTY-EIGHTH DAY

## MORNING SESSION

**March 3, 2011**

The Senate was called to order at 8:30 a.m., with President Michael Waddoups presiding.

**Prayer** – Senator Karen Morgan

**Pledge of Allegiance** – Senator Ben McAdams

**Roll Call** – All Senators present except Senator Liljenquist, excused.

### READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 80)

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 2, 2011

The House passed, **S.B. 159**, SEX OFFENDER REGISTRY REVISIONS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 191**, WORKERS' COMPENSATION COVERAGE WAIVERS, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 2, 2011

The House concurred in the Senate amendments and passed **1st Sub. H.B. 194**, SERVICE CONTRACTS ACT AMENDMENTS, by Representative J. Anderson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 271**, RESTRICTIONS ON POLITICAL SUBDIVISIONS REGARDING THE REGULATION OF KNIVES, by Representative R. Wilcox, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.J.R. 19**, JOINT RESOLUTION OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY'S REGULATION OF GREENHOUSE GASES, by Representative R. Barrus, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

March 2, 2011

The House passed, as substituted and amended, **1st Sub. H.B. 148**, RAW HONEY AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 153**, COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 168**, CHILD IDENTITY THEFT PROTECTION AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 296**, HIGHWAY CONSTRUCTION CONTRACT AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 18**, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY CLASSIFICATION CHANGE, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 39**, STATE JURISDICTION OF FEDERALLY MANAGED LANDS JOINT RESOLUTION, by Representative R. Barrus, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President: March 2, 2011  
 The House refuses to return **H.B. 248**, COUNTY OFFICE VACANCIES, by Representative C. Wimmer.

Sandy D. Tenney, Chief Clerk

### STANDING COMMITTEE REPORTS

Mr. President: March 2, 2011  
 The Government Operations and Political Subdivisions Committee has returned **S.B. 216**, OVERSIGHT OF PUBLIC FUNDS, by Senator M. Madsen, to the Rules Committee; and

The Government Operations and Political Subdivisions Committee has returned **S.B. 231**, FILM ENTERPRISE ZONE, by Senator M. Madsen, to the Rules Committee; and

The Government Operations and Political Subdivisions Committee has returned **S.B. 260**, VETERANS' NURSING HOME REIMBURSEMENT RESTRICTED ACCOUNT AMENDMENTS, by Senator P. Knudson, to the Rules Committee; and

The Government Operations and Political Subdivisions Committee has returned **S.B. 266**, AMENDMENTS TO ELECTION LAW, by Senator M. Madsen, to the Rules Committee; and

The Government Operations and Political Subdivisions Committee has returned **S.B. 309**, GOVERNMENT RECORDS ACCESS MANAGEMENT ACT AMENDMENTS, by Senator J. Stevenson, to the Rules Committee with the following amendments:

1. Page 5, Lines 133 through 138:

133 (5) Notwithstanding Subsection (2)(b), a record that identifies  
 134 the name of a current or

134 former employee or officer of a governmental entity as receiving a  
 134 specific gross compensation

135 is a protected record in accordance with Section 63G-2-305 if:

136 (a) the employee or officer is not elected; and

137 (b) the employee's or officer's gross compensation is less than  
 137 or equals { ~~\$65,000~~ } \$85,000 per

138 fiscal year. ; and

The Government Operations and Political Subdivisions Committee has returned **S.J.R. 18**, IMMIGRATION JOINT RESOLUTION, by Senator R. Romero, to the Rules Committee with the following amendments:

1. Page 1, Lines 14 through 17:

14 This resolution:

15 ► strongly urges the United States Congress to address federal immigration reform

16 and to incorporate an increased and complementary role for states for reasons of

17 greater efficiency and coordination; ~~{-and-}~~

urges that Utah's legislative leaders and Utah's congressional delegation formally meet collaboratively to discuss the proper role of each in developing and implementing immigration policy; and

2. Page 3, Line 82 through Page 4, Line 95:

82 WHEREAS, the Utah Compact is being used as a reference point for state immigration

83 regulation by Colorado, Arizona, Texas, Nebraska, Indiana, Georgia, and Florida; ~~{-and-}~~

84 WHEREAS, federal immigration reform should include an increased and

85 complementary role for states to play that will improve efficiency and coordination ~~{-:-}~~ ;

WHEREAS, Utah's legislative leaders and Utah's congressional delegation have not formally met collaboratively to discuss immigration reform; and

WHEREAS, it would be beneficial for both the Utah Legislature and Utah's congressional delegation to better understand the proper role of each party in developing and implementing immigration policy;

86 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah

87 strongly urges the United States Congress to address federal immigration reform and to

88 incorporate an increased and complementary role for states for reasons of greater efficiency and

89 coordination.

90 BE IT FURTHER RESOLVED that the Legislature of the state of Utah recommends

91 that state immigration regulation proposals concerning immigration enforcement, state work

92 permits, guest worker programs that go beyond the current federal program, business licenses,

93 professional licenses, Driving Privilege Cards, in-state tuition requirements, and variations on

94 these issues be delayed until after January 28, 2013, to allow federal immigration reform to

95 take place.

BE IT FURTHER RESOLVED that the Legislature of the state of Utah urges that meetings take place between Utah’s congressional delegation and Utah’s legislative leadership for the purpose of working colloaboratively to address the proper role of each in developing and implementing immigration policy. ; and

The Government Operations and Political Subdivisions Committee has returned **H.B. 274**, LOBBYIST DISCLOSURE AND REGULATION ACT AMENDMENTS, by Representative P. Arent, to the Rules Committee with the following amendments:

- 1. Page 5, Lines 141 through 143  
House Committee Amendments  
2-11-2011:

141 (10) (a) “Legislator elect” means an individual who:

142 (i) has received a certificate of election from the ;

(A) {–lieutenant governor } county clerk in accordance

143 with Section ~~H~~→ 20A-4-304 ; or ←H

(B) lieutenant governor in accordance with Section 20A-4-306; and ; and

With committee review, the Business and Labor Committee has returned **2nd Sub. H.B. 331**, POST-EMPLOYMENT BENEFITS AMENDMENTS, by Representative J. Dougall, to the Rules Committee with the recommendation that the bill be referred to Interim Study and not be considered at this time; and

The Government Operations and Political Subdivisions Committee has returned **H.J.R. 4**, JOINT RULES RESOLUTION PROVIDING ETHICS

REQUIREMENTS FOR LEGISLATORS ELECT, by Representative P. Arent, to the Rules Committee; and

The Government Operations and Political Subdivisions Committee has returned **H.J.R. 11**, JOINT RESOLUTION HONORING LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF FIRE, by Representative L. Perry, to the Rules Committee.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were returned to the Rules Committee.

**CONSENT CALENDAR**

**H.C.R. 5**, PATIENT AND SAFETY-CENTERED PRESCRIPTION LABELS CONCURRENT RESOLUTION, was read the third time, explained by Senator Christensen, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Bramble	Hillyard	Liljenquist
Stowell	Thatcher		

**H.C.R. 5** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.J.R. 35**, UTAH MITOCHONDRIAL DISEASE AWARENESS WEEK JOINT RESOLUTION, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Hillyard	Liljenquist
Niederhauser	Robles	Stowell	

**H.J.R. 35** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. S.B. 317**, STATE PARKS ACCESS HIGHWAY, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Hillyard	Liljenquist
Niederhauser	Robles	Stowell	

**1st Sub. S.B. 317** was transmitted to the House for consideration.

\* \* \*

**1st Sub. H.B. 221**, CLASSIC CAR INSPECTIONS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

**Yeas, 22; Nays, 3; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins

Jones	Knudson	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	J. Stevenson	Thatcher	Urquhart
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Madsen	H. Stephenson	Valentine
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**Absent or not voting were:** Senators

Adams	Liljenquist	Niederhauser	Stowell
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**1st Sub. H.B. 221** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 162, PEDESTRIANS ON FREEWAY,** was read the third time, explained by Senator Romero, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Bramble	Liljenquist	Niederhauser
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**H.B. 162** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 266, RESTITUTION AMENDMENTS,** was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins



Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Liljenquist	Niederhauser
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**H.B. 266** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**S.B. 237**, POLLUTION CONTROL FACILITY AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Liljenquist	Niederhauser
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**S.B. 237** was transmitted to the House for consideration.

\* \* \*

**H.C.R. 8**, CONCURRENT RESOLUTION ON PROVIDING CONTINUING FEDERAL FINANCIAL ASSISTANCE FOR THE DELIVERY OF BASIC SERVICES TO DUTCH JOHN, UTAH, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins

Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Liljenquist
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**H.C.R. 8**, as amended, was returned to the House for further consideration.

\* \* \*

**1st Sub. H.B. 106**, ELECTRONIC MEETINGS REVISIONS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Liljenquist
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**1st Sub. H.B. 106** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 172**, SERVICE ANIMAL AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne

McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators  
 Hillyard                      Liljenquist

**H.B. 172** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**S.B. 312, ECONOMIC DEVELOPMENT COORDINATION**, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators  
 Hillyard                      Liljenquist                      Robles

**S.B. 312** was transmitted to the House for consideration.

\* \* \*

**H.C.R. 16, RESOLUTION SUPPORTING UTAH HIGHWAY PATROL USE OF WHITE CROSSES AS ROADSIDE MEMORIAL**, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen

Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators  
Liljenquist                      Robles

**H.C.R. 16** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

### THIRD READING CALENDAR

**1st Sub. H.B. 74**, MUNICIPAL JUSTICE COURT JUDGE ELECTIONS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Hillyard                      J. Stevenson

**Absent or not voting were:** Senators

Liljenquist                      Niederhauser

**1st Sub. H.B. 74** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 115**, MECHANICS' LIENS AMENDMENTS, was read the third time and explained by Senator Adams. Senator Valentine commented.

On motion of Senator Adams, the bill was circled.

\* \* \*

On motion of Senator Madsen, **H.B. 220**, CIVICS EDUCATION AMENDMENTS, was read the third time and circled.

\* \* \*

**1st Sub. H.B. 174**, CONTRACTING THE MEDICAID ELIGIBILITY DETERMINATION SERVICES, was read the third time, explained by Senator Christensen, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Hinkins	Liljenquist	Niederhauser	Romero
Thatcher			

**1st Sub. H.B. 174** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 210**, UTAH POSTSECONDARY PROPRIETARY SCHOOL ACT AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

**1st Sub. S.B. 210 Utah Postsecondary Proprietary School Act Amendments** (C. Bramble)

Senator Bramble explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Liljenquist	Niederhauser	Stowell
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**1st Sub. S.B. 210** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Romero, **1st Sub. H.B. 75**, DANGEROUS WEAPON AMENDMENTS, was read the third time and circled.

\* \* \*

On motion of Senator Romero, **H.J.R. 21**, SELECTIONS OF UNAPPROPRIATED FEDERAL LANDS JOINT RESOLUTION, was read the third time and circled.

\* \* \*

**S.B. 285**, INDUSTRIAL ASSISTANCE FUND AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Liljenquist	McAdams	Niederhauser	Stowell
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**S.B. 285** was transmitted to the House for consideration.

\* \* \*

**1st Sub. H.B. 121**, SEXUAL SOLICITATION AMENDMENTS, was read the third time and explained by Senator Bramble. Senators Jenkins and Valentine commented.

Senator Bramble proposed the following amendment:

- 1. Page 2, Line 33:  
After "genitals." move the words "the female breast below the top of the areola" to the end of line 34 after the word "area"
- 2. Page 2, Line 36:  
After "genitals" move the words "the female breast" to the end of line 37 after the word "area"

Senator Bramble’s motion to amend passed on a voice vote and the bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Mayne	McAdams	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Davis	Knudson	Liljenquist	Madsen
Niederhauser	Stowell		

**1st Sub. H.B. 121** was returned to the House for further consideration.

\* \* \*

**H.B. 167**, INCARCERATION AMENDMENTS, was read the third time, explained by Senator Thatcher, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Liljenquist	Stowell
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**H.B. 167** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 82, SALES AND USE TAXES ON CERTAIN LODGING RELATED PURCHASES**, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Jones	Liljenquist	Stowell
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**1st Sub. H.B. 82** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 256, CHILDREN'S HEALTH INSURANCE AND MEDICAID ADMINISTRATIVE SIMPLIFICATION**, was read the third time.

On motion of Senator Stowell, **1st Sub. H.B. 256** was placed on Third Reading Table due to fiscal impact.



\* \* \*

On motion of Senator Bramble, **S.B. 202**, PHARMACEUTICAL COMPETITIVE PRICING, was read the third time and circled.

\* \* \*

On motion of Senator Jenkins, the circle was removed from **H.J.R. 21**, SELECTIONS OF UNAPPROPRIATED FEDERAL LANDS JOINT RESOLUTION, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Knudson	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

McAdams                      Robles

**Absent or not voting were:** Senators

Jones                      Liljenquist                      Stowell

**H.J.R. 21** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

**1st Sub. H.B. 226**, LOCAL GOVERNMENT FEE AUTHORITY, was read the second time. Senator Bramble explained the bill. Senator McAdams commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Jenkins	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Hinkins	Jones	Liljenquist
Stowell			

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 261, WRONGFUL FORECLOSURE ACT**, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

**1st Sub. S.B. 261 Wrongful Foreclosure Act** (C. Bramble)

On motion of Senator Bramble, the bill was circled.

\* \* \*

**H.B. 440, BEER TAX AMENDMENTS**, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Jones	Liljenquist	McAdams
Stowell			

\* \* \*

**H.B. 93, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS**, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Jones	Liljenquist	McAdams
Stowell			

\* \* \*

**1st Sub. H.B. 333, UNFAIR INDUCEMENTS RELATED TO INSURANCE PRODUCTS,** was read the second time. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

- 1. Page 14, Lines 421 through 424

421     (c) preparing or conducting a survey that:

422     (i) is directly related to {~~-a health benefit plan~~} an

accident and health insurance policy purchased from the licensee; or

423     (ii) used by the licensee to assess the benefit needs and

preferences of insureds, employers or

424 employees directly related to an insurance product sold by the

licensee;

Senator Bramble’s motion to amend passed on a voice vote. Senators Valentine and Van Tassell commented. Senators Valentine and Bramble declared conflicts of interest. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Davis	Dayton
Hillyard	Hinkins	Jenkins	Knudson
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Christensen	Jones	Liljenquist
Madsen	Niederhauser	J. Stevenson	Stowell

\* \* \*

**H.B. 161**, GUARDIAN AD LITEM RESPONSIBILITIES, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.****Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Knudson
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Jones	Liljenquist
Madsen	Niederhauser	Stowell	

\* \* \*

On motion of Senator Valentine, the circle was removed from **1st Sub. H.B. 179**, PEACH OFFICER RECERTIFICATION AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.****Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Knudson
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Bramble	Jones	Liljenquist
Madsen	Niederhauser	Reid	Stowell

\* \* \*

**H.B. 334, FAMILY EXPENSE AMENDMENTS**, was read the second time. Senator Christensen explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Bramble	Hillyard	Liljenquist
Niederhauser	Stowell		

\* \* \*

On motion of Senator Urquhart, **H.B. 173, DEDICATION AND ABANDONMENT OF PUBLIC HIGHWAYS**, was read the second time and circled.

\* \* \*

On motion of Senator Niederhauser, **1st Sub. H.B. 261, AMENDMENTS TO TRANSPORTATION PROVISIONS**, was read the second time and circled.

\* \* \*

On motion of Senator Niederhauser, **2nd Sub. H.B. 76, FEDERAL LAW EVALUATION AND RESPONSE**, was read the second time and circled.

\* \* \*

**H.B. 399, ENVIRONMENTAL LITIGATION BOND**, was read the second time. Senator Urquhart explained the bill. Senator Hinkins commented. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 4; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Dayton
Hinkins	Jenkins	Knudson	Mayne
Morgan	Niederhauser	Okerlund	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Davis	Jones	Robles	Romero
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**Absent or not voting were:** Senators

Bramble	Hillyard	Liljenquist	Madsen
McAdams	Reid	Stowell	

\* \* \*

On motion of Senator Knudson, and at 10:25 a.m., the Senate sauntered.

The Senate was called to order at 10:55 a.m., with President Waddoups presiding.

\* \* \*

**H.B. 94, INCOME TAX CREDIT FOR COMBAT RELATED DEATH**, was read the second time. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Davis	Dayton
Hillyard	Hinkins	Jones	Knudson
Madsen	Mayne	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Christensen	Jenkins	Liljenquist
McAdams	Niederhauser	Stowell	Thatcher
Urquhart	Valentine		

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 35, SALES AND USE TAX ACT REVISIONS**, and it was before the Senate. Senator Bramble explained the bill. The bill second reading passed on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Madsen	Mayne	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams	Jenkins	Liljenquist	McAdams
Niederhauser	Stowell	Thatcher	Urquhart
Valentine			

\* \* \*

On motion of Senator Stevenson, **S.J.R. 26**, JOINT RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF THE SUNDANCE INSTITUTE AND THE SUNDANCE FILM FESTIVAL, will be considered Friday, March 4, 2011, at 10:30 a.m.

\* \* \*

On motion of Senator Madsen, the circle was removed from **1st Sub. H.C.R. 3**, CONCURRENT RESOLUTION URGING CONGRESS TO PASS BALANCED BUDGET AMENDMENT TO U.S. CONSTITUTION, and it was before the Senate. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 3; Absent, 7.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Okerlund	Reid	Robles
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Davis	Mayne	Morgan
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**Absent or not voting were:** Senators

Adams	Buttars	Liljenquist	McAdams
Niederhauser	Romero	Valentine	

\* \* \*

On motion of Senator Madsen, the Senate voted to lift **S.B. 231**, FILM ENTERPRISE ZONE, from Rules and place it at the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Romero, **H.B. 155**, CYCLING LAWS, was read the second time and circled.

\* \* \*

On motion of Senator Dayton, **1st Sub. H.B. 156**, ASSESSMENT OF PROPERTY WITH CONSERVATION EASEMENT, was read the second time and circled.

\* \* \*

**H.B. 259**, COUNTY RECORDER REVISIONS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Liljenquist	McAdams	Niederhauser
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\* \* \*

**1st Sub. H.B. 267**, PUBLIC BODY RULES OF PROCEDURE, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**



**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hillyard
Hinkins	Jones	Knudson	Madsen
Mayne	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Jenkins
Liljenquist	McAdams	Morgan	Niederhauser

\* \* \*

On motion of Senator Hillyard, the circle was removed from **H.B. 88**, AGRICULTURE SUSTAINABILITY TASK FORCE, and it was before the Senate. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hillyard
Hinkins	Jenkins	Jones	Madsen
Mayne	McAdams	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Knudson
Liljenquist	Morgan	Niederhauser	

On motion of Senator Hillyard, **H.B. 88** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Urquhart, the circle was removed from **1st Sub. H.B. 51**, SCHOOL AND INSTITUTIONAL TRUST LANDS, and it was before the Senate. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hillyard
Hinkins	Jenkins	Jones	Madsen
Mayne	McAdams	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Knudson
Liljenquist	Morgan	Niederhauser	

\* \* \*

On motion of Senator Urquhart, the circle was removed from **H.B. 173**, DEDICATION AND ABANDONMENT OF PUBLIC HIGHWAYS, and it was before the Senate. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.****Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Liljenquist	Morgan		

\* \* \*

Senator Robles made the motion to uncircle **1st Sub. S.B. 60**, PILOT ACCOUNTABILITY PERMIT PROGRAM AND IDENTITY RELATED AMENDMENTS. The motion failed on a voice vote.

\* \* \*

**H.B. 305**, MIDTERM VACANCIES IN MUNICIPAL OFFICES, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hinkins
Jones	Knudson	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Jenkins	Liljenquist	McAdams	

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 261**, AMENDMENTS TO TRANSPORTATION PROVISIONS, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hinkins
Jones	Knudson	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Waddoups

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Jenkins	Liljenquist	McAdams	Robles
Van Tassell			

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **H.B. 155**, CYCLING LAWS, and it was before the Senate. Senator Niederhauser explained the bill. Senators Stevenson, Jones, Hinkins, Van Tassell, and Okerlund, commented. The bill failed second reading on the following roll call:

**Yeas, 11; Nays, 11; Absent, 7.**

**Voting in the affirmative were:** Senators

Davis	Jones	Madsen	Mayne
McAdams	Morgan	Niederhauser	Reid
Robles	Romero	H. Stephenson	

**Voting in the negative were:** Senators

Christensen	Dayton	Hinkins	Jenkins
Knudson	Okerlund	J. Stevenson	Stowell
Thatcher	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hillyard
Liljenquist	Urquhart	Valentine	

**H.B. 155** was returned to the House for filing.

\* \* \*

On motion of Senator Jenkins, and at 12:00 noon, the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Waddoups presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 3, 2011

The House passed, **S.B. 141**, BURGLARY OFFENSE AMENDMENTS, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 172**, POLITICAL SUBDIVISIONS ADMINISTRATION AMENDMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 188**, TAX COMMISSION AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 230**, DNA AMENDMENTS, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 271**, EMINENT DOMAIN REVISIONS, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 290**, ABATEMENT OF WEEDS, GARBAGE, REFUSE, AND UNSIGHTLY OBJECTS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 9**, PHILO T. FARNSWORTH CONCURRENT RESOLUTION, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 13**, ROTARY CLUB CONCURRENT RESOLUTION, by Senator G. Davis, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 3, 2011

The House passed, as amended, **H.B. 137**, TRANSPORTATION CHANGES, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed **H.B. 314**, INSURANCE REQUIREMENTS FOR CHILD CARE BUSES, by Representative J. Anderson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 384**, VETERANS PREFERENCE AMENDMENTS, by Representative T. Cosgrove, and it is transmitted for consideration; and

The House passed **H.B. 391**, NATIONAL GUARD JOINT FORCES HEADQUARTERS MODIFICATIONS, by Representative V. Peterson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 487**, COUNTY USE OF LAND USE ORDINANCE, by Representative B. Wright, and it is transmitted for consideration; and

The House passed **H.B. 492**, WASHINGTON COUNTY VETERANS' HOME, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed **H.B. 493**, UTAH COUNTY VETERANS' HOMES, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed **H.J.R. 34**, JOINT RESOLUTION AUTHORIZING LEASE OF RIO GRANDE DEPOT, by Representative D. Litvack, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President:

March 3, 2011

The House substituted, amended, and passed, **2nd Sub. S.B. 21**, TAX REVISIONS, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House substituted, amended, and passed, **1st Sub. S.B. 66**, MILITARY LEAVE FOR AN ELECTED OFFICIAL OF A POLITICAL SUBDIVISION, by Senator J. Valentine, et al, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.B. 120**, CAREER SERVICE AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 124**, LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE, by Senator B. McAdams, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 157**, PROPERTY TAX REVISIONS, by Senator C. Bramble, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 178**, MUNICIPAL LAND USE AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

## STANDING COMMITTEE REPORTS

Mr. President:

March 2, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 277**, CHILD CUSTODY TASK FORCE, by Senator L. Robles; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **3rd Sub. H.B. 48**, FINGERPRINTS OF JUVENILES, by Representative J. Peterson.

Mark B. Madsen, Chair

Mr. President:

March 2, 2011

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 184**, DISPOSAL OF ELECTRONIC WASTE, by Senator S. Urquhart, with the following amendments:

1. Page 3, Lines 80 through 86:

80        (6) "Manufacturer" means a person who:

81        (a) manufactures a consumer electronic device under a brand  
the person owns or is

82        licensed to use; or

83        (b) {– ~~sells a consumer electronic device manufactured by~~  
others under a brand the person

84        owns or is licensed to use; or

85        (c) } assumes the responsibilities and obligations of a person  
described in Subsection

86        (6)(a) {– ~~or (b)~~ } .

2. Page 4, Lines 110 through 112:

110        (1) On or after July 1, 2011, a manufacturer may not offer a  
consumer electronic device

111        for sale in the state unless the manufacturer, either individually or  
through a group manufacturer organization, or through the  
manufacturer's

112        industry trade group, prepares and submits, subject to Subsection  
(2), a report on or before

3. Page 4, Line 113:

113    {~~October~~ }    August    1 of each year to the department.

4. Page 5, Line 131:

131    (b) beginning on {~~December~~ }    October    31, 2012,  
 submit annually on or before {~~December~~ }    October    31 the

5. Page 5, Lines 136 through 138:

136    (1) Effective January 1, 2012, a manufacturer may not offer a  
consumer electronic

137 device for sale in the state unless the manufacturer individually     
through a group manufacturer organization,    or through the  
manufacturer's

138 industry trade group establishes and implements, in accordance  
with Subsection (2), a public  
 ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.J.R. 26**, JOINT RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF THE SUNDANCE INSTITUTE AND THE SUNDANCE FILM FESTIVAL, by Senator J. Stevenson, with the following amendments:

1. Page 2, Line 58:

58    WHEREAS, the Sundance Film Festival generates  
 approximately {~~\$34,000,000~~}    \$3,400,000 in

Ralph Okerlund, Chair

Mr. President:

March 2, 2011

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 201**, PROTECTION AGAINST UNFAIR COMPETITION THROUGH MISAPPROPRIATED TECHNOLOGY ACT, by Senator C. Bramble; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 228**, CRIMINAL FORFEITURE AMENDMENTS, by Senator D. Liljenquist; and



The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 236**, REFERENDUM AMENDMENTS, by Senator K. Van Tassell; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 244**, SALT LAKE COUNTY HIGHWAY PROJECT FUNDING, by Senator W. Niederhauser; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 301**, PUBLIC TRANSIT REVISIONS, by Senator J. Stevenson; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 310**, MOTOR VEHICLE INSURANCE AMENDMENT, by Senator M. Madsen, with the following amendments:

1. Page 1, Lines 17 through 20:

17 • the individual or the insurer that the individual is working for as a regular

18 salaried employee is found liable for ~~{a bad faith cause of action}~~ breach of the implied covenant of good faith and fair dealing with respect to a

19 motor vehicle insurance coverage policy claim by court of competent

20 jurisdiction in a final unappealable judgment or order; and

2. Page 3, Lines 79 through 82:

79 (ii) the individual or the insurer that the individual is working for as a regular salaried

80 employee is found liable for {a bad faith cause of action} breach of the implied covenant of good faith and fair dealing, based upon evidence supporting a pattern of conduct as to indicate a general business practice by an insurer or a person representing an insurer, with respect to a motor vehicle

81 insurance coverage policy claim by court of competent jurisdiction in a final unappealable

82 judgment or order.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

Mr. President:

March 2, 2011

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 174**, MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS, by Senator S. Urquhart, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.J.R. 38**, JOINT RESOLUTION TO AMEND RULE OF EVIDENCE, by Representative J. Dunnigan, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President:

March 2, 2011

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 280**, GOVERNMENT OPERATIONS AMENDMENTS, by Senator R. Okerlund, be replaced and favorably recommends **1st Sub. S.B. 280**, GOVERNMENT OPERATIONS AMENDMENTS and that it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 282**, SMALL MINING OPERATIONS, by Senator D. Hinkins, and recommends it be considered read for the second time and placed on the Consent Calendar.

Ralph Okerlund, Chair

Mr. President:

March 2, 2011

The Transportation and Public Utilities and Technology Committee recommends **S.B. 68**, SOLID WASTE AMENDMENTS – FINANCIAL ASSURANCE REQUIREMENTS, by Senator K. Van Tassell, be replaced and favorably recommends **1st Sub. S.B. 68**, SOLID WASTE AMENDMENTS and that it be amended as follows, considered read for the first and second time, and placed on the Consent Calendar.

1. Page 1, Lines 23 through 24:

23 ► clarifies the approval process required to build certain commercial nonhazardous or

24 hazardous waste facilities; ~~{-and-}~~

► provides that a person that has received each approval to build a commercial nonhazardous solid waste disposal facility that requires approval by the Legislature and the governor, may not transfer the approvals, including the approved operation plan, to another person within five years after the day on which the governor's approval is received; and

2. Page 4, Lines 109 through 116:

109 (C) a commercial hazardous waste treatment, storage, or disposal facility.

110 (iii) The required approvals described in Subsection (3)(c)(i) for a facility described in

111 Subsection (3)(c)(ii)(A) or ~~{-(3)(c)(ii)}~~ (B) are automatically revoked if:

112 (A) the governor's approval is received on or after May 10, 2011 <sup>a</sup> and the facility is not

113 operational within five years after the day on which the governor's approval is received; or

114 (B) the governor's approval is received before May 10, 2011 <sup>a</sup> and the facility is not

115 operational on or before May 10, 2016.

(iv) The required approvals described in Subsection (3)(c)(i) for a facility described in Subsection (3)(c)(ii)(A) or (B), including the approved operation plan, are not transferrable to another person for five years after the day on which the governor's approval is received.

116 (d) No person need obtain gubernatorial or legislative approval for the construction of ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 351**, HOMELESS COORDINATING COMMITTEE MODIFICATIONS, by Representative V. Peterson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 371**, MOTOR HOME TAXES AND FEES, by Representative D. Ipson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 444**, OPERATION AND MAINTENANCE NEEDS REPORT FOR UTAH HIGHWAYS, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were considered read the second time and placed on the Consent Calendar.

### STANDING COMMITTEE REPORTS

Mr. President: March 2, 2011

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **S.B. 105**, LEGAL NOTICE PUBLICATION REQUIREMENTS, by Senator J. Valentine, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **S.B. 307**, AMENDMENTS TO OUTDOOR ADVERTISING, by Senator S. Urquhart, to the Rules Committee.

Kevin T. Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were returned to the Rules Committee

### CONCURRENCE CALENDAR

On motion of Senator Reid, the Senate voted to concur in the House amendments to **S.B. 87**, MARKETABLE RECORD TITLE AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams

Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Davis	Liljenquist	H. Stephenson
Urquhart			

**S.B. 87** was returned to the House for the signature of the Speaker.

\* \* \*

**S.B. 242**, ASSESSMENT AREA AMENDMENTS, was before the Senate.

On motion of Senator Dayton, the bill was circled.

**THIRD READING CALENDAR**

On motion of Senator Adams, the circle was removed from **1st Sub. H.B. 115**, MECHANICS’ LIENS AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Liljenquist	Mayne	Romero
H. Stephenson			

**1st Sub. H.B. 115** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

On motion of Senator Christensen, **H.B. 335**, MILITARY SURVIVORS – TUITION WAIVER AMENDMENTS, was read the second time and circled.

\* \* \*

On motion of Senator Reid, **H.B. 489**, HOUSING AUTHORITY APPLICATION PROCESS, was read the second time and circled.

\* \* \*

**2nd Sub. H.B. 128**, HEALTH REFORM AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	McAdams
Niederhauser	Okerlund	Reid	Robles
H. Stephenson	J. Stevenson	Stowell	Thatcher
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Liljenquist	Mayne	Morgan
Romero	Urquhart		

\* \* \*

On motion of Senator Knudson, the circle was removed from **H.B. 335**, MILITARY SURVIVORS – TUITION WAIVER AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Dayton	Liljenquist	Urquhart
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\* \* \*

On motion of Senator Reid, the circle was removed from **H.B. 489**, HOUSING AUTHORITY APPLICATION PROCESS, and it was before the Senate. Senator Reid explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Buttars	Knudson	Liljenquist
Morgan	Urquhart		

\* \* \*

**1st Sub. H.B. 152**, SCHOOL COMMUNITY COUNCILS AMENDMENT, was read the second time. Senator Dayton explained the bill. Senators Mayne, Jones, and Madsen commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Valentine	Waddoups		

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Liljenquist
Niederhauser	Urquhart	Van Tassell	

\* \* \*

**H.B. 183**, SCHOOL DISTRICT LEAVE POLICIES, was read the second time. Senator Dayton explained the bill. Senators Stephenson and Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 15; Nays, 4; Absent, 10.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Jones	Knudson	Madsen	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Waddoups	

**Voting in the negative were:** Senators

Mayne	McAdams	Morgan	Romero
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**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Hinkins
Jenkins	Liljenquist	Niederhauser	Robles
Urquhart	Van Tassell		

\* \* \*

**H.B. 324, HIV TESTING OF ALLEGED SEX OFFENDERS**, was read the second time. Senator Adams explained the bill.

Senator Adams proposed the following amendment:

1. Page 9, Line 245

245 Chapter 5, Part 4, Sexual Offenses  $\hat{H} \rightarrow$  , and regarding which  $\hat{H}$  :  
(a) a judge has signed an

2. Page 9, Line 245b  
 House Committee Amendments  
 2-22-2011:

245b regarding the alleged offense  $\leftarrow \hat{H}$  ; and  
(b) the judge has found probable cause to believe that the alleged victim  
has been exposed to HIV infection as a result of the alleged offense  $\hat{H}$  .

Senator Adams' motion to amend passed on a voice vote. Senators Christensen and Robles commented. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 2; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson



Madsen	Mayne	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

McAdams	Robles
---------	--------

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Liljenquist
Thatcher	Urquhart		

\* \* \*

**H.B. 336, MEDICAL PROFESSIONAL LICENSING DURING A DECLARED EMERGENCY,** was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jones	Knudson	Madsen
Mayne	Morgan	Okerlund	Reid
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Jenkins
Liljenquist	McAdams	Niederhauser	H. Stephenson
J. Stevenson	Thatcher		

\* \* \*

On motion of Senator Madsen, **S.B. 231, FILM ENTERPRISE ZONE,** was read the second time and circled.

\* \* \*

On motion of Senator Stowell, the circle was removed from **1st Sub. S.B. 57, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CAT MANAGEMENT INITIATIVE,** and it was before the Senate.

On motion of Senator Stowell, the following substitute bill replaced the original bill:

**2nd Sub. S.B. 57 Animal Control – Exception for Community Cat Management Initiative (D. Stowell)**

Senator Stowell explained the bill. Senators Davis, Jenkins, Okerlund, Dayton, and Christensen commented. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 3; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hillyard	Hinkins	Knudson	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Dayton	Jenkins	Madsen
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**Absent or not voting were:** Senators

Buttars	Jones	Liljenquist	Urquhart
Valentine			

\* \* \*

On motion of Senator Robles, the circle was removed from **1st Sub. S.B. 60, PILOT ACCOUNTABILITY PERMIT PROGRAM AND IDENTITY RELATED AMENDMENTS**, and it was before the Senate. Senator Robles explained the bill.

On motion of Senator Robles, the following substitute bill replaced the original bill:

**2nd Sub. S.B. 60 Pilot Account Ability Permit Program and Identity Related Amendments (L. Robles)**

Senator Bramble commented.

On motion of Senator Robles, the bill was circled.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 3, 2011

The House passed, as amended, **H.B. 477**, GOVERNMENT RECORDS AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Jenkins and at 4:05 p.m., the Senate adjourned until 10:00 a.m., Friday, March 4, 2011.

# THIRTY-NINTH DAY

## MORNING SESSION

**March 4, 2011**

The Senate was called to order at 8:15 a.m., with President Michael Waddoups presiding.

**Prayer** – Ray Terry, Beaver County School Superintendent

**Pledge of Allegiance** – Senator Mark Madsen

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 80)

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 3, 2011

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 54**, ELECTRONIC COMMUNICATIONS IN PUBLIC MEETINGS, by Representative K. Powell, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 73**, MOTOR CARRIER TRANSPORTATION CONTRACT INDEMNITY AGREEMENTS, by Representative D. Ipson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 263**, LOCAL DISTRICT SERVICES AMENDMENTS, by Representative D. Clark, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

March 3, 2011

The House passed **H.B. 301**, SCHOOL DISTRICT PROPERTY TAX REVISIONS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 12**, CONCURRENT RESOLUTION OPPOSING UNITED STATES SECRETARY OF INTERIOR'S WILDERNESS RE-INVENTORY, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.J.R. 44**, 50TH ANNIVERSARY OF THE FREEDOM ACADEMY JOINT RESOLUTION, by Representative V. Peterson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President:

March 3, 2011

The House requests the return of **1st Sub. S.B. 212**, JUDICIAL EVALUATION AMENDMENTS, by Senator D. C. Buttars, for reconsideration.

Sandy D. Tenney, Chief Clerk

On motion of Senator Buttars, the bill was returned to the House for reconsideration.

### STANDING COMMITTEE REPORTS

Mr. President:

March 3, 2011

The Education Committee reports a favorable recommendation on **S.B. 274**, COURT BUDGET AMENDMENTS, by Senator J. Valentine; and

The Education Committee reports a favorable recommendation on **S.B. 304**, PREVENTING BULLYING AND HAZING IN ELEMENTARY AND SECONDARY SCHOOLS, by Senator R. Okerlund; and

The Education Committee reports a favorable recommendation on **S.B. 319**, TECHNOLOGY COMMERCIALIZATION AND INNOVATION ACT, by Senator C. Bramble.

Howard A. Stephenson, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were placed on Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President:

March 2, 2011

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **S.B. 84**, PREDATOR CONTROL FUNDING, by Senator D. Hinkins, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **1st Sub. H.B. 191**, NONRESIDENT TUITION WAIVER AMENDMENTS, by Representative C. Wimmer, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **1st Sub. H.B. 233**, INSURANCE COVERAGE FOR AMINO ACID-BASED FORMULA, by Representative C. Moss, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **1st Sub. H.B. 269**, COMMISSION ON CIVIC AND CHARACTER EDUCATION, by Representative L. Christensen, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **1st Sub. H.B. 327**, PUBLIC EDUCATION ANNUAL REPORT AMENDMENTS, by Representative L. Christensen, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **H.B. 490**, UTAH STATE FLAG DAY COMMEMORATION, by Representative Julie Fisher, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **H.C.R. 13**, SECURE RURAL SCHOOLS CONCURRENT RESOLUTION, by Representative M. Noel, to the Rules Committee.

Ralph Okerlund, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were returned to the Rules Committee

\* \* \*

On motion of Senator Dayton, under suspension of the rules, the President authorized the Rules Standing Committee to meet today at 3:00 p.m. during floor time to consider **H.B. 477**, GOVERNMENT RECORDS AMENDMENTS.

**CONSENT CALENDAR**

**S.B. 217**, EDUCATION POLICY AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Jenkins	Madsen	Robles	Romero
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**S.B. 217** was transmitted to the House for consideration.

\* \* \*

**H.C.R. 7**, CONCURRENT RESOLUTION SUPPORTING PUBLIC POLICIES THAT PROMOTE OUTDOOR ACTIVITIES FOR CHILDREN, was read the third time, explained by Senator Jones, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Reid	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Okerlund                      Robles                      Romero

**H.C.R. 7**, as amended, was returned to the House for further consideration.

\* \* \*

**S.J.R. 24**, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Reid
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Hillyard                      Jenkins                      Okerlund                      Robles  
Romero

**S.J.R. 24** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Adams, **H.C.R. 1**, CONCURRENT RESOLUTION URGING CONGRESS TO ADDRESS EMPLOYMENT RELATED CHILD IDENTITY THEFT, was read the third time and circled.

\* \* \*

**H.B. 184**, MOTOR AND SPECIAL FUEL TAX ACT AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins



Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Reid
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Jenkins	Madsen	Okerlund	Robles
Romero			

**H.B. 184** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

**1st Sub. H.B. 226**, LOCAL GOVERNMENT FEE AUTHORITY, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Niederhauser	Robles
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**1st Sub. H.B. 226**, as amended, was returned to the House for further consideration.

**SPECIAL RECOGNITION**

Senator Van Tassell paid special recognition to the Wasatch High School basketball team for winning the Class 3A tournament.

\* \* \*

**H.B. 440**, BEER TAX AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Valentine			

**Absent or not voting were:** Senators

Hinkins	Madsen	Niederhauser	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**H.B. 440** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 93, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS**, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Valentine

**Absent or not voting were:** Senators

Bramble	Hillyard	Liljenquist	Niederhauser
Stowell	Thatcher	Urquhart	Van Tassell
Waddoups			

**H.B. 93**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Romero, **1st Sub. H.B. 333, UNFAIR INDUCEMENTS RELATED TO INSURANCE PRODUCTS**, was read the third time and circled.

\* \* \*

**H.B. 161**, GUARDIAN AD LITEM RESPONSIBILITIES, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Valentine	Van Tassell

**Absent or not voting were:** Senators

Bramble	Liljenquist	Stowell	Urquhart
Waddoups			

**H.B. 161** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 179**, PEACE OFFICER RECERTIFICATION AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Valentine	Van Tassell	

**Absent or not voting were:** Senators

Bramble	Liljenquist	Madsen	Stowell
Urquhart	Waddoups		

**1st Sub. H.B. 179** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hinkins, the circle was removed from **1st Sub. H.B. 75, DANGEROUS WEAPON AMENDMENTS**, and it was before the Senate.

Senator Hillyard proposed the following amendment:

1. Page 4, Lines 103a through 103d  
House Floor Amendments  
2-16-2011

103a education ~~H~~ → :

(c) from the boundary of any school, institution, or grounds included in Subsections (1)(a) and (b) to the opposite side of any adjacent public or quasi-public road or highway, including the entire width of the adjacent public or quasi-public road or highway, or for 50 feet, whichever is less; and

103b {~~(iii)(A)~~} (d)(i) inside the building where a preschool or child care is being held, if the entire

103c building is being used for the operation of the preschool or child care; or

103d {~~(B)~~ -} (ii) if only a portion of a building is being used to operate a preschool or child care, in

2. Page 5, Lines 120 through 121:

120 (ii) in any vehicle lawfully under the person's control, other than a vehicle owned by

121 the school or used by the school to transport students[; or] {~~-~~}

(iii) at the person's place of business;

(iv) necessary for the transportation of a firearm from the person's residence to the person's vehicle;

(v) on private property with the permission of the property owner;

or

(vi) necessary for the transportation of a firearm into a publically owned building that is not part of the school property, unless otherwise prohibited by law.

Senator Hillyard's motion to amend failed on a voice vote. Senators Hillyard, Jenkins, Reid, Niederhauser, Butters, and Romero commented and the bill passed on the following roll call:

**Yeas, 19; Nays, 8; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hinkins	Jenkins	Knudson
Madsen	Niederhauser	Okerlund	Reid
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Davis	Hillyard	Jones	Mayne
McAdams	Morgan	Robles	Romero

**Absent or not voting were:** Senators

Liljenquist	Stowell
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**1st Sub. H.B. 75** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Christensen, **H.B. 334, FAMILY EXPENSE AMENDMENTS**, was read the third time and circled.

\* \* \*

**H.B. 399, ENVIRONMENTAL LITIGATION BOND**, was read the third time and explained by Senator Urquhart. Senators McAdams and Romero commented and the bill passed on the following roll call:

**Yeas, 18; Nays, 6; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Dayton
Hillyard	Hinkins	Jenkins	Knudson
Niederhauser	Okerlund	Reid	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Davis	Jones	McAdams	Morgan
Robles	Romero		

**Absent or not voting were:** Senators

Bramble	Liljenquist	Madsen	Mayne
Stowell			

**H.B. 399** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 94, INCOME TAX CREDIT FOR COMBAT RELATED DEATH**, was read the third time, explained by Senator Buttars, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Madsen	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Hillyard	Liljenquist	Mayne
Stowell			

**H.B. 94** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Niederhauser, **H.B. 35, SALES AND USE TAX ACT REVISIONS**, was read the third time and circled.

\* \* \*

**1st Sub. H.C.R. 3, CONCURRENT RESOLUTION URGING CONGRESS TO PASS BALANCED BUDGET AMENDMENT TO U.S. CONSTITUTION**, was read the third time, explained by Senator Madsen, and passed on the following roll call:

**Yeas, 22; Nays, 1; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Dayton
Hinkins	Jenkins	Knudson	Madsen
McAdams	Morgan	Niederhauser	Okerlund

Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative was:** Senator Davis

**Absent or not voting were:** Senators

Bramble	Hillyard	Jones	Liljenquist
Mayne	Stowell		

**1st Sub. H.C.R. 3** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 259**, COUNTY RECORDER REVISIONS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hillyard	Jones	Liljenquist	Stowell
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**H.B. 259** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Niederhauser, **1st Sub. H.B. 267**, PUBLIC BODY RULES OF PROCEDURE, was read the third time and circled.

\* \* \*

**1st Sub. H.B. 51**, SCHOOL AND INSTITUTIONAL TRUST LANDS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hillyard	Jones	Liljenquist	Stowell
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**1st Sub. H.B. 51**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Stephenson, the circle was removed from **1st Sub. S.B. 73**, PUBLIC SCHOOL TEACHER TENURE MODIFICATIONS, and it was before the Senate. Senator Stephenson explained the bill.

Senator Morgan proposed the following amendment:

1. Page 1, Lines 9 through 14

9 This bill amends the Utah Orderly School Termination  
Procedures Act to prohibit a

10 school district from primarily using certain termination  
policies.

11 Highlighted Provisions:

12 This bill:

13 ► prohibits a school district from primarily utilizing a  
last-hired, first-fired layoff policy when

14 reducing staff;

2. Page 3, Lines 72 through 73:

72 53A-8-107. Necessary staff reduction not precluded —  
Last-hired, first-fired



73 layoffs {~~prohibited~~} .

3. Page 3, Lines 80 through 81:

80 (2) A school district may not primarily utilize a last-hired,  
first-fired layoff policy when

81 terminating school district employees.

Senator Morgan’s motion to amend failed on a voice vote. Senators Valentine, Buttars, Romero, and Davis commented. The bill passed on the following roll call:

**Yeas, 19; Nays, 6; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hinkins	Jenkins	Knudson
Madsen	Niederhauser	Okerlund	Reid
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Davis	Mayne	McAdams	Morgan
Robles	Romero		

**Absent or not voting were:** Senators

Hillyard	Jones	Liljenquist	Stowell
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**1st Sub. S.B. 73** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Madsen, the Senate voted to move to Consent Reading Calendar.

**CONSENT CALENDAR**

On motion of Senator Madsen, the circle was removed from **H.C.R. 1**, CONCURRENT RESOLUTION URGING CONGRESS TO ADDRESS EMPLOYMENT RELATED CHILD IDENTITY THEFT, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Jenkins	Jones	Knudson	Madsen

Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Buttars	Hillyard	Hinkins
Liljenquist	Stowell		

**H.C.R. 1** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Jenkins, and at 9:35 a.m., the Senate recessed.

The Senate was called to order at 11:10 a.m., with President Waddoups presiding.

### TIME CERTAIN CALENDAR

On motion of Senator Stevenson, under suspension of the rules, **S.J.R. 26**, JOINT RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF THE SUNDANCE INSTITUTE AND THE SUNDANCE FILM FESTIVAL, was considered read the second and third times. Senator Stevenson explained the bill. Senators Davis, Romero, Christensen, and Van Tassell, commented. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Hillyard	Hinkins	Jenkins	Jones
Knudson	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Dayton	Liljenquist	Madsen
H. Stephenson	Thatcher		

**S.J.R. 26** was transmitted to the House.

## STANDING COMMITTEE REPORTS

Mr. President:

March 3, 2011

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 116**, HOMESTEAD EXEMPTION MODIFICATION, by Senator S. Urquhart, to the Rules Committee, without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 154**, UTAH FIT PREMISES ACT MODIFICATIONS, by Senator B. McAdams, to the Rules Committee, without recommendation; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 183**, CUSTODY AMENDMENTS, by Senator L. Robles, to the Rules Committee; and

The Judiciary, Law Enforcement, and Criminal Justice Committee has tabled **1st Sub. H.B. 70**, ILLEGAL IMMIGRATION ENFORCEMENT ACT, by Representative S. Sandstrom, and has returned it to the Rules Committee for filing; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 104**, HOMEOWNER ASSOCIATION AMENDMENTS, by Representative R. C. Webb, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **1st Sub. H.B. 138**, FEDERAL RECEIPTS REPORTING REQUIREMENTS, by Representative K. Ivory, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **1st Sub. H.B. 169**, FIREARM LAWS MODIFICATIONS, by Representative J. Seelig, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 177**, CANINE BODY ARMOR RESTRICTED ACCOUNT AND INCOME TAX CONTRIBUTION, by Representative R. Greenwood, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 178**, DISPATCHER SERVICE AMENDMENTS, by Representative R. Greenwood, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 232**, DRUG PARAPHERNALIA DEFINITION AMENDMENTS, by Representative E. Vickers, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 272**, INDIGENT DEFENSE ACT AMENDMENTS, by Representative K. McIff, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 316**, TAXATION OF SURPLUS LINES OF INSURANCE, by Representative T. Kiser, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 323**, MULTICOUNTY APPRAISAL TRUST AMENDMENTS, by Representative G. Froerer, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **1st Sub. H.B. 349**, EXPEDITED JURY TRIALS, by Representative B. King, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 358**, ACCESS TO CONTROLLED SUBSTANCE DATABASE REVISIONS, by Representative S. Eliason, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **1st Sub. H.B. 379**, NONJUDICIAL FORECLOSURE OF TRUST DEEDS, by Representative R. C. Webb, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **1st. Sub. H.B. 392**, RETENTION ELECTIONS FOR JUSTICE COURT JUDGES, by Representative C. Oda, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 403**, CHANGES TO FIT PREMISES ACT, by Representative J. Seelig, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 411**, APPROACHING STATIONARY

EMERGENCY VEHICLE AMENDMENTS, by Representative D. Ipson, to the Rules Committee.

Mark B. Madsen, Chair

Mr. President:

March 3, 2011

The Revenue and Taxation Committee deleted **S.B. 43**, LOCAL DISTRICT FEES, by Senator D. Thatcher, and replaced it with **1st Sub. S.B. 43**, LOCAL DISTRICT FEES, and has returned it to the Rules Committee without recommendation; and

Without committee review, the Revenue and Taxation Committee has returned **S.B. 71**, REQUIREMENTS APPLICABLE TO PROPERTY TAX OR FEE INCREASES, by Senator D. Thatcher, to the Rules Committee; and

The Revenue and Taxation Committee has returned **S.B. 122**, TAX EXEMPTION FOR CEDAR BAND OF PAIUTE TRIBE, by Senator D. Stowell, to the Rules Committee without recommendation with the following amendments:

1. Page 1, Lines 20 through 21:

20       ▶ provides for termination of a reduction; ~~{-and-}~~  
       ▶ addresses appropriations to the class B and class C road account;  
 and

21       ▶ makes technical and conforming changes.

2. Page 2, Line 30:

30       59-13-301, as last amended by Laws of Utah 2008, Chapters  
 153 and 382

72-2-107, as last amended by Laws of Utah 2010, Chapter 391

3. Page 6, Line 176 through Page 7, Line 186:

176       ~~{-(d)(i) If but for Subsection (10)(b) the motor fuel is subject  
 to a tax imposed by this~~

177 section:

178       ~~(A) the state shall be paid the difference described in Subsection  
 (10)(d)(ii) if that~~

179 difference is greater than \$0; and

180       ~~(B) a person may not require the state to provide a refund, a  
 credit, or similar tax relief~~

181 ~~if the difference described in Subsection (10)(d)(ii) is less than or equal to \$0.~~

182 ~~(ii) The difference described in Subsection (10)(d)(i) is equal to the difference~~

183 ~~calculated as follows:~~

184 ~~(A) determine the amount of tax imposed on the motor fuel by this section; and~~

185 ~~(B) subtract from the tax described in Subsection (10)(d)(ii)(A) the tax imposed and~~

186 ~~collected by the Cedar Band on the motor fuel. }~~

~~(d) The reduction described in Subsection (10)(b) is the lesser of:~~

~~(i) the amount calculated by multiplying the rate imposed under Subsection (1) by .30; and~~

~~(ii) the tax imposed and collected by the Cedar Band on the motor fuel.~~

4. Page 15, Lines 439 through 449:

439 ~~{ (d) (i) If but for Subsection (13)(b) the special fuel is subject to a tax imposed by this~~

440 ~~section:~~

441 ~~(A) the state shall be paid the difference described in Subsection (13)(d)(ii) if that~~

442 ~~difference is greater than \$0; and~~

443 ~~(B) a person may not require the state to provide a refund, a credit, or similar tax relief~~

444 ~~if the difference described in Subsection (13)(d)(ii) is less than or equal to \$0.~~

445 ~~(ii) The difference described in Subsection (13)(d)(i) is equal to the difference~~

446 ~~calculated as follows:~~

447 ~~(A) determine the amount of tax imposed on the special fuel by this section; and~~

448 ~~(B) subtract from the tax described in Subsection (13)(d)(ii)(A) the tax imposed and~~

449 ~~collected by the Cedar Band on the special fuel. }~~

~~(d) The reduction described in Subsection (13)(b) is the lesser of:~~

- (i) the amount calculated by multiplying the rate imposed under Subsection (1) by .30; and
- (ii) the tax imposed and collected by the Cedar Band on the motor fuel.

5. Page 17, Line 497:

497 Subsection (13)(b), this Subsection (13) governs.  
Section 4. Section 72-2-107 is amended to read:

72-2-107. Appropriation from Transportation Fund -- Deposit in class B and class C roads account.

(1) There is appropriated to the department from the Transportation Fund annually an amount equal to 30% of an amount which the director of finance shall compute in the following manner: The total revenue deposited into the Transportation Fund during the fiscal year from state highway-user taxes and fees, minus:

(a) those amounts appropriated or transferred from the Transportation Fund during the same fiscal year to:

- (i) the Department of Public Safety;
- (ii) the State Tax Commission;
- (iii) the Division of Finance;
- (iv) the Utah Travel Council; ~~{-and-}~~

(v) any other amounts appropriated or transferred for any other state agencies not a part of the department; and

(vi) revenue collected under Title 59, Chapter 13, Motor and Special Fuel Tax Act, for a transaction on Cedar Band reservation land if the reduction from a tax imposed under Title 59, Chapter 13, is in effect in accordance with Section 59-13-201 or 59-13-204; and

(b) the amount of sales and use tax revenue deposited in the Transportation Fund in accordance with Section 59-12-103.

(2) (a) Except as provided in Subsection (2)(b), all of this money shall be placed in an account to be known as the class B and class C roads account to be used as provided in this title.

(b) The director of finance shall annually transfer \$500,000 of the amount calculated under Subsection (1) to the department as dedicated credits for the State Park Access Highways Improvement Program created in Section 72-3-207.

(3) Each quarter of every year the director of finance shall make the necessary accounting entries to transfer the money appropriated under this section to the class B and class C roads account.

(4) The funds in the class B and class C roads account shall be

expended under the direction of the department as the Legislature shall provide.

6. Page 6, Lines 170 through 175:

170 (c) The reduction described in Subsection (10)(b), begins  
{~~the later of~~ } the first day of the

171 first calendar quarter after a 60-day period beginning on the later  
of :

172 (i) the day on which an agreement with the commission required  
by Subsection (10)(b)

173 is executed; and

174 (ii) the first day on which the Cedar Band imposes a tax on the  
sale, use, or receipt for

175 sale or use of motor fuel.

7. Page 15, Lines 433 through 438:

433 (c) The reduction described in Subsection (13)(b), begins  
{~~the later of~~ } the first day of the

434 first calendar quarter after a 60-day period beginning on the later  
of :

435 (i) the day on which an agreement with the commission required  
by Subsection (13)(b)

436 is executed; and

437 (ii) the first day on which the Cedar Band imposes a tax on the  
sale, use, or receipt for

438 sale or use of special fuel.

8. Page 6, Lines 160 through 162:

160 (b) Beginning on the date provided in Subsection (10)(c) and  
ending June 30, 2019 , a tax imposed under this

161 section on motor fuel that is sold, used, or received for sale or use in  
this state is reduced to the

162 extent provided in Subsection (10)(d) if:

9. Page 14, Lines 423 through 425:



423 (b) Beginning on the date provided in Subsection (13)(c) and  
ending June 30, 2019 , a tax imposed under this

424 section on special fuel that is sold, used, or received for sale or use  
in this state is reduced to

425 the extent provided in Subsection (13)(d) if: ; and

Without committee review, the Revenue and Taxation Committee has returned **S.B. 158**, LOCAL GOVERNMENT FUNDING AMENDMENTS, by Senator C. Bramble, to the Rules Committee; and

Without committee review, the Revenue and Taxation Committee has returned **S.B. 187**, COUNTY SERVICES AMENDMENTS, by Senator C. Bramble, to the Rules Committee; and

The Revenue and Taxation Committee deleted **S.B. 218**, TRUST DEED AMENDMENTS, by Senator C. Bramble, and replaced it with **1st Sub. S.B. 218**, TRUST DEED AMENDMENTS, and has returned it to the Rules Committee without recommendation; and

With committee review, the Revenue and Taxation Committee has returned **S.B. 233**, TAX MODIFICATIONS, by Senator C. Bramble, to the Rules Committee without recommendation; and

Without committee review, the Revenue and Taxation Committee has returned **S.B. 234**, ECONOMIC DEVELOPMENT ZONE TAX INCENTIVES ACT, by Senator C. Bramble, to the Rules Committee; and

Without committee review, the Revenue and Taxation Committee has returned **S.B. 284**, COUNTY TAX AMENDMENTS, by Senator J. Stevenson, to the Rules Committee; and

Without committee review, the Revenue and Taxation Committee has returned **H.B. 98**, CAPITAL OUTLAY FUNDING MODIFICATIONS, by Representative C. Watkins, to the Rules Committee; and

With committee review, the Revenue and Taxation Committee has returned **1st Sub. H.B. 253**, EMPLOYMENT OF UNAUTHORIZED ALIENS, by Representative C. Herrod, to the Rules Committee without recommendation.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. The bills were returned to the Rules Committee.

**COMMITTEE OF THE WHOLE**

On motion of Senator Knudson, Sororro Rovirosa, Consul General of Mexico, spoke in Committee of the Whole.

On motion of Senator Knudson, the Committee of the Whole was dissolved.

**THIRD READING CALENDAR**

**H.B. 173**, DEDICATION AND ABANDONMENT OF PUBLIC HIGHWAYS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Liljenquist	Madsen	H. Stephenson
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**H.B. 173** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 305**, MIDTERM VACANCIES IN MUNICIPAL OFFICES, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones
Knudson	Mayne	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Hillyard	Jenkins	Liljenquist	Madsen
McAdams			

**H.B. 305** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 333**, UNFAIR INDUCEMENTS RELATED TO INSURANCE PRODUCTS, and it was before the Senate. Senator Valentine declared a conflict of interest. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Hillyard	Jenkins	Liljenquist
Madsen			

**1st Sub. H.B. 333**, as amended, was returned to the House for further consideration.

\* \* \*

**1st Sub. H.B. 261**, AMENDMENTS TO TRANSPORTATION PROVISIONS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Jones	Knudson	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Hillyard	Hinkins	Jenkins
Liljenquist	Madsen	Urquhart	

**1st Sub. H.B. 261** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Valentine, **2nd Sub. H.B. 128**, HEALTH REFORM AMENDMENTS, was read the third time and circled.

\* \* \*

**H.B. 335**, MILITARY SURVIVORS – TUITION WAIVER AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jones	Knudson	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Jenkins
Liljenquist	Madsen	Urquhart	

**H.B. 335** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 489**, HOUSING AUTHORITY APPLICATION PROCESS, was read the third time, explained by Senator Reid, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson

Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Liljenquist
Madsen			

**H.B. 489** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 152, SCHOOL COMMUNITY COUNCILS AMENDMENTS**, was read the third time and explained by Senator Dayton. Senator Jones commented and the bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Jones	Knudson	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Hillyard	Hinkins	Jenkins
Liljenquist	Madsen		

**1st Sub. H.B. 152** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 183, SCHOOL DISTRICT LEAVE POLICIES**, was read the third time and explained by Senator Dayton.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 15 through 19

15       ▶       requires reimbursement to a school district of the costs  
for certain employees,

16 including benefits, for the time    {~~that exceeds 10 business~~  
~~days~~}   that the employee is

17 on:

18       •       unpaid association leave; or

19       •       participating in certain paid association leave activities;

2. Page 2, Lines 41 through 45  
House Committee Amendments  
2-16-2011:

41       (2)       {~~(a)~~}       Except as provided in   ~~Ĥ~~→  
{~~—~~}   Subsection   {~~—~~}    {~~Subsections~~}   ←~~Ĥ~~

41a    {~~(2)(b)~~} ~~Ĥ~~→ and {~~(2)(d)~~} ←~~Ĥ~~ }   (3)   a local school board  
may not allow

42   paid association leave for a school district employee to perform an  
employee association or

43   union duty.

44       {~~(b)~~}       (3)(a)   A local school board may allow paid  
association leave for a school district

45   employee to perform an employee association duty if:

3. Page 3, Lines 60 through 74:

60       (iii) the local school board ensures compliance with the  
requirements of Subsections

61       {~~(3)~~}       (4)   (a) through (g).

62       {~~(e)~~}       (b)   Prior to [any] a school district employee's  
participation in paid or unpaid

63 association leave, a local school board shall adopt a written policy  
that governs association

64 leave.

65       {~~(d)~~}       (c)   A local school board policy that governs  
association leave shall require

66   reimbursement to the school district of the costs for an employee,  
including benefits, for the

67 time {~~that exceeds 10 business days during a fiscal year~~ }  
that the employee is:

68 (i) on unpaid association leave; or

69 (ii) participating in a paid association leave activity described in  
Subsection {~~(3)~~} (4) (g) that

70 does not provide a direct benefit to the school district.

71 {~~(e)~~} (d) A reimbursement required under  
Subsections {~~(2)(d)~~} (3)(c) or {~~(3)(g)~~} (4)(g)  
may be provided by

72 an employee, association, or union.

73 {~~(3)~~} (4) If a local school board adopts a policy to  
allow paid association leave, the policy

74 shall include procedures and controls to:

- 4. Page 4, Lines 95 through 97  
House Floor Amendments  
2-24-2011:

95 {~~(4)~~} (5) If a local school board adopts a policy to  
allow paid association leave, that policy

96 shall indicate that a willful violation of this section or of a policy  
adopted in accordance with

97 Subsection {~~(2)~~} (3) or {~~(3)~~} (4) may be  
used for disciplinary action under Section 53A-8-104.

Senator Stephenson’s motion to amend passed on a voice vote. Senator  
Valentine commented and the bill passed on the following roll call:

**Yeas, 16; Nays, 8; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Dayton
Hinkins	Knudson	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Waddoups

**Voting in the negative were:** Senators

Davis	Jones	Mayne	McAdams
Morgan	Robles	Romero	Van Tassell

**Absent or not voting were:** Senators

Bramble

Hillyard

Jenkins

Liljenquist

Madsen

**H.B. 183**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 324**, HIV TESTING OF ALLEGED SEX OFFENDERS, was read the third time and explained by Senator Adams.

Senator Adams proposed the following amendment:

1. Page 1, Line 14

14 the request of the victim and in accordance with specified procedures ; and

2. Page 1, Line 17:

17 regarding testing of a minor , and in accordance with specified procedures .

3. Page 8, Line 244  
House Committee Amendments  
2-22-2011:

244 ~~judge alleges has committed]~~ has been filed or an arrest has been made alleging the commission of ←<sup>^</sup> a sexual offense or an

4. Page 10, Line 286  
House Committee Amendments  
2-22-2011:

286 against whom the indictment <sup>^</sup>→ [or] , ←<sup>^</sup> information <sup>^</sup>→ , or petition ←<sup>^</sup> is filed or regarding whom the arrest has been made be tested

5. Page 10, Line 290  
House Committee Amendments  
2-22-2011:

290 information or indictment is filed or an order requiring a test is signed .

6. Page 14, Lines 404 through 405  
House Committee Amendments  
2-22-2011:



404 (4) HIV testing shall be conducted on a minor against whom  
 {~~an information~~} a petition {~~or~~  
 405 ~~indictment~~} ~~is~~ has been filed or a pickup order  
has been issued for commission of any offense under Title 76, Chapter  
 5. Part 4. Sexual

- 7. Page 14, Line 407a  
 House Committee Amendments  
 2-22-2011:

407a adult as defined in Section 62A-3-301 ← and regarding  
which:  
(a) a judge has signed an accompanying arrest warrant, pick up order,  
or any other order based upon probable cause regarding the alleged  
offense; and  
(b) the judge has found probable cause to believe that the alleged victim  
has been exposed to HIV infection as a result of the alleged offense .

Senator Adams’s motion to amend passed on a voice vote. Senator McAdams commented and the bill passed on the following roll call:

**Yeas, 21; Nays, 3; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Mayne	Morgan	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

McAdams	Robles	Romero
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**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Liljenquist
Madsen			

**H.B. 324**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 336**, MEDICAL PROFESSIONAL LICENSING DURING A DECLARED EMERGENCY, was read the third time, explained by Senator Christensen, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Liljenquist
Madsen	Mayne		

**H.B. 336** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Valentine, the circle was removed from **2nd Sub. H.B. 128, HEALTH REFORM AMENDMENTS**, and it was before the Senate. Senator Romero commented and the bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Liljenquist
Madsen	Mayne		

**2nd Sub. H.B. 128** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**2nd Sub. S.B. 57, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CATS**, was read the third time, explained by Senator Stowell, and passed on the following roll call:

**Yeas, 23; Nays, 3; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Hillyard	Hinkins	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Dayton	Jenkins	Valentine
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**Absent or not voting were:** Senators

Bramble	Liljenquist	Madsen
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**2nd Sub. S.B. 57** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Niederhauser, the circle was removed from **S.B. 59**, SCHOOL GRADING SYSTEM, and it was before the Senate.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

**1st Sub. S.B. 59 School Grading System** (W. Niederhauser)

On motion of Senator Niederhauser, the bill was circled.

\* \* \*

On motion of Senator Jenkins, and at 12:10 p.m., the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 3:00 p.m., with President Waddoups presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2011

The Speaker of the House has signed **S.B. 87**, MARKETABLE RECORD TITLE AMENDMENTS, by Senator S. Reid, and it is transmitted for the signature of the President; and

The House passed, **S.B. 197**, LOCAL HOUSING AUTHORITY AMENDMENTS, by Senator B. McAdams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 199**, UTAH COMMISSION ON UNIFORM STATE LAWS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 200**, STATE DEBT COLLECTIONS AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 203**, EXECUTIVE RESIDENCE COMMISSION, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 21**, RELATIONS WITH THE REPUBLIC OF TURKEY JOINT RESOLUTION, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 25**, FEDERAL LAW JOINT RESOLUTION, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 4, 2011

The House concurred in the Senate amendments and passed **1st Sub. H.B. 121**, SEXUAL SOLICITATION AMENDMENTS, by Representative J. Seelig, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.C.R. 8**, CONCURRENT RESOLUTION ON PROVIDING CONTINUING FEDERAL FINANCIAL ASSISTANCE FOR THE DELIVERY OF BASIC SERVICES TO DUTCH JOHN, UT, by Representative M. Brown, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President: March 4, 2011

The House passed, as amended, **H.B. 285**, ASBESTOS REQUIREMENTS, by Representative L. Wiley, and it is transmitted for consideration; and

The House passed **H.B. 293**, UNDERGROUND STORAGE TANK ACT AMENDMENTS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 295**, OUTDOOR ADVERTISING AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 330**, BUDGETARY PROCEDURE AMENDMENTS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed **H.B. 385**, COUNTY JAIL MEDICAL EXPENSES, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 400**, REGULATION OF MINING OPERATIONS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 446**, LOCAL DISTRICT TAX AMENDMENTS, by Representative D. Brown, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 466**, MIGRANT WORKERS AND RELATED COMMISSION AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 475**, STATE ENERGY AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 495**, ANIMAL CONTROL MODIFICATIONS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 497**, UTAH ILLEGAL IMMIGRATION ENFORCEMENT ACT, by Representative S. Sandstrom, et al, and it is transmitted for consideration; and

The House passed **H.J.R. 31**, JOINT RESOLUTION ON THE NEED TO BE SELF-SUFFICIENT, by Representative C. Herrod, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President:

March 4, 2011

The House passed, as amended, **S.B. 204**, CAPITAL DEVELOPMENT AND IMPROVEMENT PROCESS APPROVAL REQUIREMENTS AMENDMENTS, by Senator J. S. Adams, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

\* \* \*

On motion of Senator Bramble, the Senate voted to lift **1st Sub. H.B. 497**, UTAH ILLEGAL IMMIGRATION ENFORCEMENT ACT, from the Rules Committee and place it on the top of the Second Reading Calendar. The bill was read the second time and circled.

### TIME CERTAIN CALENDAR

**S.B. 138**, DRIVER LICENSE QUALIFICATIONS AMENDMENTS, was uncircled and before the Senate and explained by Senator Urquhart.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

**1st Sub. S.B. 138 Driver License Qualifications Amendments**  
(S. Urquhart)

Senator Robles commented. On motion of Senator Bramble, the bill was circled.

### SECOND READING CALENDAR

On motion of Senator Reid, the circle was removed from **2nd Sub. H.B. 116**, GUEST WORKER PROGRAM ACT, and it was before the Senate.

On motion of Senator Reid, the following substitute bill replaced the original bill:

#### **3rd Sub. H.B. 116 Utah Immigration Accountability and Enforcement Amendments** (S. Reid)

Senator Robles proposed the following amendment:

1. Page 18, Lines 525 through 526

525       (2) "Department" means the { ~~Department of Workforce Services created in Section~~

526 ~~35A-1-103-~~ } Department of Public Safety created in Section 53-1-103 .

2. Page 32, Lines 971 through 974:

971       (2) (a) The department shall provide the notice required by Subsection (1) to:

972       (i) Utah's attorney general; and

973       { ~~(ii) the Department of Public Safety; and~~ }

974       { ~~(iii)~~ } (ii) United States Immigration and Customs Enforcement.

Senator Robles' motion to amend passed on a voice vote.

On motion of Senator Reid, the bill was circled.

\* \* \*

On motion of Senator Stephenson, **S.B. 224**, PARTISAN SCHOOL BOARD ELECTION, was read the second time and circled.

\* \* \*

On motion of Senator Adams, **S.B. 256**, TEACHER EFFECTIVENESS EVALUATION PROCESS, was read the second time and circled.

\* \* \*

On motion of Senator Adams, the circle was removed from **S.B. 273**, EMERGENCY RESPONDER FEES, and it was before the Senate.

Senator Adams proposed the following amendment:

- 1. Page 2, Line 35

35 responding to the traffic incident limited to:  
(i) medical costs for:  
(A) transporting an individual from the scene of a traffic  
accident; or  
(B) treatment of a person injured in a traffic accident;  
(ii) repair to damaged public property;  
(iii) cost of materials used in cleaning up the traffic accident;  
and  
(iv) towing costs .

- 2. Page 2, Line 54:

54 responding to the traffic incident limited to:  
(i) medical costs for:  
(A) transporting an individual from the scene of a traffic  
accident; or  
(B) treatment of a person injured in a traffic accident;  
(ii) repair to damaged public property;  
(iii) cost of materials used in cleaning up the traffic accident  
clean up costs; and  
(iv) towing costs .

Senator Adams’ motion to amend passed on a voice vote. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 16; Nays, 0; Absent, 13.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hinkins	Liljenquist	McAdams	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Valentine



**Absent or not voting were:** Senators

Buttars	Dayton	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
Niederhauser	Stowell	Urquhart	Van Tassell
Waddoups			

\* \* \*

On motion of Senator Jenkins, and at 3:35 p.m., the Senate sauntered.

The Senate was called to order at 4:15 p.m., with President Waddoups presiding.

**STANDING COMMITTEE REPORTS**

Mr. President: March 4, 2011  
 The Rules Committee reports a favorable recommendation on **H.B. 477**,  
 GOVERNMENT RECORDS AMENDMENTS, by Representative J. Dougall.

Margaret Dayton, Chair

On motion of Senator Dayton, the committee report was adopted. The bill was placed on Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Valentine, the Senate voted to reconsider its action on **H.B. 93**, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS. The bill was placed on the Third Reading Calendar.

\* \* \*

On motion of Senator Urquhart, the circle was removed from **2nd Sub. S.B. 138**, DRIVER LICENSE QUALIFICATION AMENDMENTS, and it was before the Senate. Senator Urquhart explained the bill. Senators Bramble, Dayton, Robles, Jenkins, and Mayne commented.

On motion of Senator Urquhart, under suspension of the rules, **2nd Sub. S.B. 138**, DRIVER LICENSE QUALIFICATION AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 23; Nays, 5; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Reid
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Davis	Hinkins	McAdams	Robles
Romero			

**Absent or not voting was:** Senator

Stowell

**2nd Sub. S.B. 138** was transmitted to the House.

\* \* \*

On motion of Senator Dayton, under suspension of the rules, the Senate voted to lift **H.B. 466**, MIGRANT WORKERS AND RELATED COMMISSION AMENDMENTS, from Rules and place it on the Second Reading Calendar under **H.B. 477**.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, **H.B. 477**, GOVERNMENT RECORDS AMENDMENTS, was considered read the second and third times. Senators Jones, Valentine, Davis, Bramble, Buttars, Romero, and McAdams commented and the bill passed on the following roll call:

**Yeas, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	Reid	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Buttars	Jones	Mayne	McAdams
Morgan	Robles	Romero	

**Absent or not voting was:** Senator  
Stowell

**H.B. 477** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, **H.B. 466**, MIGRANT WORKERS AND RELATED COMMISSION AMENDMENTS, was read the second time and circled.

\* \* \*

On motion of Senator Bramble, the circle was removed from **3rd Sub. H.B. 116**, UTAH IMMIGRATION ACCOUNTABILITY AND ENFORCEMENT AMENDMENTS, and it was before the Senate. Senator Reid explained the bill. Senators Bramble, Valentine, Robles, and Mayne commented.

Senator McAdams proposed the following amendment:

1. Page 5, Lines 130 through 139

130 (5) ~~{-(a)}~~ Beginning on the program start date, as defined  
131 in Section 63G-12-102, ~~{- in~~

131 addition to complying with } notwithstanding Subsections  
132 (1) and (2), ~~{-to be }~~ a student is exempt from paying the  
133 nonresident

132 portion of total tuition ~~{-a student shall }~~ if the student :

133 ~~{-(i) be }~~ (a) is the child of a person who holds a guest  
134 worker permit, as defined in Section

134 63G-12-102; or

135 ~~{-(ii) hold }~~ (b) holds a permit, as defined in Section  
136 63G-12-102.

136 ~~(b) If the day before the program start date a student is exempt~~  
137 ~~from paying the~~

137 ~~nonresident portion of total tuition, but is not exempt under~~  
138 ~~Subsection (5)(a), the student loses~~

138 ~~the exemption as of the first day of the term or semester~~  
~~immediately following the program~~

139 ~~start date.~~

Senator McAdams’ motion to amend passed on a voice vote.

~ ~ ~

Senator Reid proposed the following amendment:

- 1. Page 52, Line 1603:  
Delete “an offense” and insert “any of the offenses”

Senator Reid’s motion to amend passed on a voice vote.

On motion of Senator Reid, under suspension of the rules, **3rd Sub. H.B. 116**, UTAH IMMIGRATION ACCOUNTABILITY AND ENFORCEMENT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hillyard	Jenkins	Jones
Knudson	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
H. Stephenson	J. Stevenson	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Dayton	Hinkins	Liljenquist	Madsen
Romero	Thatcher	Urquhart	

**Absent or not voting was:** Senator  
Stowell

**3rd Sub. H.B. 116**, as amended, was returned to the House for further consideration.

On motion of Senator Reid the Senate voted to include the following intent language in the Senate Journal:

**INTENT LANGUAGE**

In passing 3rd Substitute H.B. 116, Utah Immigration Accountability and Enforcement Amendments, it is the intent of the Legislature to encourage Utah’s

congressional delegation to actively participate in the state’s efforts to obtain a waiver, exemption, or authorization related to the Guest Worker Program to be established in accordance with this bill.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 466, MIGRANT WORKERS AND RELATED COMMISSION AMENDMENTS**, and it was read for the second time. Senator Bramble explained the bill. Senators Valentine, Thatcher, Jenkins, Davis, and Mayne commented.

On motion of Senator Bramble, under suspension of the rules, **H.B. 466, MIGRANT WORKERS AND RELATED COMMISSION AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 1; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Valentine	Van Tassell
Waddoups			

**Voting in the negative was:** Senator Urquhart

**Absent or not voting were:** Senators

Buttars	Hillyard	Stowell
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**H.B. 466** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 497, UTAH ILLEGAL IMMIGRATION ENFORCEMENT ACT**, and it was before the Senate. Senator Dayton explained the bill. Senator McAdams commented.

On motion of Senator Dayton, under suspension of the rules, **1st Sub. H.B. 497, UTAH ILLEGAL IMMIGRATION ENFORCEMENT ACT**, was considered read the second and third times and passed on the following roll call:

**Yeas, 22; Nays, 5; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Reid	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Davis	Jones	McAdams	Robles
Romero			

**Absent or not voting were:** Senators

Hillyard	Stowell
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**1st Sub. H.B. 497** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Valentine, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Valentine, the circle was removed from **1st Sub. S.B. 314**, ALCOHOLIC BEVERAGE AMENDMENTS, and it was before the Senate.

Senator Valentine proposed the following amendment:

1. Page 3, Lines 68 through 70

68 licensees;

▶ clarifies penalties related to obtaining a beer wholesaling license:

69 ▶ addresses when meetings of the commission may be closed;

70 ▶ ~~{requires}~~ addresses alcohol training and education seminars ~~{to be taken in person}~~ ;

2. Page 6, Lines 154 through 155:

154 32B-12-203 (Effective 07/01/11), as enacted by Laws of Utah 2010, Chapter 276

32B-13-201 (Effective 07/01/11), as enacted by Laws of Utah 2010, Chapter 276

155 32B-13-202 (Effective 07/01/11), as enacted by Laws of Utah 2010, Chapter 276

3. Page 160, Lines 4951 through 4952:

4951 liquor warehousing license effective on the date the existing liquor warehousing license

4952 expires.

Section 101. Section 32B-13-201 is amended to read:

32B-13-201 (Effective 07/01/11). Commission’s power to issue beer wholesaling license.

(1) (a) Before a person may purchase, store, sell, offer for sale, distribute, or import beer to a person who sells at retail or acts in any way as a beer wholesaler, the person shall first obtain a beer wholesaling license issued by the commission in accordance with this chapter.

(b) A violation of Subsection (1)(a) is a class A misdemeanor.

(2) (a) The commission may issue a beer wholesaling license for the purchase, storage, sale, distribution, transportation, and import of beer.

(b) A beer wholesaling license entitles the beer wholesaler licensee to:

- (i) purchase and import beer into the state;
- (ii) store beer in an approved warehouse; and
- (iii) sell and distribute beer directly to:
  - (A) a beer retailer; or
  - (B) an event permittee.

~~{(c) A violation of Subsection (2)(a) is a class A misdemeanor.}~~

(3) Nothing in this section precludes a small brewer from selling beer the small brewer manufactures directly to:

- (a) a retail licensee;
- (b) an off-premise beer retailer; or
- (c) an event permittee.

Renumber remaining sections accordingly.

4. Page 166, Line 5125:

5125 (2) (a) This section applies to an individual who, as defined by the ~~{board}~~ division by rule:

5. Page 167, Line 5169 through Page 168, Line 5173:

5169 (f) The ~~{-board }~~ division shall by rule made in accordance with Title 63G, Chapter 3, Utah

5170 Administrative Rulemaking Act, establish one or more requirements for an online course or

5171 testing program described in Subsection (2)(e) that are designed to inhibit fraud in the use of

5172 the online course or testing program. In developing the requirements by rule the ~~{-board }~~ division shall

5173 consider whether to require:

6. Page 168, Line 5190:

5190 (vii) measures for the ~~{-board }~~ division to audit online courses or tests:

7. Page 170, Line 5237:

5237 (5) The ~~{-board-}~~ division shall by rule made in accordance with Title 63G, Chapter 3, Utah

Senator Valentine's motion to amend passed on a voice vote.

~ ~ ~

Senator Valentine proposed the following amendment:

1. Page 3, Lines 75 through 78

75 This bill appropriates:

76 ► to the Department of Public Safety – Programs and Operations, as ~~{-an-}~~ ongoing

77 ~~{-appropriation-}~~ and one time appropriations :  
 • from the General Fund, one time, \$83,600; and

78 • from the General Fund,  
ongoing, ( ~~{-\$2,900,000-}~~ \$2,642,900 ).

2. Page 89, Lines 2738 through 2739:

2738 (5) The bond amount required for a ~~{-full-service restaurant-}~~ club license is the penal sum of



2739 \$10,000.

3. Page 177, Lines 5464 through 5472:

5464 Section 108. Appropriation.

5465 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the

5466 following sums of money are appropriated from resources not otherwise appropriated out of the

5467 funds or accounts indicated for the fiscal year beginning July 1, 2011, and ending June 30,

5468 2012. These are additions to amounts previously appropriated for fiscal year 2012.

5469 To Department of Public Safety – Programs and Operations  
From General Fund, one-time \$83,600

5470 From General Fund( {-\$2,900,000 } \$2,642,900 )

5471 Schedule of Programs:

5472 Highway Patrol -- Special Services  
(\$ { -2,900,000 } \$2,559,300 )

Senator Valentine’s motion to amend passed on a voice vote. Senator Valentine explained the bill. Senator Davis commented. The bill passed on the following roll call:

**Yeas, 23; Nays, 1; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative was:** Senator  
Buttars

**Absent or not voting were:** Senators

Dayton	Hillyard	Liljenquist	Robles
Stowell			

**1st Sub. S.B. 314** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Niederhauser, the Senate voted to recall **1st Sub. S.B. 16, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS**, from Research for the purpose of adding a coordination clause.

### SECOND READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from **1st Sub. S.B. 59, SCHOOL GRADING SYSTEM**, and it was before the Senate. Senator Niederhauser explained the bill. Senators Okerlund, Jones and Morgan commented. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 8; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Jenkins	Knudson
Madsen	Niederhauser	Okerlund	Reid
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Waddoups		

**Voting in the negative were:** Senators

Davis	Hinkins	Jones	McAdams
Morgan	Robles	Romero	Van Tassell

**Absent or not voting were:** Senators

Liljenquist	Mayne	Stowell
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### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2011

The House requests the return of **1st Sub. S.B. 16, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS**, by Senator W. Niederhauser, for reconsideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was returned to the House.

Mr. President: March 4, 2011

The House passed, as amended, **1st Sub. H.B. 122, FIREARMS AMENDMENTS**, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 132**, WATER QUALITY AMENDMENTS, by Representative B. Wright, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 234**, ASSERTIVE COMMUNITY MENTAL HEALTH TREATMENT PILOT PROGRAM, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 273**, ANIMAL CONTROL AMENDMENTS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed **H.B. 277**, SALES AND USE TAX REVISIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 317**, CURRENCY AMENDMENTS, by Representative B. Galvez, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 337**, PAWNSHOP AND SECONDHAND MERCHANDISE TRANSACTION INFORMATION ACT AMENDMENTS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 374**, DOMESTIC VIOLENCE AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.B. 412**, LAND USE REVISIONS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 421**, USE OF PUBLIC BUILDINGS FOR POLITICAL CAUCUS MEETINGS, by Representative D. Brown, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 451**, TOBACCO SETTLEMENT FUNDS AMENDMENT, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 465**, RESPECTING OUR FALLEN HEROES ACT, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 469**, IMMIGRATION RELATED AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 482**, LONG-TERM CARE FACILITY – MEDICAID CERTIFICATION FOR BED CAPACITY AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 496**, TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.J.R. 29**, FEDERALISM INTERIM COMMITTEE JOINT RESOLUTION, by Representative C. Herrod, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

### SECOND READING CALENDAR

On motion of Senator Madsen, the circle was removed from **S.B. 147**, FORGERY LAW AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 1, Line 10  
Senate Committee Amendments  
2-7-2011  
  
10 false identification {~~and false financial transaction cards~~}  
without lawful authority.
2. Page 1, Lines 14 through 15  
Senate Committee Amendments  
2-7-2011:  
  
14 ~~{possessing,}~~ ~~←~~ ~~§~~ or transferring false identification  
documents {~~and false financial~~  
15 ~~transaction cards~~} who:
3. Page 1, Lines 20 through 21  
Senate Committee Amendments  
2-7-2011:

20 • transfers an identification document, authentication  
feature, or a false identification

21 document {~~-, or false financial transaction card~~} knowing  
that the document or

4. Page 3, Lines 72 through 74:

72 {~~(e)~~} “False financial transaction card” means a financial  
transaction card as defined in

73 Section 76-6-506 that is not issued, created, or authorized for use  
by the issuer of the card. }

74 {~~(f)~~} (e) “Governmental entity” means the United  
States government, a state, a political

5. Page 3, Line 77:

77 {~~(g)~~} (f) “Identification document” means a  
document made or issued by or under the

6. Page 3, Line 81:

81 {~~(h)~~} (g) “Issuing authority” means:

7. Page 3, Line 86:

86 {~~(i)~~} (h) “Means of identification” means any name  
or number that may be used, alone or in

8. Page 4, Line 94:

94 {~~(j)~~} (i) “Personal identification card” means an  
identification document issued by a

9. Page 4, Lines 96 through 97:

96 {~~(k)~~} (j) “Produce” includes altering,  
authenticating, or assembling.

97 {~~(l)~~} (k) “State” includes any state of the United  
States, the District of Columbia, the

10. Page 4, Line 100:

100 {~~(m)~~} (l) “Traffic” means to:

11. Page 4, Line 105:

105 {~~(n)~~} (m) “Writing” includes printing, electronic  
storage or transmission, or any other method

12. Page 5, Line 131  
Senate Committee Amendments  
2-7-2011:

131 document { ~~or false financial transaction card~~ } who:

13. Page 5, Lines 133 through 134  
Senate Committee Amendments  
2-7-2011:

133 an identification document, authentication feature, or a false identification document { ~~, or false~~

134 ~~financial transaction card~~ } that is or appears to be issued by or under the authority of an issuing

14. Page 5, Lines 136 through 137  
Senate Committee Amendments  
2-7-2011:

136 (b) transfers an identification document, authentication feature, or a false identification

137 document { ~~, or a false financial transaction card~~ } knowing that the document or feature was stolen

15. Page 5, Line 145  
Senate Committee Amendments  
2-7-2011:

145 used in the production of a false identification document { ~~or false financial transaction card,~~ } or

16. Page 5, Line 148  
Senate Committee Amendments  
2-7-2011:

148 documents { ~~or false financial transaction cards~~ } , document making implements, or means of

Senator Madsen's motion to amend passed on a voice vote. Senator Romero commented.

On motion of Senator Madsen, under suspension of the rules, **S.B. 147**, FORGERY LAW AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Jenkins
Jones	Knudson	Madsen	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hinkins	Liljenquist	Mayne	Stowell
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**S.B. 147** was transmitted to the House.

\* \* \*

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 4, 2011

The House refused to concur with the Senate Amendments to **3rd Sub. H.B. 116**, UTAH IMMIGRATION ACCOUNTABILITY AND ENFORCEMENT AMENDMENTS, by Representative B. Wright, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Bramble, the Senate voted to refuse to recede from its amendments to **3rd Sub. H.B. 116**. President Waddoups appointed a conference committee consisting of Senators Reid, Bramble, and McAdams to meet with a like committee from the House.

**SECOND READING CALENDAR**

On motion of Senator Hillyard, the Senate voted to lift **1st Sub. S.B. 162**, MILITARY AND OVERSEAS VOTING, to the top of the Second Reading calendar.

**1st Sub. S.B. 162**, MILITARY AND OVERSEAS VOTING, was read the second time.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:

**2nd Sub. S.B. 162 Military and Overseas Voting** (L. Hillyard)

Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 27, Lines 803 through 804

803 candidates and presidential electors to the lieutenant governor's office no later than ~~{September~~

804 ~~8-}~~ August 31 of each presidential election year.

Senator Hillyard's motion to amend passed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, **2nd Sub. S.B. 162, MILITARY AND OVERSEAS VOTING**, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hillyard
Jenkins	Jones	Knudson	Madsen
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hinkins
Liljenquist	Mayne	McAdams	Reid
Robles	Stowell		

**2nd Sub. S.B. 162** was transmitted to the House.

\* \* \*

Senator Niederhauser made the motion to remove the circle from **S.B. 82, URBAN FARMING ASSESSMENT ACT**. The motion failed on a voice vote.

\* \* \*

On motion of Senator Van Tassell, the Senate voted to move to Consent Reading Calendar.



**CONSENT CALENDAR**

**1st Sub. S.B. 68**, SOLID WASTE AMENDMENTS, under suspension of the rules, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Jenkins
Jones	Knudson	Madsen	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Hinkins	Liljenquist	Mayne	Robles
Stowell			

**1st Sub. S.B. 68** was transmitted to the House for consideration.

\* \* \*

**S.B. 281**, ELECTION REGISTRATION AMENDMENTS, under suspension of the rules, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Jenkins
Jones	Knudson	Madsen	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Hinkins	Liljenquist	Mayne	Robles
Stowell			

**S.B. 281** was transmitted to the House for consideration.

\* \* \*

**H.B. 318**, MONEY MANAGEMENT ACT AMENDMENTS, under suspension of the rules, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Jenkins	Jones
Knudson	Madsen	Morgan	Niederhauser
Okerlund	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Hinkins	Liljenquist	Mayne
McAdams	Reid	Robles	Stowell

**H.B. 318** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Buttars, the Senate voted to suspend the rules for bills considered for the remainder of the day.

## SECOND READING CALENDAR

**S.B. 263**, STATE BOARD OF EDUCATION POWERS AMENDMENTS, was read the second time. Senator Buttars explained the bill. Senators Niederhauser, Valentine, Okerlund, and Morgan commented. The bill passed second reading on the following roll call:

**Yeas, 16; Nays, 7; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Dayton
Hillyard	Jenkins	Knudson	Madsen
Niederhauser	Okerlund	H. Stephenson	J. Stevenson
Thatcher	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Davis	Jones	McAdams	Morgan
Robles	Romero	Urquhart	

**Absent or not voting were:** Senators

Bramble	Hinkins	Liljenquist	Mayne
Reid	Stowell		

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 4, 2011

The Speaker of the House has appointed a Conference Committee consisting of Representatives B. Wright, B. Dee, and D. Litvack to meet with a like committee from the Senate to consider or amend **3rd Sub. H.B. 116, UTAH IMMIGRATION ACCOUNTABILITY AND ENFORCEMENT AMENDMENTS**, by Representative B. Wright.

Sandy D. Tenney, Chief Clerk

**CONCURRENCE CALENDAR**

On motion of Senator Niederhauser, the circle was removed from **S.B. 242, ASSESSMENT AREA AMENDMENTS**, and it was before the Senate.

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **S.B. 242, ASSESSMENT AREA AMENDMENTS**. The bill, as amended, passed on the following roll call:

**Yeas, 19; Nays, 0; Absent, 10.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Jones	Madsen
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Hinkins	Jenkins	Knudson
Liljenquist	Mayne	McAdams	Reid
Robles	Stowell		

**S.B. 242** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 21, TAX REVISIONS**. The bill, as amended, passed on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Jenkins	Jones
Madsen	Morgan	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Hinkins	Knudson	Liljenquist
Mayne	McAdams	Reid	Robles
Stowell			

**2nd Sub. S.B. 21** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **1st Sub. S.B. 66**, MILITARY LEAVE FOR AN ELECTED OFFICIAL OF A POLITICAL SUBDIVISION. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Jenkins	Jones
Knudson	Madsen	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Hinkins	Liljenquist	Mayne
Stowell			

**1st Sub. S.B. 66** was returned to the House for the signature of the Speaker.

\* \* \*

**2nd Sub. S.B. 120**, CAREER SERVICE AMENDMENTS, was before the Senate.

On motion of Senator Stevenson, the bill was circled.

\* \* \*

On motion of Senator McAdams, the Senate voted to concur in the House amendments to **S.B. 124**, LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE. The bill, as amended, passed on the following roll call:

**Yeas, 22; Nays, 2; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hillyard	Jones	Knudson	Madsen
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Dayton                      Jenkins

**Absent or not voting were:** Senators

Buttars	Hinkins	Liljenquist	Mayne
Stowell			

**S.B. 124** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **1st Sub. S.B. 157**, PROPERTY TAX REVISIONS. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Jenkins	Jones
Knudson	Madsen	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Hinkins	Liljenquist	Mayne
Stowell			

**1st Sub. S.B. 157** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **1st Sub. S.B. 178**, MUNICIPAL LAND USE AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Jenkins	Jones
Knudson	Madsen	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Hinkins	Liljenquist	Mayne
Stowell			

**1st Sub. S.B. 178** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Adams, the Senate voted to concur in the House amendments to **S.B. 204**, CAPITAL DEVELOPMENT AND IMPROVEMENT PROCESS APPROVAL REQUIREMENTS AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Jenkins	Jones
Knudson	Madsen	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Hinkins	Liljenquist	Mayne
Stowell			

**S.B. 204** was returned to the House for the signature of the Speaker.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 4, 2011

The Joint Conference Committee comprised of Sens. Reid, Bramble, and McAdams, and Reps. Wright, Dee, and Litvack, recommends **3rd Sub. H.B. 116**, UTAH IMMIGRATION ACCOUNTABILITY AND ENFORCEMENT AMENDMENTS, by Representative B. Wright, with the following amendments:

1. Include the following Senate amendments:

Page 18, Lines 525 – 526

Page 32, Lines 972–974

Page 52, Line 1603

Also include the following amendments:

2. Page 1, Line 14:

14           { ~~► addresses the exemption from paying the instate portion~~  
of tuition; }

4. Page 3, Line 59:

59           { ~~53B-8-106, as enacted by Laws of Utah 2002, Chapter~~  
230- }

5. Page 4, Line 113 through Page 5, Line 139:

113           { ~~Section 1. Section 53B-8-106 is amended to read:~~

114       53B-8-106. Resident tuition—Requirements—Rules.

115       (1) ~~If allowed under federal law, a student, other than a~~  
nonimmigrant alien within the

116 ~~meaning of paragraph (15) of subsection (a) of Section 1101 of Title~~  
8 of the United States

117 ~~Code, shall be exempt from paying the nonresident portion of total~~  
tuition if the student:

118       (a) ~~attended high school in this state for three or more years;~~

119       (b) ~~graduated from a high school in this state or received the~~  
equivalent of a high

120 school diploma in this state; and

121 (c) registers as an entering student at an institution of higher  
education not earlier than

122 the fall of the 2002-03 academic year.

123 (2) In addition to the requirements under Subsection (1), a  
student without lawful

124 immigration status shall file an affidavit with the institution of  
higher education stating that the

125 student has filed an application to legalize [his] the student's  
immigration status, or will file an

126 application as soon as [he] the student is eligible to do so.

127 (3) The State Board of Regents shall make rules for the  
implementation of this section.

128 (4) Nothing in this section limits the ability of institutions of  
higher education to assess

129 nonresident tuition on students who do not meet the requirements  
under this section.

130 (5) ~~[(a)]~~ ~~Beginning on the program start date, as~~  
~~defined in Section 63G-12-102,~~ ~~in~~

131 ~~addition to complying with} notwithstanding~~ ~~Subsections (1)~~  
~~and (2),~~ ~~[to be] a student is~~

131a ~~exempt from paying the nonresident~~

132 ~~portion of total tuition~~ ~~[a student shall] if the student~~ ~~;~~

133 ~~[(i) be] (a) is~~ ~~the child of a person who holds a guest~~  
~~worker permit, as defined in Section~~

134 ~~63G-12-102; or~~

135 ~~[(ii) hold] (b) holds~~ ~~a permit, as defined in Section~~  
~~63G-12-102.~~

136 ~~[(b) If the day before the program start date a student is~~  
~~exempt from paying the~~

137 ~~nonresident portion of total tuition, but is not exempt under~~  
~~Subsection (5)(a), the student loses~~

138 ~~the exemption as of the first day of the term or semester~~  
~~immediately following the program~~



139 ~~start date.]~~ ←Ŝ }

Renumber remaining sections accordingly

Sen. Stuart Reid and  
Rep. Bill Wright, Chairs

On motion of Senator Reid, the Senate voted to adopt the Joint Conference Committee report on **3rd Sub. H.B. 116**. Senators McAdams and Hillyard commented. The bill passed on the following roll call vote:

**Yeas, 19; Nays, 5; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hillyard	Jenkins	Jones	Knudson
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	H. Stephenson	J. Stevenson
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Dayton	Madsen	Romero	Thatcher
Urquhart			

**Absent or not voting were:** Senators

Buttars	Hinkins	Liljenquist	Mayne
Stowell			

**3rd Sub. H.B. 116** was returned to the House for further consideration.

\* \* \*

On motion of Senator Jenkins and at 8:20 p.m., the Senate adjourned until 9:00 a.m., Monday, March 7, 2011.

# FORTY-SECOND DAY

## MORNING SESSION

**March 7, 2011**

The Senate was called to order at 9:10 a.m., with President Michael Waddoups presiding.

**Prayer** – H. David Burton, Presiding Bishop of the Church of Jesus Christ of Latter-day Saints

**Pledge of Allegiance** – Senator Dan Liljenquist

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)

#### SPECIAL MUSICAL NUMBER

Elder Brigham Garber sang “The Star Spangled Banner”

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 4, 2011

The House adopted the Joint Conference Committee Report dated March 4, 2011, and passed **3rd Sub. H.B. 116**, UTAH IMMIGRATION ACCOUNTABILITY AND ENFORCEMENT AMENDMENTS, by Representative B. Wright, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**3rd Sub. H.B. 116**, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

#### CONSENT CALENDAR

**H.B. 86**, VETERAN’S IDENTIFICATION ON DRIVER LICENSE OR IDENTIFICATION CARD, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams

Bramble

Buttars

Christensen

Davis

Dayton

Hinkins

Jenkins

Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard	Robles	Stowell
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**H.B. 86** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**S.B. 278, CHARTER SCHOOL PROPERTY TAX AMENDMENTS,** was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Hillyard	Robles	Stowell
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**S.B. 278** was transmitted to the House for consideration.

\* \* \*

**1st Sub. H.B. 143, BALLOT PLACEMENT AMENDMENTS,** was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones

Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Hillyard	Robles	Stowell
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**1st Sub. H.B. 143** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Niederhauser, **H.B. 250**, STATE EMBLEM OF SERVICE AND SACRIFICE, was read the third time and circled.

\* \* \*

On motion of Senator Stephenson, **H.B. 375**, SECURITY PERSONNEL LICENSING ACT AMENDMENTS, was read the third time and circled.

\* \* \*

**H.B. 107**, VOLUNTEER FIREFIGHTERS' RETIREMENT AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Christensen	Hillyard	Robles	Stowell
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**H.B. 107** was returned to the House for further consideration.

\* \* \*

**H.C.R. 9**, LUPUS AWARENESS MONTH CONCURRENT RESOLUTION, was read the third time, explained by Senator Jones, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Hillyard	Robles	Stowell
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**H.C.R. 9** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Stephenson, the circle was removed from **H.B. 375**, SECURITY PERSONNEL LICENSING ACT AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Hillyard	Robles	Stowell
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**H.B. 375** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Butters, the circle was removed from **H.B. 250**, STATE EMBLEM OF SERVICE AND SACRIFICE, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Butters	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Robles	Stowell
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**H.B. 250** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**CONCURRENCE CALENDAR**

On motion of Senator Liljenquist, the circle was removed from **2nd Sub. S.B. 120**, CAREER SERVICE AMENDMENTS, and it was before the Senate.

On motion of Senator Liljenquist, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 120**, CAREER SERVICE AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Butters	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Robles	Stowell
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**2nd Sub. S.B. 120** was returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

**H.B. 93, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS**, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Hinkins	Robles	Stowell
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**H.B. 93**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **1st Sub. H.B. 267, PUBLIC BODY RULES OF PROCEDURE**, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Jenkins	Stowell
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**1st Sub. H.B. 267** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Valentine, the Senate voted to reconsider its action on **H.B. 93, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS.**

On motion of Senator Valentine, the bill was circled.

\* \* \*

On motion of Senator Madsen, the circle was removed from **H.B. 220, CIVICS EDUCATION AMENDMENTS,** and it was before the Senate.

Senator Madsen proposed the following amendment:

- 1. Page 1, Lines 12 through 13

12       ▶       requires instruction in ;  
           •       forms of government, including the United States' form of  
 13       government, a republic; and  
           •       political philosophies and economic systems; and

- 2. Page 2, Lines 36 through 37a  
    Senate Committee Amendments  
    2-25-2011:

36       (i) forms of government, such as a ~~Ŝ~~→ republic, a pure )~~Ŝ~~  
democracy. ~~Ĥ~~→ a ~~Ĥ~~

36a monarchy.

36a   ~~Ĥ~~→ [and] and an ~~Ĥ~~→ oligarchy ~~Ĥ~~→ {~~-and~~  
socialism } ~~Ĥ~~→ {~~-and~~ }

(ii) political philosophies and economic systems, such as  
 socialism, individualism, and free market capitalism; and

37       {~~-(ii)~~ } (iii) the United States' form of government,  
a compound ~~Ĥ~~→ constitutional ~~Ŝ~~→ {~~-compound~~ } )~~Ŝ~~  
~~Ĥ~~

37a republic.

Senator Madsen's motion to amend passed on a voice vote. The bill passed on the following roll call:



**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Stowell	Urquhart
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**H.B. 220**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 262**, TOBACCO PRODUCTS AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Hillyard	Stowell
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**S.B. 262** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 296**, AMENDMENTS TO TAX PROVISIONS, and it was before the Senate. On motion of Senator Bramble the Senate voted to strike the enacting clause on the bill. Senator Valentine commented.

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 202**, PHARMACEUTICAL COMPETITIVE PRICING, and it was before the Senate. On motion of Senator Bramble the Senate voted to strike the enacting clause on the bill.

\* \* \*

**S.B. 273**, EMERGENCY RESPONDER FEES, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Stowell

**S.B. 273** was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 59**, SCHOOL GRADING SYSTEM, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

**Yeas, 17; Nays, 10; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Dayton
Hillyard	Jenkins	Liljenquist	Madsen
Niederhauser	Okerlund	Reid	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Waddoups			

**Voting in the negative were:** Senators

Davis	Hinkins	Jones	Knudson
Mayne	McAdams	Morgan	Robles
Romero	Van Tassell		

**Absent or not voting were:** Senators  
Bramble                      Stowell

**1st Sub. S.B. 59 was transmitted to the House for consideration.**

\* \* \*

**S.B. 263, STATE BOARD OF EDUCATION POWERS AMENDMENTS,** was read the third time. On motion of Senator Buttars, the Senate voted to return the bill to the Rules Committee for interim study. Senator Stephenson commented.

**SECOND READING CALENDAR**

**S.B. 257, LEGISLATIVE COUNSEL RELATING TO UNITED STATES SENATORS,** was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Jones                      McAdams

**Absent or not voting were:** Senators

Bramble                      Stowell

\* \* \*

On motion of Senator Okerlund, **S.J.R. 27, BULLYING AND CYBER BULLYING STANDARDS FOR SCHOOL DISTRICTS JOINT RESOLUTION,** was read the second time and circled.

\* \* \*

**S.B. 186, UTAH MEDICAL PRACTICE ACT AMENDMENTS,** was read the second time. Senator Adams explained the bill.

Senator Adams proposed the following amendment:

1. Page 15, Lines 434 through 435

434 (6) “Medical assistant” means an unlicensed individual working under the direct ~~{-|}~~ and

435 immediate ~~{-|}~~ ~~{-or-indirect}~~ supervision of a licensed physician and surgeon and engaged in specific

2. Page 15, Lines 437 through 438:

437 ethics of the profession ~~{-,and as may be further defined in rule by the division in collaboration~~

438 ~~with the board, not to exceed the scope of this definition}~~ .

3. Page 22, Line 673:

673 (6) a medical assistant while working under the direct ~~{-|}~~ and immediate ~~{-|}~~ ~~{-or-indirect}~~

4. Page 22, Lines 676 through 677:

676 of the practice of medicine ~~{-,and as may be further defined in rule by the division in~~

677 ~~collaboration with the board, not to exceed the scope of this definition}~~ ;

5. Page 26, Lines 798 through 799:

798 (6) “Medical assistant” means an unlicensed individual working under the direct ~~{-|}~~ and

799 immediate ~~{-|}~~ ~~{-or-indirect}~~ supervision of a licensed osteopathic physician and surgeon and

6. Page 26, Lines 801 through 802:

801 accordance with the standards and ethics of the profession ~~{-,and as may be further defined in~~

802 ~~rule by the division in collaboration with the board, not to exceed the scope of this definition}~~ .

7. Page 34, Line 1032:

1032 (6) a medical assistant while working under the direct ~~{-|}~~ and immediate ~~{-|}~~ ~~{-or-indirect}~~

8. Page 34, Lines 1035 through 1036:

1035 the practice of medicine { ~~and as may be further defined in rule by the division in collaboration~~

1036 ~~with the board, not to exceed the scope of this definition~~ } ;

Senator Adams’ motion to amend passed on a voice vote. Senators Valentine, Reid, Jones, Buttars, Robles, Christensen, and Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Waddoups	

**Absent or not voting were:** Senators

Stowell	Van Tassell
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\* \* \*

**S.B. 167, CONDOMINIUM AND COMMUNITY ASSOCIATION REVISIONS**, was read the second time. Senator Niederhauser explained the bill.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

**1st Sub. S.B. 167 Condominium and Community Association Revisions** (W. Niederhauser)

Senator Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Liljenquist	Madsen

Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Knudson	H. Stephenson	Stowell
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\* \* \*

On motion of Senator McAdams, the circle was removed from **S.B. 176**, CANDIDATE PARTY AFFILIATION, and it was before the Senate. Senator McAdams explained the bill. Senators Christensen and Madsen commented. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 5; Absent, 3.****Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Van Tassell			

**Voting in the negative were:** Senators

Hinkins	Jenkins	Reid	Valentine
Waddoups			

**Absent or not voting were:** Senators

Hillyard	Niederhauser	Stowell
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\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 261**, WRONGFUL FORECLOSURE ACT, and it was before the Senate. Senator Bramble explained the bill.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

**2nd Sub. S.B. 261 Wrongful Foreclosure Act (C. Bramble)**

The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams	Knudson	Niederhauser	Romero
Stowell			

\* \* \*

On motion of Senator Jenkins, and at 10:45 a.m., the Senate sauntered.

The Senate was called to order at 11:00 a.m., with President Waddoups presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 7, 2011

The House passed **H.C.R. 17**, CONCURRENT RESOLUTION HONORING JERRY SLOAN AND PHIL JOHNSON, by Representative P. Ray, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was read the first time by short title and referred to the Rules Committee.

On motion of Senator Dayton, the Senate voted to lift **H.C.R. 17** from Rules and place it on the top of the Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Dayton, under suspension of the rules, **H.C.R. 17**, CONCURRENT RESOLUTION HONORING JERRY SLOAN AND PHIL JOHNSON, was considered read the second and third time. Senators Jones, Christensen, Hillyard, Jenkins, Valentine, and Romero commented and the bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Hinkins	Stowell
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**H.C.R. 17** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**COMMITTEE OF THE WHOLE**

On motion of Senator Jenkins, Former Utah Jazz Coaches Jerry Sloan and Phil Johnson spoke in Committee of the Whole.

On motion of Senator Jenkins, the Committee of the Whole was dissolved.

\* \* \*

**S.B. 225**, PERSONAL INJURY PROTECTION ARBITRATION, was read the second time. Senator Urquhart explained the bill. Senators Thatcher and Stephenson commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 4; Absent, 3.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Niederhauser	Okerlund	Reid
H. Stephenson	J. Stevenson	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Morgan	Robles	Romero	Thatcher
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**Absent or not voting were:** Senators

Adams	Hinkins	Stowell
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\* \* \*

**S.B. 318, JUSTICE COURT MODIFICATIONS**, was read the second time. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment.

1. Page 1, Lines 13 through 16

13       ▶       requires that when a justice court is created or certified by the Judicial Council, the

14 justice court operate   {~~an audio-visual~~}   digital audio  
recording device; and

15       ▶       requires that the audio   {~~visual~~}   recordings of justice court proceedings be maintained

16 for a minimum of   {~~three years~~} one year .

2. Page 2, Lines 39 through 41:

39       (3) Notwithstanding Subsections (1) and (2), the Judicial Council may only create or

40 certify a justice court that ,on or before July 1, 2012, records its proceedings with   {~~an audio-visual~~}   a digital audio recording device and

41 maintains the audio   {~~visual~~}   recordings for a minimum of  
{~~three years~~} one year .

Senator Stephenson proposed the following substitute amendment:

1. Page 1, Lines 13 through 16

13       ▶       requires that when a justice court is created or certified by the Judicial Council, the

14 justice court operate   {~~an audio-visual~~}   digital audio  
recording device; and

15       ▶       requires that the audio   {~~visual~~}   recordings of justice court proceedings be maintained

16 for a minimum of   three years   .

2. Page 2, Lines 39 through 41:

39 (3) Notwithstanding Subsections (1) and (2), the Judicial Council may only create or

40 certify a justice court that ,on or before July 1, 2012, records its proceedings with {~~an audio-visual~~ } a digital audio recording device and

41 maintains the audio {~~visual~~ } recordings for a minimum of three years .

Senator Stephenson's substitute motion to amend passed on a voice vote. Senators Dayton, McAdams, Romero, and Urquhart commented. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 2; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Urquhart
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Robles	Romero
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**Absent or not voting were:** Senators

Bramble	Hinkins	Stowell	Thatcher
Valentine			

## COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 7, 2011

The Speaker of the House has signed **2nd Sub. S.B. 21**, TAX REVISIONS, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 56**, OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN AMENDMENTS, by Senator J. Stevenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 66**, MILITARY LEAVE FOR AN ELECTED OFFICIAL OF A POLITICAL SUBDIVISION, by Senator J. Valentine, et al, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 124**, LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE, by Senator B. McAdams, and it is transmitted for the signature of the President; and

The House passed, **3rd Sub. S.B. 129**, LICENSING OF PHYSICIAN-EDUCATORS, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 157**, PROPERTY TAX REVISIONS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 178**, MUNICIPAL LAND USE AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 204**, CAPITAL DEVELOPMENT AND IMPROVEMENT PROCESS APPROVAL REQUIREMENTS AMENDMENTS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 242**, ASSESSMENT AREA AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 7, 2011

The House passed, as amended, **H.B. 376**, SMALL CLAIMS COURT JURISDICTION, by Representative R. Edwards, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 388**, OPERATION AND MANAGEMENT OF CHARTER SCHOOLS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 405**, CHARGES FOR MEDICAL RECORDS, by Representative F. Gibson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 420**, WATER QUALITY BOARD POWERS AND DUTIES, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 470**, AUTHORIZED USE OF A BUSINESS NAME, by Representative R. Edwards, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Niederhauser, and at 12:00 noon, the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 3:00 p.m., with President Waddoups presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 7, 2011

The Speaker of the House has signed **2nd Sub. S.B. 120**, CAREER SERVICE AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill was signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 7, 2011

The House concurred in the Senate amendments and passed **1st Sub. H.B. 51**, SCHOOL AND INSTITUTIONAL TRUST LANDS, by Representative R. Barrus, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 226**, LOCAL GOVERNMENT FEE AUTHORITY, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 324**, HIV TESTING OF ALLEGED SEX OFFENDERS, by Representative R. Greenwood, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 333**, UNFAIR INDUCEMENTS RELATED TO INSURANCE PRODUCTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.C.R. 7**, CONCURRENT RESOLUTION SUPPORTING PUBLIC POLICIES THAT PROMOTE OUTDOOR ACTIVITIES FOR CHILDREN, by Representative J. Draxler, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

March 7, 2011

The House passed **H.B. 145**, PUBLIC SCHOOL PRIVACY AMENDMENTS, by Representative S. Eliason, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 249**, GROWING OF FOOD, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 281**, SEX OFFENDER AND KIDNAPPING AMENDMENTS, by Representative F. Cox, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 288**, CONCURRENT ENROLLMENT TRANSCRIPTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 353**, ABORTION FREEDOM OF CONSCIENCE, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 368**, ADOPTION OF CHILDREN, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 476**, PROCUREMENT CODE AMENDMENTS, by Representative B. Last, and it is transmitted for consideration.

The House passed, as amended, **H.B. 494**, JUSTICE COURTS, by Representative C. Herrod, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President:

March 7, 2011

The House refused to concur with the Senate Amendments to **H.B. 183**, SCHOOL DISTRICT LEAVE POLICIES, by Representative K. Grover, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Dayton, the Senate voted to refuse to recede from its amendments to **H.B. 183**. President Waddoups appointed a conference committee consisting of Senators Dayton, Stephenson, and Morgan to meet with a like committee from the House.

**SECOND READING CALENDAR**

**1st Sub. S.B. 232**, PUBLIC TRANSIT DISTRICT BOARD OF TRUSTEES AMENDMENTS, was read the second time. Senator Mayne explained the bill. Senators Jenkins and Bramble commented. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 4; Absent, 7.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Hillyard	Hinkins	Jones	Knudson
Mayne	McAdams	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Urquhart
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Dayton	Jenkins	Liljenquist	Okerlund
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**Absent or not voting were:** Senators

Adams	Madsen	Morgan	Niederhauser
Stowell	Thatcher	Valentine	

\* \* \*

On motion of Senator Liljenquist, the Senate voted to recall **H.B. 477, GOVERNMENT RECORDS AMENDMENTS**, from the House for reconsideration. Senators Butters, Valentine, Davis, and Jones commented.

\* \* \*

**1st Sub. S.B. 239, MOTOR AND SPECIAL FUEL TAX AMENDMENTS**, was read the second time. Senator Van Tassell explained the bill.

Senator Van Tassell proposed the following amendment:

- 1. Page 1, Line 21

21       ▶       repeals certain tax rate decal posting requirements;  
           {~~and~~}  
           ▶ increases the amount of the cap on the motor fuel tax revenue refund into the Off-Highway Vehicle Account; and

- 2. Page 2, Lines 54 through 55  
    Senate Committee Amendments  
    3-1-2011:

54       (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.  
 55       the commission {~~shall~~} may make rules implementing the provisions of this Subsection (1)(c).

- 3. Page 4, Lines 94 through 97:

94       (8) (a) The commission shall refund annually into the Off-Highway Vehicle Account in  
 95       the General Fund an amount equal to the lesser of the following:  
 96       (i) .5% of the motor fuel tax revenues collected under this section; or  
 97       (ii) {~~-\$1,050,000-~~} \$1,300,000 .

Senator Van Tassell’s motion to amend passed on a voice vote.

~ ~ ~

Senator Romero proposed the following amendment:

1. Page 10, Line 304:  
Delete "July 1, 2011" and insert "July 1, 2012"
2. Page 11, Line 312:  
Delete "July 1, 2011" and insert "July 1, 2012"

Senator Romero's motion to amend passed on a voice vote. Senator Davis commented. The bill failed second reading on the following roll call:

**Yeas, 8; Nays, 19; Absent, 2.**

**Voting in the affirmative were:** Senators

Davis	Okerlund	Reid	Romero
J. Stevenson	Stowell	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Robles
H. Stephenson	Thatcher	Urquhart	

**Absent or not voting were:** Senators

Hinkins	Valentine
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The bill was filed.

\* \* \*

**S.B. 300**, GOVERNMENT BONDING AMENDMENTS, was read the second time. Senator McAdams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hillyard	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	J. Stevenson
Stowell	Thatcher	Urquhart	Van Tassell
Waddoups			





**Absent or not voting was:** Senator  
Urquhart

\* \* \*

On motion of Senator Jenkins, and at 4:15 p.m., the Senate recessed.

## EVENING SESSION

The Senate reassembled at 5:10 p.m., with President Waddoups presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 7, 2011  
The House transmits **H.B. 477**, GOVERNMENT RECORDS  
AMENDMENTS, by Representative J. Dougall, for further consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. On motion of Senator Reid, the bill was placed on the Second Reading Calendar.

On motion of Senator Reid, the bill was circled.

### INTRODUCTION OF BILLS

**S.B. 2, New Fiscal Year Supplemental Appropriations Act** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

**S.B. 6, State Agency and Higher Education Compensation Appropriations** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Adams, the Senate voted to reconsider its action on **1st Sub. H.B. 115, MECHANICS' LIENS AMENDMENTS**, for technical amendments.

### SECOND READING CALENDAR

**S.B. 181, LOBBYIST DISCLOSURE AND REGULATION ACT REVISIONS**, was read the second time. Senator Liljenquist explained the bill. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hinkins	Jones	Liljenquist
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell			

**Absent or not voting were:** Senators

Dayton	Hillyard	Jenkins	Knudson
Madsen	Niederhauser	Stowell	Waddoups

\* \* \*

On motion of Senator McAdams, **S.B. 189**, TAX CODE MODIFICATIONS, was read the second time and circled.

\* \* \*

On motion of Senator McAdams, **S.B. 287**, SPECIALTY LICENSE PLATE AMENDMENTS, was read the second time and circled.

\* \* \*

On motion of Senator McAdams, **S.B. 288**, UTAH IMMIGRATION ENFORCEMENT AMENDMENTS, was read the second time and circled.

\* \* \*

**S.B. 293**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AND ANNEXATION AMENDMENTS, was read the second time. Senator Stevenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hinkins	Jones	Liljenquist
Mayne	McAdams	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell

**Absent or not voting were:** Senators

Dayton	Hillyard	Jenkins	Knudson
Madsen	Morgan	Niederhauser	Stowell
Waddoups			

\* \* \*

On motion of Senator Valentine, the circle was removed from **S.B. 287**, SPECIALTY LICENSE PLATE AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 1, Line 26

26        This bill takes effect on    {~~–October 1, 2011.–~~}    January 1, 2012.

2. Page 10, Lines 298 through 299:

298        (22)    {~~The~~}    Appropriations from the    Choose Life  
Adoption Support Restricted Account created in Section  
299    62A-4a-608.

3. Page 10, Line 301:

301        This bill takes effect on    {~~–October 1, 2011.~~}    January 1, 2012.

Senator Valentine’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 2; Absent, 9.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hinkins	Jones	Liljenquist
Mayne	Morgan	Okerlund	Reid
Robles	H. Stephenson	J. Stevenson	Thatcher
Valentine	Van Tassell		

**Voting in the negative were:** Senators

McAdams	Romero
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**Absent or not voting were:** Senators

Dayton	Hillyard	Jenkins	Knudson
Madsen	Niederhauser	Stowell	Urquhart
Waddoups			

\* \* \*

On motion of Senator Stephenson, **S.B. 305**, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, was read the second time and circled.

\* \* \*

**S.B. 277**, CHILD CUSTODY TASK FORCE, was read the second time. Senator Robles explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Jones	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell			

**Absent or not voting were:** Senators

Dayton	Hillyard	Hinkins	Jenkins
Knudson	Niederhauser	Stowell	Waddoups

\* \* \*

On motion of Senator Okerlund, **S.B. 184**, DISPOSAL OF ELECTRONIC WASTE, was read the second time and circled.

\* \* \*

On motion of Senator Valentine, **S.B. 201**, PROTECTION AGAINST UNFAIR COMPETITION THROUGH MISAPPROPRIATED TECHNOLOGY ACT, was read the second time and circled.

\* \* \*

On motion of Senator Valentine, **S.B. 228**, CRIMINAL FORFEITURE AMENDMENTS, was read the second time and circled.

\* \* \*

**S.B. 236**, REFERENDUM AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. Senators Valentine and Stephenson commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 1; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hinkins	Jones	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Reid	Robles	Romero
J. Stevenson	Thatcher	Valentine	Van Tassell

**Voting in the negative was:** Senator

H. Stephenson

**Absent or not voting were:** Senators

Dayton	Hillyard	Jenkins	Knudson
Niederhauser	Stowell	Urquhart	Waddoups

\* \* \*

On motion of Senator Liljenquist, the circle was removed from **S.B. 228**, CRIMINAL FORFEITURE AMENDMENTS, and it was before the Senate. On motion of Senator Liljenquist the Senate voted to send the bill back to the Rules Committee. Senators Valentine and Buttars commented.

\* \* \*

On motion of Senator Urquhart, **S.B. 244**, SALT LAKE COUNTY HIGHWAY PROJECT FUNDING, was read the second time and circled.

\* \* \*

On motion of Senator Urquhart, the circle was removed from **S.B. 184**, DISPOSAL OF ELECTRONIC WASTE, and it was before the Senate. Senator Urquhart explained the bill. Senator Romero commented. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hinkins	Jones	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell			

**Absent or not voting were:** Senators

Buttars	Dayton	Hillyard	Jenkins
Knudson	Niederhauser	Stowell	Waddoups

\* \* \*

**S.B. 301**, PUBLIC TRANSIT REVISIONS, was read the second time. Senator Stevenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hinkins	Jones	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell			

**Absent or not voting were:** Senators

Buttars	Dayton	Hillyard	Jenkins
Knudson	Niederhauser	Stowell	Waddoups

\* \* \*

On motion of Senator Valentine, **S.B. 310**, MOTOR VEHICLE INSURANCE AMENDMENT, was read the second time and circled.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, **S.B. 274**, COURT BUDGET AMENDMENTS, was considered read the second and third times. Senator Valentine explained the bill. The bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hinkins	Jones	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell		

**Absent or not voting were:** Senators

Dayton	Hillyard	Jenkins	Knudson
Niederhauser	Stowell	Waddoups	

**S.B. 274** was transmitted to the House.

\* \* \*

**S.B. 304**, PREVENTING BULLYING AND HAZING IN ELEMENTARY AND SECONDARY SCHOOLS, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Knudson	Stowell
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\* \* \*

**S.B. 319**, TECHNOLOGY COMMERCIALIZATION AND INNOVATION ACT, was read the second time. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 3, Line 89

89        63M-1-704. Administration -- Grants and loans .

2. Page 4, Lines 91 through 93:

91        (2) (a) (i) The office may award [~~Centers of Excellence~~]  
Technology Commercialization

92        and Innovation Program grants or issue loans to the various  
colleges, universities, and licensees in the state

93        for the purposes of this part.

(ii) If loans are issued under Subsection (2)(a)(i), the Division of



Finance may set up a fund or account as necessary for the the proper accounting of the loans.

Senator Bramble’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator Stowell

\* \* \*

On motion of Senator Madsen, the circle was removed from **S.B. 53, ELIGIBILITY FOR INTERSCHOLASTIC ACTIVITIES IN SECONDARY SCHOOLS**, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 2, Lines 48 through 50

48        (c) a public school that is not a charter school if the  
student’s charter school is located on the campus of the public  
49 school {–} or has local school board approval to locate on  
the campus of the public school.

(2) In addition to the public schools listed in Subsection (1), the  
State Board of Education may establish rules to allow a charter school  
student to participate in an extracurricular activity at a public school  
other than a public school listed in Subsection (1).

50        {–(2)–}        (3) A school other than a school described in  
Subsection (1)(a) [Ø], (b), or (c) may

2. Page 2, Line 56 through Page 3, Line 59:

56        {–(3)–}        (4) A charter school student is eligible for  
extracurricular activities at a public school

57 consistent with eligibility standards as applied to full-time students of the public school.

58 {-(4)-} (5) A school district or public school may not impose additional requirements on a

59 charter school student to participate in extracurricular activities that are not imposed on

3. Page 3, Line 61:

61 {-(5)-} (6) (a) The State Board of Education shall make rules establishing fees for charter

4. Page 3, Lines 75 through 77:

75 under Subsections {-(5)-} (6) (b)(iii) and (iv), the State Board of Education may establish uniform fees

76 statewide based on average costs statewide or average costs within a sample of school districts.

77 {-(6)-} (7) When selection to participate in an extracurricular activity at a public school is

Senator Madsen’s motion to amend passed on a voice vote. Senators Thatcher, Jones, Mayne, Knudson, Valentine, and Christensen commented. The bill passed second reading on the following roll call:

**Yeas, 16; Nays, 13; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Dayton
Jenkins	Liljenquist	Madsen	Niederhauser
Reid	Robles	H. Stephenson	J. Stevenson
Stowell	Thatcher	Valentine	Waddoups

**Voting in the negative were:** Senators

Christensen	Davis	Hillyard	Hinkins
Jones	Knudson	Mayne	McAdams
Morgan	Okerlund	Romero	Urquhart
Van Tassell			

\* \* \*

On motion of Senator Hillyard, the circle was removed from **H.B. 477, GOVERNMENT RECORDS AMENDMENTS**, and it was before the Senate.

Senator Buttars proposed the following amendment:

- 1. Page 3, Lines 68 through 69

68 Other Special Clauses:

69 This bill {~~provides an immediate effective date.~~  
 -} takes effect on July 1, 2011.

- 2. Page 59, Lines 1810 through 1814:

1810 Section 20. Effective date.

1811 {~~If approved by two thirds of all the members elected to  
 each house, this bill takes effect~~

1812 upon approval by the governor, or the day following the  
 constitutional time limit of Utah

1813 Constitution Article VII, Section 8, without the governor's  
 signature, or in the case of a veto,

1814 the date of veto override. } This bill takes effect on July 1,  
 2011.

Senator Buttars' motion to amend passed on a voice vote. Senators Hillyard and Davis commented.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 477**, GOVERNMENT RECORDS AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 23; Nays, 6; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Niederhauser	Okerlund	Reid	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Jones	Mayne	McAdams	Morgan
Robles	Romero		

**H.B. 477** was returned to the House for further consideration.

\* \* \*

On motion of Senator Adams, the circle was removed from **S.B. 256, TEACHER EFFECTIVENESS EVALUATION PROCESS**, and it was before the Senate.

On motion of Senator Adams, the following substitute bill replaced the original bill:

**1st Sub. S.B. 256 Teacher Effectiveness Evaluation Process** (S. Adams)

Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 8; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Dayton	Hillyard
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Reid
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Davis	Jones	Mayne	McAdams
Morgan	Robles	Romero	Thatcher

**Absent or not voting were:** Senators

Bramble	Buttars
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\* \* \*

On motion of Senator Stephenson, the circle was removed from **S.B. 305, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT**, and it was before the Senate. Senator Stephenson explained the bill.

On motion of Senator Stephenson, the following substitute bill replaced the original bill:

**1st Sub. S.B. 305 Economic Development Through Education / and Annexation Amendments** (H. Stephenson)

Senators Morgan and Jones commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Niederhauser
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**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 7, 2011

The House passed, as amended, **H.B. 131**, CUSTODY AND PARENT-TIME MODIFICATIONS, by Representative R. Edwards, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 158**, COORDINATION BETWEEN STATE AND LOCAL GOVERNMENT ON FEDERAL REGULATIONS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 354**, INSURANCE AMENDMENTS RELATING TO ABORTION, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.B. 357**, LONG-TERM CARE AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President: March 7, 2011

The Speaker of the House has appointed a Conference Committee consisting of Representatives K. Grover, G. Hughes, and M. Poulson to meet with a like

committee from the Senate to consider or amend **H.B. 183**, SCHOOL DISTRICT LEAVE POLICIES, by Representative K. Grover.

Sandy D. Tenney, Chief Clerk

\* \* \*

Mr. President:

March 7, 2011

The House transmits **1st Sub. H.B. 115**, MECHANICS' LIENS AMENDMENTS, by Representative M. Morley, for technical corrections.

Sandy D. Tenney, Chief Clerk

On motion of Senator Adams, the bill was placed at the top of the Third Reading Calendar.

\* \* \*

On motion of Senator Jenkins, the circle was removed from **1st Sub. H.B. 156**, ASSESSMENT OF PROPERTY WITH CONSERVATION EASEMENT, and it was before the Senate. Senator Jenkins explained the bill. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Valentine	Van Tassell	Waddoups

**Voting in the negative was:** Senator

Dayton

**Absent or not voting were:** Senators

Buttars	Hillyard	Thatcher	Urquhart
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\* \* \*

On motion of Senator Niederhauser, the circle was removed from **S.B. 244**, SALT LAKE COUNTY HIGHWAY PROJECT FUNDING, and it was before the Senate.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

**1st Sub. S.B. 244 Salt Lake County Highway Project Funding**  
(W. Niederhauser)

Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Voting in the negative was:** Senator  
Romero

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Urquhart
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\* \* \*

**3rd Sub. H.B. 48, FINGERPRINTS OF JUVENILES,** was read the second time. Senator Thatcher explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Davis	Liljenquist	Urquhart
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\* \* \*

Senator Niederhauser, made the motion to remove the circle from **2nd Sub. H.B. 76, FEDERAL LAW EVALUATION AND RESPONSE**. The motion failed on a voice vote.

\* \* \*

On motion of Senator Knudson, the Senate voted to lift the following bills from the Rules Committee and place them on the Second Reading Calendar:

<b>H.B. 384</b>	Veterans Preference Amendments (Rep. T. Cosgrove)
<b>H.B. 295</b>	Outdoor Advertising Amendments (Rep. M. Noel)
<b>H.B. 385</b>	County Jail Medical Expenses (Rep. B. Daw)
<b>1st Sub. H.B. 420</b>	Water Quality Board Powers and Duties (Rep. Julie Fisher)
<b>1st Sub. H.B. 405</b>	Charges for Medical Records (Rep. F. Gibson)
<b>1st Sub. H.B. 280</b>	State Agency Realignment (Rep. W. Harper)
<b>H.B. 446</b>	Local District Tax Amendments (Rep. D. Brown)
<b>H.B. 374</b>	Domestic Violence Amendments (Rep. B. Last)
<b>H.B. 451</b>	Tobacco Settlement Funds Amendment (Rep. D. Litvack)
<b>H.B. 288</b>	Concurrent Enrollment Transcripts (Rep. R. Menlove)
<b>H.B. 469</b>	Immigration Related Amendments (Rep. J. Dougall)
<b>H.C.R. 18</b>	Concurrent Resolution Approving Solid Waste Facility Classification Change (Rep. B. Dee)
<b>1st Sub. H.B. 273</b>	Animal Control Amendments (Rep. J. Seelig)
<b>H.B. 137</b>	Transportation Changes (Rep. K. Sumsion)
<b>1st Sub. H.B. 132</b>	Water Quality Amendments (Rep. B. Wright)
<b>H.B. 104</b>	Homeowner Association Amendments (Rep. R. C. Webb)
<b>H.B. 199</b>	Advertisements on School Buses (Rep. J. Bird)
<b>1st Sub. H.B. 481</b>	Transportation of Mental Illness Patients (Rep. P. Ray)
<b>H.B. 411</b>	Approaching Stationary Emergency Vehicle Amendments (Rep. D. Ipson)
<b>H.B. 272</b>	Indigent Defense Act Amendments (Rep. K. McIff)
<b>1st Sub. H.B. 349</b>	Expedited Jury Trials (Rep. B. King)
<b>2nd Sub. H.B. 76</b>	Federal Law Evaluation and Response (Rep. K. Ivory)
<b>1st Sub. H.B. 445</b>	Prison Relocation and Development Authority Act (Rep. G. Hughes)
<b>1st Sub. H.B. 16</b>	Pharmacy Benefits Manager Act (Rep. E. Vickers)
<b>H.B. 314</b>	Insurance Requirements for Child Care Buses (Rep. J. Anderson)
<b>H.B. 168</b>	Child Identity Theft Protection Amendments (Rep. E. Hutchings)



- H.B. 358** Access to Controlled Substance Database Revisions  
(Rep. S. Eliason)
- H.B. 415** Schools for the Deaf and Blind Foundation  
(Rep. S. Handy)
- H.B. 391** National Guard Joint Forces Headquarters Modifications  
(Rep. V. Peterson)

On motion of Senator Adams, the Senate voted to move to the Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Adams, under suspension of the rules, **1st Sub. H.B. 115, MECHANICS' LIENS AMENDMENTS**, was considered read the first, second, and third times and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Madsen	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Buttars	Knudson	Liljenquist
Mayne	Urquhart		

**1st Sub. H.B. 115** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Christensen, the circle was removed from **H.B. 334, FAMILY EXPENSE AMENDMENTS**, and it was before the Senate.

Senator Christensen proposed the following amendment:

1. Page 2, Lines 29 through 30

29        (2) In an action by a creditor against either husband or wife for the payment of a family

30 expense, the creditor or debtor as the prevailing party shall be entitled to recover reasonable collection costs, interest, and attorney fees as provided in a contract between the creditor and debtor .

Senator Christensen's motion to amend passed on a voice vote. Senator Christensen explained the bill. Senator Valentine commented. The bill passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	Stowell	Thatcher
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Liljenquist
J. Stevenson	Urquhart		

**H.B. 334**, as amended, was returned to the House for further consideration.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 7, 2011

The House concurred in the Senate amendments and passed **H.B. 477**, GOVERNMENT RECORDS AMENDMENTS, by Representative J. Dougall, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Jenkins and at 7:15 p.m., the Senate adjourned until 8:00 a.m., Tuesday, March 8, 2011.

# FORTY-THIRD DAY

## MORNING SESSION

**March 8, 2011**

The Senate was called to order at 9:10 a.m., with President Michael Waddoups presiding.

**Prayer** – Senator Wayne Niederhauser

**Pledge of Allegiance** – Senator Kevin Van Tassell

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)

#### INTRODUCTION OF BILLS

**S.B. 4, Current School Year Supplemental Public Education Budget Adjustments** (D. C. Buttars), was read the first time by short title and referred to the Rules Committee.

#### CONSENT CALENDAR

**S.B. 174, MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS**, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Hillyard	Hinkins	Jenkins	McAdams
Stowell			

**S.B. 174** was transmitted to the House for consideration.

\* \* \*

**H.J.R. 38**, JOINT RESOLUTION TO AMEND RULE OF EVIDENCE, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hillyard	Jenkins	McAdams	Stowell
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**H.J.R. 38** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. S.B. 280**, GOVERNMENT OPERATIONS AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard	Jenkins	Stowell
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**1st Sub. S.B. 280** was transmitted to the House for consideration.

\* \* \*

**S.B. 282**, SMALL MINING OPERATIONS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard	Jenkins	Stowell
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**S.B. 282** was transmitted to the House for consideration.

\* \* \*

**H.B. 351**, HOMELESS COORDINATING COMMITTEE MODIFICATIONS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard	Jenkins	Stowell
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**H.B. 351** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 371**, MOTOR HOME TAXES AND FEES, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard	Jenkins	Stowell
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**H.B. 371** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 444**, OPERATION AND MAINTENANCE NEEDS REPORT FOR UTAH HIGHWAYS, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard	Jenkins	Stowell
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**H.B. 444** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

**S.B. 257**, LEGISLATIVE COUNSEL RELATING TO UNITED STATES SENATORS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Hillyard	Stowell
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**S.B. 257** was transmitted to the House for consideration.

\* \* \*

**S.B. 186**, UTAH MEDICAL PRACTICE ACT AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard	Jenkins	Stowell
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**S.B. 186** was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 167**, CONDOMINIUM AND COMMUNITY ASSOCIATION REVISIONS, was read the third time and explained by Senator Niederhauser.

Senator Niederhauser proposed the following amendment:

1. Page 22, Line 651

651 (b) a first or second security interest on the unit secured by a mortgage or deed of trust that is recorded before a recorded notice of lien by or on

2. Page 44, Line 1333:

1333 (b) a first or second security interest on the lot secured by a mortgage or trust deed that is recorded before a recorded notice of lien by or on

Senator Niederhauser’s motion to amend passed on a voice vote and the bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Waddoups			

**Absent or not voting were:** Senators

Hillyard	Madsen	Stowell	Van Tassell
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**1st Sub. S.B. 167** was transmitted to the House for consideration.

\* \* \*

**S.B. 176**, CANDIDATE PARTY AFFILIATION, was read the third time, explained by Senator McAdams, and failed on the following roll call:

**Yeas, 8; Nays, 16; Absent, 5.**

**Voting in the affirmative were:** Senators

Dayton	Jones	Madsen	Mayne
McAdams	Morgan	Robles	Romero

**Voting in the negative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hinkins	Jenkins	Knudson
Liljenquist	Okerlund	Reid	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Waddoups



**Absent or not voting were:** Senators

Hillyard	Niederhauser	Stowell	Valentine
Van Tassell			

**S.B. 176** was filed.

\* \* \*

**2nd Sub. S.B. 261**, WRONGFUL FORECLOSURE ACT, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Hillyard	Madsen	Niederhauser	Stowell
Valentine			

**2nd Sub. S.B. 261** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Urquhart, **S.B. 225**, PERSONAL INJURY PROTECTION ARBITRATION, was read the third time and circled.

\* \* \*

**S.B. 318**, JUSTICE COURT MODIFICATIONS, was read the third time and explained by Senator Buttars.

Senator Bramble proposed the following amendment:

1. Page 1, Line 16:  
Delete “three” and insert “one”
2. Page 2, Line 41:  
Delete “three” and insert “one”

Senator Bramble’s motion to amend passed on a voice vote and the bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard	Niederhauser	Stowell
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**S.B. 318** was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 232, PUBLIC TRANSIT DISTRICT BOARD OF TRUSTEES AMENDMENTS**, was read the third time and explained by Senator Mayne. Senator Jenkins commented and the bill failed on the following roll call:

**Yeas, 8; Nays, 16; Absent, 5.**

**Voting in the affirmative were:** Senators

Davis	Hinkins	Jones	Mayne
McAdams	Morgan	Robles	Romero

**Voting in the negative were:** Senators

Adams	Buttars	Christensen	Dayton
Jenkins	Knudson	Liljenquist	Madsen
Okerlund	Reid	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Waddoups

**Absent or not voting were:** Senators

Bramble	Hillyard	Niederhauser	Stowell
Van Tassell			

**1st Sub. S.B. 232** was filed.

\* \* \*

**S.B. 300, GOVERNMENT BONDING AMENDMENTS**, was read the third time, explained by Senator McAdams, and passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	J. Stevenson
Thatcher	Urquhart	Valentine	Waddoups

**Voting in the negative were:** Senators

Jenkins	H. Stephenson
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**Absent or not voting were:** Senators

Niederhauser	Stowell	Van Tassell
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**S.B. 300** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, **1st Sub. S.B. 165**, ELECTION LAW AMENDMENTS, was read the third time and circled.

\* \* \*

**S.B. 224**, PARTISAN SCHOOL BOARD ELECTIONS, was read the third time and explained by Senator Stephenson. Senators Romero and Buttars commented and the bill passed on the following roll call:

**Yeas, 17; Nays, 12; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Dayton
Jenkins	Liljenquist	Madsen	Niederhauser
Okerlund	Reid	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Waddoups			

**Voting in the negative were:** Senators

Christensen	Davis	Hillyard	Hinkins
Jones	Knudson	Mayne	McAdams
Morgan	Robles	Romero	Van Tassell

**S.B. 224** was transmitted to the House for consideration.

\* \* \*

**S.B. 181**, LOBBYIST DISCLOSURE AND REGULATION ACT REVISIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Jenkins

**S.B. 181** was transmitted to the House for consideration.

\* \* \*

**S.B. 293**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AND ANNEXATION AMENDMENTS, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Jenkins

**S.B. 293** was transmitted to the House for consideration.

\* \* \*

**S.B. 287**, SPECIALTY LICENSE PLATE AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 24; Nays, 3; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Reid	Robles
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Jenkins	McAdams	Romero
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**Absent or not voting were:** Senators

Buttars	Hillyard
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**S.B. 287** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 165**, ELECTION LAW AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

**2nd Sub. S.B. 165 Election Law Amendments**

On motion of Senator Bramble, the bill was circled.

\* \* \*

**S.B. 277**, CHILD CUSTODY TASK FORCE, was read the third time and explained by Senator Robles.

Senator Robles proposed the following amendment:

1. Page 2, Lines 45 through 48

45      (1) The task force shall:

46 (a) review and make recommendations on Utah’s divorce laws regarding child custody:

47 (b) investigate methods and procedures used in other states { ~~including joint legal~~

48 custody and joint physical custody } :

Senator Robles’ motion to amend passed on a voice vote and the bill failed on the following roll call:

**Yeas, 13; Nays, 11; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Jones	Madsen	Mayne	McAdams
Morgan	Robles	Romero	Stowell
Van Tassell			

**Voting in the negative were:** Senators

Dayton	Hinkins	Jenkins	Knudson
Liljenquist	Okerlund	Reid	H. Stephenson
J. Stevenson	Thatcher	Waddoups	

**Absent or not voting were:** Senators

Buttars	Hillyard	Niederhauser	Urquhart
Valentine			

**S.B. 277** was filed.

\* \* \*

**S.B. 236**, REFERENDUM AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 20; Nays, 2; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Okerlund	Reid	Romero	J. Stevenson
Stowell	Thatcher	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Robles	H. Stephenson
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**Absent or not voting were:** Senators

Buttars	Davis	Hillyard	Morgan
Niederhauser	Urquhart	Valentine	

**S.B. 236** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, the circle was removed from **2nd Sub. S.B. 165, ELECTION LAW AMENDMENTS**, and it was before the Senate. Senator Bramble explained the bill.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**S.B. 184, DISPOSAL OF ELECTRONIC WASTE**, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Hillyard	Robles	Valentine
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**S.B. 184** was transmitted to the House for consideration.

\* \* \*

**S.B. 301, PUBLIC TRANSIT REVISIONS**, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

**Yeas, 22; Nays, 2; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jones	Liljenquist

Madsen	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Jenkins	Mayne
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**Absent or not voting were:** Senators

Buttars	Hillyard	Knudson	Robles
Valentine			

**S.B. 301** was transmitted to the House for consideration.

\* \* \*

**S.B. 304**, PREVENTING BULLYING AND HAZING IN ELEMENTARY AND SECONDARY SCHOOLS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Hillyard	Knudson	Urquhart
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**S.B. 304** was transmitted to the House for consideration.

\* \* \*

**S.B. 319**, TECHNOLOGY COMMERCIALIZATION AND INNOVATION ACT, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**



**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Hillyard	Knudson
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**S.B. 319** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Madsen, **S.B. 53**, ELIGIBILITY FOR INTERSCHOLASTIC ACTIVITIES IN SECONDARY SCHOOLS, was read the third time and circled.

\* \* \*

**1st Sub. S.B. 256**, TEACHER EFFECTIVENESS EVALUATION PROCESS, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 19; Nays, 7; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hillyard	Hinkins	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Reid
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Davis	Jones	Mayne	Morgan
Robles	Romero	Thatcher	

**Absent or not voting were:** Senators

Buttars	Jenkins	McAdams
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**1st Sub. S.B. 256** was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 305**, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Jenkins
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**1st Sub. S.B. 305** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Valentine, **1st Sub. H.B. 156**, ASSESSMENT OF PROPERTY WITH CONSERVATION EASEMENT, was read the third time and circled.

\* \* \*

**1st Sub. S.B. 244**, SALT LAKE COUNTY HIGHWAY PROJECT FUNDING, was read the third time and explained by Senator Niederhauser. Senators Hillyard and Stephenson commented and the bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars                      Jenkins                      Madsen

**1st Sub. S.B. 244** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Jenkins, the circle was removed from **1st Sub. H.B. 156**, ASSESSMENT OF PROPERTY WITH CONSERVATION EASEMENT, and it was before the Senate. Senator Valentine declared a conflict of interest. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars                      Madsen

**1st Sub. H.B. 156** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**3rd Sub. H.B. 48**, FINGERPRINTS OF JUVENILES, was read the third time and explained by Senator Thatcher.

On motion of Senator Thatcher, the bill was circled.

\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 93**, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS, and it was before the Senate. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

- 1. Page 4, Lines 109a through 109c  
Senate Committee Amendments  
3-1-2011

109a ~~§→ (d) For an attorney who the division finds is not to be exempt under Subsection (2)(m), the~~

109b ~~division may independently take enforcement action against the attorney under Part 4.~~

109c ~~Enforcement.~~ ←~~§~~

Senator Valentine’s motion to amend passed on a voice vote. Senators Waddoups, Reid and Urquhart commented. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Romero
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**H.B. 93**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble, the Senate voted to recall **2nd Sub. S.B. 261, CHANGES TO TRUST DEED FORECLOSURE PROVISIONS**, from the House for the purpose of making an amendment.

On motion of Senator Jenkins, and at 11:00 a.m., the Senate sauntered.

The Senate was called to order at 11:30 a.m., with President Waddoups presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 8, 2011

The House passed, **1st Sub. S.B. 212**, JUDICIAL EVALUATION AMENDMENTS, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 7, 2011

The House passed, as substituted and amended, **1st Sub. H.B. 89**, PROTECTION OF CHILDREN RIDING IN MOTOR VEHICLES, by Representative P. Arent, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 171**, ABORTION CLINIC LICENSING, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 260**, MECHANICS' LIENS REVISIONS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 302**, READING PROGRAM AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 304**, CAMPAIGN FINANCE REVISIONS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 320**, 4-H SPECIAL GROUP LICENSE PLATE, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 339**, CHARTER SCHOOL ENROLLMENT AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 404**, STATE HEALTH INSURANCE AMENDMENTS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 445**, PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.J.R. 13**, JOINT RESOLUTION TO IMPLEMENT LEGISLATIVE COMPENSATION JOINT RULES CHANGES, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President: March 8, 2011

The House substituted, amended, and passed, **1st Sub. S.B. 243**, HISTORIC AREAS OR SITES AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 16**, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

**SECOND READING CALENDAR**

**H.B. 384**, VETERANS PREFERENCE AMENDMENTS, was read the second time. Senator Knudson explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Thatcher	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Robles                      Stowell                      Urquhart

\* \* \*

**H.B. 295**, OUTDOOR ADVERTISING AMENDMENTS, was read the second time. Senator Niederhauser explained the bill.

Senator Knudson proposed the following amendment:

- 1. Page 4, Line 101:  
After “repaint, ” insert “remodel, utilize in conformance with this part.”

Senator Knudson’s motion to amend passed on a voice vote. Senator Jenkins commented. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	H. Stephenson	J. Stevenson
Stowell	Thatcher	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Jenkins                      Robles                      Romero                      Urquhart

\* \* \*

**H.B. 385**, COUNTY JAIL MEDICAL EXPENSES, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist

Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Romero

\* \* \*

**1st Sub. H.B. 420**, WATER QUALITY BOARD POWERS AND DUTIES, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators  
Hillyard                      Romero

\* \* \*

**1st Sub. H.B. 405**, CHARGES FOR MEDICAL RECORDS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		



**Absent or not voting were:** Senators

Hillyard                      Madsen                      Romero

\* \* \*

On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Bramble, the circle was removed from **2nd Sub. S.B. 165, ELECTION LAW AMENDMENTS**, and it was before the Senate. Senator Bramble explained the bill. Senator McAdams commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Morgan	Niederhauser	Okerlund
Reid	Robles	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative was:** Senator  
McAdams

**Absent or not voting were:** Senators

Mayne                      Romero

**2nd Sub. S.B. 165** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Jenkins, and at 12:15 p.m., the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:50 p.m., with President Waddoups presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 8, 2011

The House passed, **1st Sub. S.B. 68**, SOLID WASTE AMENDMENTS, by Senator K. Van Tassell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 70**, COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 131**, UNINCORPORATED BUSINESS ENTITY UNIFORM ACTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 198**, DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 281**, ELECTION REGISTRATION AMENDMENTS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.C.R. 8**, CONCURRENT RESOLUTION APPROVING A COMMERCIAL NONHAZARDOUS SOLID WASTE LANDFILL, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 8, 2011

The House passed, as amended, **H.B. 370**, BAIL BOND AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 428**, WATER ISSUES TASK FORCE, by Representative P. Painter, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President:

March 8, 2011

The House substituted and passed, **1st Sub. S.B. 259**, AMENDMENTS TO CERTAIN LOCAL GOVERNMENT TAXES AND FEES, by Senator D. Stowell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

\* \* \*

Mr. President:

March 8, 2011

The House transmits **2nd Sub. S.B. 261**, CHANGES TO TRUST DEED FORECLOSURE PROVISIONS, by Senator C. Bramble, for further consideration.

Sandy D. Tenney, Chief Clerk

On motion of Senator Valentine, the bill was placed at the top of the Third Reading calendar.

## INTRODUCTION OF BILLS

**S.B. 5, Revenue Bond and Capital Facilities Authorizations** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

## SECOND READING CALENDAR

On motion of Senator Reid, under suspension of the rules, **1st Sub. H.B. 280**, STATE AGENCY REALIGNMENT, was considered read the second and third times and passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Davis	Dayton	Hinkins
Jones	Knudson	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell			

**Absent or not voting were:** Senators

Bramble	Buttars	Christensen	Hillyard
Jenkins	Liljenquist	McAdams	Waddoups

**1st Sub. H.B. 280** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Valentine, **H.B. 446, LOCAL DISTRICT TAX AMENDMENTS**, was read the second time and circled.

\* \* \*

**H.B. 374, DOMESTIC VIOLENCE AMENDMENTS**, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	Morgan	Niederhauser
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell		

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Liljenquist
McAdams	Okerlund	Waddoups	

\* \* \*

On motion of Senator Davis, **H.B. 451, TOBACCO SETTLEMENT FUNDS AMENDMENTS**, was read the second time and circled.

\* \* \*

On motion of Senator Dayton, **H.B. 288**, CONCURRENT ENROLLMENT TRANSCRIPTS, was read the second time and circled.

\* \* \*

On motion of Senator Niederhauser, **H.B. 469**, IMMIGRATION RELATED AMENDMENTS, was read the second time and circled.

\* \* \*

**H.C.R. 18**, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY CLASSIFICATION CHANGE, was read the second time. Senator Stevenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Buttars	Jenkins	McAdams
Valentine			

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **H.B. 469**, IMMIGRATION RELATED AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 2, Lines 31 through 32

31 This bill coordinates with H.B. {~~-70,-~~} 497, Utah  
 Illegal Immigration Enforcement Act, to make

32 substantive amendments.

2. Page 10, Lines 296 through 306:

296 If this H.B. 469 and H.B. { -70 } 497 ,  
Utah Illegal Immigration Enforcement Act, both pass, it is the  
 297 intent of the Legislature that the Office of Legislative Research and  
General Counsel make the  
 298 following changes:  
 299 (1) delete the “or” at the end of Subsection  
76-9-1004(1) { -~~d~~ } (c) enacted in H.B.  
{ -70 } 497 ;  
 300 (2) delete the “.” and insert “; or” at the end of Subsection  
76-9-1004(1) { -~~e~~ } (d) enacted in  
 301 H.B. { -70 } 497 ;  
 302 (3) insert a new Subsection (1) { -~~f~~ } (e) in Section  
76-9-1004 enacted in H.B. { -70 } 497 that reads:  
 303 ” { -~~f~~ } (e) a valid resident immigrant permit issued  
under Section 63G-12-204.”; and  
 304 (4) insert a new Subsection (6) in Section 76-10-2901 amended  
in H.B. { -70 } 497 that reads:  
 305 ”(6) An individual’s participation in Title 63G, Chapter 12,  
Utah Pilot Sponsored  
 306 Resident Immigrant Program Act, either as a sponsor or resident  
alien does not constitute

Senator Niederhauser’s motion to amend passed on a voice vote.

On motion of Senator Niederhauser, under suspension of the rules, **H.B. 469**, IMMIGRATION RELATED AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 19; Nays, 6; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hillyard	Hinkins	Knudson	Liljenquist
Madsen	Morgan	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Davis	Jones	Mayne	Robles
Romero	Urquhart		

**Absent or not voting were:** Senators

Buttars	Jenkins	McAdams	Valentine
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**H.B. 469**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift **S.B. 2**, **S.B. 4**, and **S.B. 6** from Rules and place them at the top of the Second Reading Calendar.

On motion of Senator Hillyard, the bills were circled.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 446**, LOCAL DISTRICT TAX AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Hillyard	Hinkins	Knudson	Madsen
Mayne	McAdams	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Christensen	Jenkins	Jones
Liljenquist	Morgan	Valentine	

\* \* \*

On motion of Senator Hillyard, the circle was removed from **H.B. 451**, TOBACCO SETTLEMENT FUNDS AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Hillyard	Hinkins	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Christensen	Jenkins	Jones
Liljenquist	Robles	Valentine	

\* \* \*

On motion of Senator Stowell, **1st Sub. H.B. 273**, ANIMAL CONTROL AMENDMENTS, was read the second time and circled.

\* \* \*

**H.B. 137**, TRANSPORTATION CHANGES, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 1; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Hillyard	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Voting in the negative was:** Senator

McAdams

**Absent or not voting were:** Senators

Buttars	Christensen	Hinkins	Jenkins
Jones	Reid	Robles	Valentine

\* \* \*

On motion of Senator Adams, **H.B. 104**, HOMEOWNER ASSOCIATION AMENDMENTS, was read the second time and circled.



\* \* \*

On motion of Senator Hillyard, **H.B. 199**, ADVERTISEMENTS ON SCHOOL BUSES, was read the second time and circled.

\* \* \*

**1st Sub. H.B. 481**, TRANSPORTATION OF MENTAL ILLNESS PATIENTS, was read the second time. Senator Stevenson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Davis	Dayton	Hillyard	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Christensen
Hinkins	Jenkins	Jones	Reid
Robles			

\* \* \*

**H.B. 411**, APPROACHING STATIONARY EMERGENCY VEHICLE AMENDMENTS, was read the second time. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 3, Line 59

59 attendance of the classroom course required under Subsection (5)(a), within {~~60~~ } 90 days of

2. Page 3, Lines 62 through 63:

62 {(c) The Utah Safety Council shall notify the Driver License Division whether an

63 individual has attended the course required in this Subsection (5).}

Senator Valentine’s motion to amend passed on a voice vote. Senator Mayne commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Hillyard
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Waddoups

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Hinkins
Jenkins	Jones	Reid	Robles
Van Tassell			

\* \* \*

**H.B. 272**, INDIGENT DEFENSE ACT AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 0; Absent, 11.**

**Voting in the affirmative were:** Senators

Davis	Dayton	Hillyard	Knudson
Liljenquist	Madsen	Mayne	Niederhauser
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Christensen
Hinkins	Jenkins	Jones	McAdams
Morgan	Reid	Robles	

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **2nd Sub. H.B. 76**, FEDERAL LAW EVALUATION AND RESPONSE, and it was before the Senate. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 3, Line 60b  
Senate Committee Amendments  
3-2-2011

60b technical and substantive amendments. ←Ŝ

This bill coordinates with H.J.R. 29, Federalism Interim Committee Joint Resolution, by modifying substantive language.

- 2. Page 3, Line 73b  
Senate Committee Amendments  
3-2-2011:

73b 53C-3-203, as last amended by Laws of Utah 2010, Chapters 79 and 262 ←Ŝ

63C-4-106, Utah Code Annotated 1953

- 3. Page 23, Line 691o  
Senate Committee Amendments  
3-2-2011:

691o administration before awarding the grants described in Subsection (4)(b)(viii)." ←Ŝ

Section 14. Coordinating H.B. 76 with H.J.R. 29 --Modifying substantive language.

If this H.B. 76 and H.J.R. 29, Federalism Interim Committee Joint Resolution, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 63C-4-106(7) by deleting "Government Operations" and inserting "Federalism".

Senator Niederhauer’s motion to amend passed on a voice vote.

~ ~ ~

Senator Okerlund proposed the following amendment:

- 1. Page 23, Lines 691n through 691o  
Senate Committee Amendments  
3-2-2011

691n "(5) The administration shall make recommendations to the Permanent Community Impact Fund Board {~~shall consult with the~~

691o ~~administration~~ before } for its consideration when awarding the grants described in Subsection (4)(b)(viii)." ←Ŝ

Senator Okerlund’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 17; Nays, 1; Absent, 11.**

**Voting in the affirmative were:** Senators

Christensen	Dayton	Hillyard	Hinkins
Knudson	Liljenquist	Madsen	Mayne
Niederhauser	Okerlund	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Van Tassell
Waddoups			

**Voting in the negative was:** Senator  
Romero

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Davis
Jenkins	Jones	McAdams	Morgan
Reid	Robles	Valentine	

\* \* \*

On motion of Senator Romero, **1st Sub. H.B. 16**, PHARMACY BENEFITS MANAGER ACT, was read the second time and circled.

\* \* \*

**H.B. 314**, INSURANCE REQUIREMENTS FOR CHILD CARE BUSES, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

**Yeas, 16; Nays, 0; Absent, 13.**

**Voting in the affirmative were:** Senators

Davis	Dayton	Hillyard	Hinkins
Knudson	Madsen	Mayne	Niederhauser
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Van Tassell

**Absent or not voting were:** Senators

Adams	Bramble	Buttars	Christensen
Jenkins	Jones	Liljenquist	McAdams
Morgan	Reid	Robles	Valentine
Waddoups			

\* \* \*

**H.B. 168**, CHILD IDENTITY THEFT PROTECTION AMENDMENTS, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Adams	Davis	Dayton	Hillyard
Hinkins	Jenkins	Knudson	Madsen
Mayne	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Buttars	Christensen	Jones
Liljenquist	McAdams	Morgan	Reid
Robles			

\* \* \*

On motion of Senator Adams, the circle was removed from **H.B. 104, HOMEOWNER ASSOCIATION AMENDMENTS**, and it was before the Senate.

On motion of Senator Adams, the following substitute bill replaced the original bill:

**1st Sub. H.B. 104 Homeowner Association Amendments (R. C. Webb)**

Senator Adams explained the bill. Senator Waddoups commented. The bill passed on the following roll call:

**Yeas, 17; Nays, 0; Absent, 12.**

**Voting in the affirmative were:** Senators

Adams	Davis	Dayton	Hillyard
Hinkins	Knudson	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Christensen	Jenkins
Jones	Liljenquist	Madsen	Mayne
McAdams	Morgan	Reid	Robles

\* \* \*

**H.B. 358, ACCESS TO CONTROLLED SUBSTANCE DATABASE REVISIONS**, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

**Yeas, 15; Nays, 1; Absent, 13.**

**Voting in the affirmative were:** Senators

Adams	Davis	Dayton	Hillyard
Hinkins	Knudson	Mayne	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

**Voting in the negative was:** Senator

Romero

**Absent or not voting were:** Senators

Bramble	Buttars	Christensen	Jenkins
Jones	Liljenquist	Madsen	McAdams
Morgan	Reid	Robles	Thatcher
Urquhart			

\* \* \*

**H.B. 415, SCHOOLS FOR THE DEAF AND BLIND FOUNDATION**, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

**Yeas, 17; Nays, 0; Absent, 12.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Hillyard	Hinkins	Knudson	Mayne
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Christensen	Jenkins	Jones
Liljenquist	Madsen	McAdams	Morgan
Niederhauser	Reid	Robles	Thatcher

\* \* \*

On motion of Senator Dayton, the circle was removed from **H.B. 288, CONCURRENT ENROLLMENT TRANSCRIPTS**, and it was before the Senate. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Madsen	Mayne	McAdams
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Jones	Liljenquist	Morgan
Reid	Robles		

\* \* \*

On motion of Senator Waddoups, the circle was removed from **H.B. 199**, ADVERTISEMENTS ON SCHOOL BUSES, and it was before the Senate. Senator Waddoups explained the bill. Senators Hillyard, Jenkins, Jones, and Stephenson commented. The bill passed second reading on the following roll call:

**Yeas, 17; Nays, 7; Absent, 5.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Hillyard
Hinkins	Jones	Knudson	Madsen
Mayne	McAdams	Okerlund	Robles
H. Stephenson	Stowell	Thatcher	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Dayton	Jenkins	Niederhauser	Romero
J. Stevenson	Urquhart	Valentine	

**Absent or not voting were:** Senators

Adams	Buttars	Liljenquist	Morgan
Reid			

\* \* \*

**H.B. 391**, NATIONAL GUARD JOINT FORCES HEADQUARTERS MODIFICATIONS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	

**Absent or not voting were:** Senators

Adams	Buttars	Liljenquist	Morgan
Reid	Waddoups		

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 16, PHARMACY BENEFITS MANAGER ACT**, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

**3rd Sub. H.B. 16 Pharmacy Benefits Manager Act** (E. Vickers)

Senator Bramble explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell		

**Absent or not voting were:** Senators

Adams	Buttars	Dayton	Liljenquist
Morgan	Reid	Waddoups	

\* \* \*

On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.



**THIRD READING CALENDAR**

**2nd Sub. S.B. 261**, CHANGES TO TRUST DEED FORECLOSURE PROVISIONS, was before the Senate and explained by Senator Bramble.

Senator Bramble proposed the following amendment:

- 1. Page 3, Line 77

77       (2) (a)   {~~An~~ }   The attorney general may assess an unauthorized person who exercises a power of sale   {~~is subject to~~ }  
a civil

- 2. Page 3, Lines 79 through 80:

79       (b) In an action to   {~~impose~~ }   collect a civil penalty  
under Subsection (2)(a), the court shall

80 require   {~~a~~ }   an unauthorized person found to  
{~~violate Subsection (2)(a)~~ }   have exercised a power of sale to  
pay the plaintiff's costs and attorney fees.

(c) A civil penalty collected under this section shall be deposited into the General Fund.

Senator Bramble's motion to amend passed on a voice vote and the bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell		

**Absent or not voting were:** Senators

Adams	Buttars	Dayton	Liljenquist
Morgan	Reid	Waddoups	

**2nd Sub. S.B. 261** was transmitted to the House.

\* \* \*

On motion of Senator Knudson, the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar:

<b>H.B. 316</b>	Taxation of Surplus Lines of Insurance (Rep. T. Kiser)
<b>H.B. 303</b>	Prepaid Wireless 911 Service Charge (Rep. B. Dee)
<b>H.J.R. 34</b>	Joint Resolution Authorizing Lease of Rio Grande Depot (Rep. D. Litvack)
<b>H.B. 388</b>	Operation and Management of Charter Schools (Rep. C. Herrod)
<b>1st Sub. H.B. 327</b>	Public Education Annual Report Amendments (Rep. L. Christensen)
<b>1st Sub. H.B. 269</b>	Commission on Civic and Character Education (Rep. L. Christensen)
<b>H.B. 178</b>	Dispatcher Service Amendments (Rep. R. Greenwood)
<b>H.B. 412</b>	Land Use Revisions (Rep. G. Froerer)
<b>H.B. 400</b>	Regulation of Mining Operations (Rep. M. Noel)
<b>H.J.R. 29</b>	Federalism Interim Committee Joint Resolution (Rep. C. Herrod)
<b>H.B. 130</b>	Election Day Voting Centers (Rep. R. Chavez–Houck)
<b>H.B. 428</b>	Water Issues Task Force (Rep. P. Painter)
<b>H.B. 145</b>	Public School Privacy Amendments (Rep. S. Eliason)
<b>H.J.R. 39</b>	State Jurisdiction of Federally Managed Lands Joint Resolution (Rep. R. Barrus)
<b>H.B. 330</b>	Budgetary Procedure Amendments (Rep. M. Brown)
<b>1st Sub. H.B. 317</b>	Currency Amendments (Rep. B. Galvez)
<b>H.B. 403</b>	Changes to Fit Premises Act (Rep. J. Seelig)
<b>H.B. 98</b>	Capital Outlay Funding Modifications (Rep. C. Watkins)
<b>H.B. 376</b>	Small Claims Court Jurisdiction (Rep. R. Edwards)
<b>1st Sub. H.B. 138</b>	Federal Receipts Reporting Requirements (K. Ivory)
<b>H.B. 281</b>	Sex Offender and Kidnapping Amendments (Rep. F. Cox)
<b>1st Sub. H.B. 191</b>	Nonresident Tuition Waiver Amendments (Rep. C. Wimmer)
<b>1st Sub. H.B. 89</b>	Protection Of Children Riding In Motor Vehicles (P. Arent)
<b>H.B. 177</b>	Canine Body Armor Restricted Account and Income Tax Contribution (Rep. R. Greenwood)
<b>H.B. 492</b>	Washington County Veterans' Home (Rep. D. Ipson)
<b>H.B. 493</b>	Utah County Veterans' Homes (Rep. D. Ipson)

## SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **S.B. 2**, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, and it was before the Senate. Senator Hillyard explained the bill.

Senator Urquhart proposed the following amendment:

- 1. Page 39, Line 1460 through 1462:  
Delete lines 1460 through 1463

Senator Urquhart’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 2**, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	McAdams
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Liljenquist	Madsen	Morgan
Reid			

**S.B. 2** was transmitted to the House.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **S.B. 6**, STATE AGENCY AND HIGHER EDUCATION COMPENSATION APPROPRIATIONS, and it was before the Senate. Senator Hillyard explained the bill. Senator Okerlund commented.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 6**, STATE AGENCY AND HIGHER EDUCATION COMPENSATION APPROPRIATIONS, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins

Jones	Knudson	Mayne	McAdams
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Liljenquist	Madsen	Morgan
Reid			

**S.B. 6** was transmitted to the House.

### JOINT CONFERENCE COMMITTEE REPORT

Mr. President:

March 7, 2011

The Joint Conference Committee comprised of Sens. Margaret Dayton, Howard A. Stephenson, and Karen W. Morgan, and Reps. Keith Grover, Gregory Hughes, and Marie Poulson, recommends **H.B. 183, SCHOOL DISTRICT LEAVE POLICIES**, by Representative K. Grover, be replaced and favorably recommends **1st Sub. H.B. 183, SCHOOL DISTRICT LEAVE POLICIES**.

Sen. Margaret Dayton and  
Rep. Keith Grover, Chairs

On motion of Senator Dayton, the Senate voted to adopt the Joint Conference Committee report. The bill passed on the following roll call vote:

**Yeas, 20; Nays, 7; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hillyard	Hinkins	Jenkins	Knudson
Madsen	Niederhauser	Okerlund	Reid
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Davis	Jones	Mayne	McAdams
Morgan	Robles	Romero	

**Absent or not voting were:** Senators

Buttars	Liljenquist
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**1st Sub. H.B. 183** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 8, 2011

The House concurred in the Senate amendments and passed **H.B. 469**, IMMIGRATION RELATED AMENDMENTS, by Representative J. Dougall, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Jenkins, and at 4:55 p.m., the Senate adjourned until 8:00 a.m., Wednesday, March 9, 2011.

# FORTY-FOURTH DAY

## MORNING SESSION

**March 9, 2011**

The Senate was called to order at 9:25 a.m., with President Michael Waddoups presiding.

**Prayer** – Senator Steve Urquhart

**Pledge of Allegiance** – Senator Chris Buttars

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 80)

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 8, 2011

The House passed, **S.B. 2**, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 6**, STATE AGENCY AND HIGHER EDUCATION COMPENSATION APPROPRIATIONS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 63**, K-3 READING IMPROVEMENT PROGRAM ACCOUNTABILITY, by Senator K. Morgan, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 67**, ANNUAL EYE EXAMINATION FOR CHILDREN IN GRADES KINDERGARTEN THROUGH THREE, by Senator L. Robles, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 86**, SUNSET REAUTHORIZATIONS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 100**, SECURITIES FRAUD REPORTING PROGRAM ACT, by Senator B. McAdams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 150**, NEGLIGENT CREDENTIALING, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 222**, PUBLIC TRANSIT AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 127**, POST RETIREMENT EMPLOYMENT AMENDMENTS, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 237**, POLLUTION CONTROL FACILITY AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 308**, AMENDMENTS TO PUBLIC EMPLOYEE'S BENEFIT AND INSURANCE PROGRAM, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 313**, PROSTATE CANCER SPECIAL GROUP LICENSE PLATE, by Senator B. McAdams, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 8, 2011

The House concurred in the Senate amendments and passed **H.B. 93**, MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS, by Representative L. Christensen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 107**, VOLUNTEER FIREFIGHTERS' RETIREMENT AMENDMENTS, by Representative R. Menlove, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 220**, CIVICS EDUCATION AMENDMENTS, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 334**, FAMILY EXPENSE AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President: March 8, 2011

The House passed **H.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 491**, ALIMONY MODIFICATIONS, by Representative S. Sandstrom, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President: March 8, 2011

The House passed, as amended, **S.B. 76**, DISTRIBUTION OF REVENUES COLLECTED UNDER LOCAL SALES AND USE TAX ACT, by Senator D. Hinkins, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 97**, HIGHER EDUCATION MISSION BASED FUNDING, by Senator S. Urquhart, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

### INTRODUCTION OF BILLS

**S.B. 5, Revenue Bond and Capital Facilities Authorizations** (J. S. Adams), was read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Adams, the Senate voted to lift **S.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, from the Rules Committee and placed it on the top of the Second Reading Calendar.



### CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 16**, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Madsen	Robles	Valentine
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**1st Sub. S.B. 16** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 243**, HISTORIC AREAS OR SITES AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 19; Nays, 7; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hinkins	Jenkins	Knudson
Liljenquist	Mayne	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Waddoups	

**Voting in the negative were:** Senators

Davis	Hillyard	Jones	McAdams
Robles	Romero	Van Tassell	

**Absent or not voting were:** Senators

Madsen	Morgan	Valentine
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**1st Sub. S.B. 243** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Stowell, the Senate voted to concur in the House amendments to **1st Sub. S.B. 259**, AMENDMENTS TO CERTAIN LOCAL GOVERNMENT TAXES AND FEES. On motion of Senator Stowell, under suspension of the rules, the bill was considered read for the second and third time. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Morgan	Robles	Valentine
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**1st Sub. S.B. 259** was returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

**H.B. 384**, VETERANS PREFERENCE AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Robles	Stowell	Valentine
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**H.B. 384** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 295, OUTDOOR ADVERTISING AMENDMENTS**, was read the third time and explained by Senator Niederhauser.

Senator Niederhauser proposed the following amendment:

- 1. Page 4, Lines 101 through 103  
Senate 2nd Reading Amendments  
3-8-2011

101     [(12)] (11) "Maintenance" means to repair, refurbish, repaint,  
 { ← ~~§~~ remodel, utilize in }  
 101a conformance with this part. ~~§~~ } or otherwise keep an  
 102 existing sign structure safe and in a state suitable for use, including  
 signs destroyed by  
 103 vandalism or an act of God.

Senator Niederhauser's motion to amend passed on a voice vote and the bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Stowell

**H.B. 295**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 385, COUNTY JAIL MEDICAL EXPENSES**, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Jenkins	Robles	Romero	Stowell
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**H.B. 385** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 420, WATER QUALITY BOARD POWERS AND DUTIES,** was read the third time and explained by Senator Hinkins.

Senator Hinkins proposed the following amendment:

1. Page 8, Line 223:  
After "public" insert "or private"
2. Page 8, Line 225:  
After "public" insert "or private"

Senator Hinkins' motion to amend passed on a voice vote and the bill passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
Morgan	Niederhauser	Reid	Romero
H. Stephenson	J. Stevenson	Thatcher	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Madsen	McAdams	Okerlund
Robles	Stowell	Urquhart	

**1st Sub. H.B. 420**, as amended, was returned to the House for further consideration.

\* \* \*

**1st Sub. H.B. 405**, CHARGES FOR MEDICAL RECORDS, was read the third time and explained by Senator Valentine. Senator Christensen commented and the bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Davis	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Buttars	Christensen	Robles
Stowell			

**1st Sub. H.B. 405** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 374**, DOMESTIC VIOLENCE AMENDMENTS, was read the third time and explained by Senator Urquhart and the bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Okerlund
Reid	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

McAdams	Niederhauser	Robles	Romero
Stowell			

**H.B. 374** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.C.R. 18**, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY CLASSIFICATION, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Madsen	Niederhauser	Robles	Stowell
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**H.C.R. 18** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 446**, LOCAL DISTRICT TAX AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Liljenquist	McAdams	Morgan
Okerlund	Reid	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Christensen	Jenkins	Madsen	Mayne
Niederhauser	Robles	Romero	Stowell

**H.B. 446** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 451**, TOBACCO SETTLEMENT FUNDS AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
McAdams	Morgan	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Christensen	Mayne	Niederhauser	Robles
Stowell			

**H.B. 451** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 137**, TRANSPORTATION CHANGES, was read the third time and explained by Senator Madsen. Senators Jones, Romero, and Buttars commented and the bill passed on the following roll call:

**Yeas, 23; Nays, 4; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Morgan
Niederhauser	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Davis	Jones	Mayne	McAdams
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**Absent or not voting were:** Senators  
Okerlund                      Stowell

**H.B. 137** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Adams, the circle was removed from **S.B. 64, WORKERS' COMPENSATION FUND SUBSIDIARY AMENDMENTS**, and it was before the Senate. On motion of Senator Adams the Senate voted to return the bill to Rules for interim study.

\* \* \*

**1st Sub. H.B. 481, TRANSPORTATION OF MENTAL ILLNESS PATIENTS**, was read the third time and explained by Senator Adams. Senator Hillyard commented and the bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Jenkins                      Okerlund                      Stowell

**1st Sub. H.B. 481** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 411, APPROACHING STATIONARY EMERGENCY VEHICLE AMENDMENTS**, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**



**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	J. Stevenson	Stowell
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**H.B. 411**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 272**, INDIGENT DEFENSE ACT AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Adams	Buttars	Niederhauser	Stowell
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**H.B. 272** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Knudson, **2nd Sub. H.B. 76**, FEDERAL LAW EVALUATION AND RESPONSE, was read the third time and circled.

\* \* \*

**H.B. 314**, INSURANCE REQUIREMENTS FOR CHILD CARE BUSES, was read the third time, explained by Senator Mayne, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Niederhauser	Stowell
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**H.B. 314** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 168, CHILD IDENTITY THEFT PROTECTION AMENDMENTS,** was read the third time, explained by Senator Mayne, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Jenkins	Knudson	Liljenquist
Madsen	Mayne	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Buttars	Hinkins	Jones
McAdams	Niederhauser	Stowell	

**H.B. 168** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 104, HOMEOWNER ASSOCIATION AMENDMENTS,** was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Jones	Stowell
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**1st Sub. H.B. 104**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Niederhauser, **H.B. 358**, ACCESS TO CONTROLLED SUBSTANCE DATABASE REVISIONS, was read the third time and circled.

\* \* \*

**H.B. 415**, SCHOOLS FOR THE DEAF AND BLIND FOUNDATION, was read the third time, explained by Senator Adams, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Stowell
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**H.B. 415** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 288**, CONCURRENT ENROLLMENT TRANSCRIPTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Stowell	Thatcher
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**H.B. 288** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 199**, ADVERTISEMENTS ON SCHOOL BUSES, was read the third time and explained by Senator Stephenson. Senator Jenkins commented and the bill passed on the following roll call:

**Yeas, 18; Nays, 7; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Hillyard
Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Dayton	Jenkins	Morgan	Reid
J. Stevenson	Urquhart	Valentine	

**Absent or not voting were:** Senators

Adams	Buttars	Stowell	Thatcher
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**H.B. 199** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 391, NATIONAL GUARD JOINT FORCES HEADQUARTERS MODIFICATIONS**, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Urquhart	Valentine	Waddoups	

**Absent or not voting were:** Senators

Bramble	Buttars	McAdams	Stowell
Thatcher	Van Tassell		

**H.B. 391** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**3rd Sub. H.B. 16, PHARMACY BENEFITS MANAGER ACT**, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Waddoups

**Absent or not voting were:** Senators

Buttars	McAdams	Robles	Stowell
Van Tassell			

**3rd Sub. H.B. 16**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Niederhauser, the Senate voted to ask the House to return **2nd Sub. H.B. 76**, FEDERAL LAW EVALUATION AND RESPONSE, as it was sent there in error.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **H.B. 358**, ACCESS TO CONTROLLED SUBSTANCE DATABASE REVISIONS, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Robles	Stowell
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**H.B. 358** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Dayton, the circle was removed from **S.B. 279**, GRAND JURY MODIFICATIONS, and it was before the Senate. Senator Dayton explained the bill. Senator Valentine commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins

Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Okerlund	Stowell
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**S.B. 279** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Madsen, the circle was removed from **S.B. 53, ELIGIBILITY FOR INTERSCHOLASTIC ACTIVITIES IN SECONDARY SCHOOLS**, and it was before the Senate. Senator Madsen explained the bill. Senators Robles, Mayne, Stephenson, Morgan, and Okerlund commented.

On motion of Senator Madsen, the bill was circled.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 9, 2011

The House passed, **1st Sub. S.B. 73, PUBLIC SCHOOL TEACHER TENURE MODIFICATIONS**, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 112, RETIREMENT SYSTEM DIVESTMENT**, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 9, 2011

The House adopted the Joint Conference Committee Report dated March 9, 2011, and passed **1st Sub. H.B. 183, SCHOOL DISTRICT LEAVE POLICIES**, by Representative K. Grover, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

March 9, 2011

The House substituted and passed, **2nd Sub. S.B. 32**, AGRICULTURE AMENDMENTS, by Senator R. Okerlund, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 314**, ALCOHOLIC BEVERAGE AMENDMENTS, by Senator J. Valentine, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

**SECOND READING CALENDAR**

On motion of Senator Buttars, the circle was removed from **S.B. 4**, CURRENT SCHOOL YEAR SUPPLEMENTAL PUBLIC EDUCATION BUDGET ADJUSTMENTS, and it was before the Senate. Senator Buttars explained the bill.

On motion of Senator Buttars, under suspension of the rules, **S.B. 4**, CURRENT SCHOOL YEAR SUPPLEMENTAL PUBLIC EDUCATION BUDGET ADJUSTMENTS, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell

**Absent or not voting were:** Senators

Christensen	Dayton	Niederhauser	Robles
Waddoups			

**S.B. 4** was transmitted to the House.

\* \* \*

On motion of Senator Knudson, and at 11:35 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 9, 2011

The Speaker of the House has signed **1st Sub. S.B. 16**, STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND COLLECTION AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The House passed, **S.B. 77**, IGNITION INTERLOCK SYSTEM AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 89**, HOMEOWNER ASSOCIATION RESERVE ACCOUNT, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 165**, ELECTION LAW AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 181**, LOBBYIST DISCLOSURE AND REGULATION ACT REVISIONS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 206**, LABOR ORGANIZATION PROVISIONS IN TEACHER CONTRACTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 221**, STATE OF UTAH RESOURCE MANAGEMENT PLAN FOR FEDERAL LANDS, by Senator R. Okerlund, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 243**, HISTORIC AREAS OR SITES AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 244**, SALT LAKE COUNTY HIGHWAY PROJECT FUNDING, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 259**, AMENDMENTS TO CERTAIN LOCAL GOVERNMENT TAXES AND FEES, by Senator D. Stowell, and it is transmitted for the signature of the President; and

The House passed, **S.B. 285**, INDUSTRIAL ASSISTANCE FUND AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 317**, STATE PARKS ACCESS HIGHWAY, by Senator K. Van Tassell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 9, 2011

The House passed, as amended, **S.B. 44**, STATE COMMISSION AMENDMENTS, by Senator M. Dayton, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

\* \* \*

Mr. President:

March 9, 2011

The House transmits **2nd Sub. H.B. 76**, FEDERAL LAW EVALUATION AND RESPONSE, by Representative K. Ivory, et al, for further consideration.

Sandy D. Tenney, Chief Clerk

### CONCURRENCE CALENDAR

On motion of Senator Hinkins, the Senate voted to concur in the House amendments to **S.B. 76**, DISTRIBUTION OF REVENUES COLLECTED UNDER THE LOCAL SALES AND USE TAX ACT. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Buttars	Jenkins
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**S.B. 76** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to **S.B. 97**, HIGHER EDUCATION MISSION BASED FUNDING. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Bramble	Morgan
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**S.B. 97** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Okerlund, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 32**, AGRICULTURE AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Bramble

**2nd Sub. S.B. 32** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **1st Sub. S.B. 314**, ALCOHOLIC BEVERAGE AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 1; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative was:** Senator  
Buttars

**1st Sub. S.B. 314** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Dayton, the Senate voted to concur in the House amendments to **S.B. 44**, STATE COMMISSION AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 21; Nays, 3; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Jenkins	Knudson
Liljenquist	Madsen	Mayne	McAdams
Okerlund	Reid	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Jones	Morgan	Romero
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**Absent or not voting were:** Senators

Bramble	Hinkins	Niederhauser	Robles
Valentine			

**S.B. 44** was returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

On motion of Senator Madsen, the circle was removed from **S.B. 53, ELIGIBILITY FOR INTERSCHOLASTIC ACTIVITIES IN SECONDARY SCHOOLS**, and it was before the Senate.

On motion of Senator Madsen, the bill was circled.

**SECOND READING CALENDAR**

On motion of Senator Adams, **S.B. 5, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS**, was read the second time and circled.

\* \* \*

**H.B. 316, TAXATION OF SURPLUS LINES OF INSURANCE**, was read the second time. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 6, Lines 163 through 164

163 (6) The commissioner may apply the definition of "home state"  
164 in Subsection (1) when

164 implementing an agreement described in Subsection (2).

(7) The commissioner shall report to the Business and Labor Interim Committee regarding the nature and status of any agreement into which the commissioner enters under Subsection (2).

Senator Bramble’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Dayton	Hillyard	Madsen
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\* \* \*

**H.B. 303, PREPAID WIRELESS 911 SERVICE CHARGE,** was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Hinkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Adams	Dayton	Hillyard	Jenkins
Madsen			

\* \* \*

**H.J.R. 34, JOINT RESOLUTION AUTHORIZING LEASE OF RIO GRAND DEPOT,** was read the second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard	Madsen	Mayne
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\* \* \*

**H.B. 388**, OPERATION AND MANAGEMENT OF CHARTER SCHOOLS, was read the second time. Senator Adams explained the bill. Senators Jones and Morgan commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 8; Absent, 2.****Voting in the affirmative were:** Senators

Adams	Buttars	Dayton	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Niederhauser	Okerlund	Reid	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Davis	Hillyard	Jones	Mayne
McAdams	Morgan	Robles	Romero

**Absent or not voting were:** Senators

Bramble	Christensen
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\* \* \*

On motion of Senator Dayton, **1st Sub. H.B. 327**, PUBLIC EDUCATION ANNUAL REPORT AMENDMENTS, was read the second time and circled.

\* \* \*

**1st Sub. H.B. 269**, COMMISSION ON CIVIC AND CHARACTER EDUCATION, was read the second time. Senator Dayton explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Waddoups

**Absent or not voting were:** Senators

Christensen	Liljenquist	McAdams	H. Stephenson
Van Tassell			

\* \* \*

On motion of Senator Dayton, the circle was removed from **1st Sub. H.B. 327, PUBLIC EDUCATION ANNUAL REPORT AMENDMENTS**, and it was before the Senate. Senator Dayton explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	J. Stevenson	Stowell
Thatcher	Valentine	Waddoups	

**Absent or not voting were:** Senators

Hillyard	Jenkins	Liljenquist	H. Stephenson
Urquhart	Van Tassell		

\* \* \*

**H.B. 178, DISPATCHER SERVICE AMENDMENTS**, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jones



Knudson	Liljenquist	Madsen	Mayne
McAdams	Niederhauser	Okerlund	Reid
Romero	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Waddoups	

**Absent or not voting were:** Senators

Hillyard	Jenkins	Morgan	Robles
H. Stephenson	Van Tassell		

\* \* \*

On motion of Senator Jenkins, **H.B. 412**, LAND USE REVISIONS, was read the second time and circled.

\* \* \*

**H.B. 400**, REGULATION OF MINING OPERATIONS, was read the second time. Senator Hinkins explained the bill. Senators Davis, Jones, and Romero commented. The bill passed second reading on the following roll call:

**Yeas, 24; Nays, 3; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Jones	Robles	Romero
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**Absent or not voting were:** Senators

H. Stephenson	Valentine
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\* \* \*

On motion of Senator Jenkins, the circle was removed from **H.B. 412**, LAND USE REVISIONS, and it was before the Senate. Senator Jenkins explained the bill. Senators Christensen and Buttars commented. The bill passed second reading on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator

Urquhart

\* \* \*

On motion of Senator Madsen, under suspension of the rules, the Senate voted to lift **H.B. 490**, UTAH STATE FLAG DAY COMMEMORATION, from Rules and place it at the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Madsen, under suspension of the rules, **H.B. 490**, UTAH STATE FLAG DAY COMMEMORATION, was considered read the second and third times and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.****Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Adams	Buttars	Hillyard	McAdams
Thatcher	Urquhart		

**H.B. 490** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.J.R. 29**, FEDERALISM INTERIM COMMITTEE JOINT RESOLUTION, was read the second time. Senator Niederhauser explained the

bill. Senator Jones commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 4; Absent, 6.**

**Voting in the affirmative were:** Senators

Bramble	Davis	Dayton	Hillyard
Hinkins	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Waddoups	

**Voting in the negative were:** Senators

Jones	McAdams	Robles	Romero
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**Absent or not voting were:** Senators

Adams	Buttars	Christensen	Jenkins
Urquhart	Van Tassell		

\* \* \*

**H.B. 130, ELECTION DAY VOTING CENTERS**, was read the second time. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:

1. Page 1, Lines 25 through 26

25 Other Special Clauses:

26           {~~None~~}       This bill coordinates with H.B. 33, Election Law Revisions, by merging technical and substantive amendments.

2. Page 2, Line 38:

38           20A-3-704, Utah Code Annotated 1953

Utah Code Sections Affected by Coordination Clause:

20A-4-107, as last amended by Laws of Utah 2010, Chapter 197

- 23 Page 10, Line 291:

291       (2) Section 20A-3-704 is repealed January 1, 2016.

Section 9. Coordinating H.B. 130 with H.B. 33 -- Merging technical and substantive amendments.

If this H.B. 130 and H.B. 33, Election Law Revisions, both pass, it

is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication merge the changes from both bills to modify Subsection 20A-4-107(1)(a)(ii) to read:

(ii) votes the ballot for the voting precinct in which the person resides; and

Senator Knudson’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Valentine	Waddoups	

**Absent or not voting were:** Senators

Buttars	Christensen	Jenkins	Thatcher
Urquhart	Van Tassell		

\* \* \*

On motion of Senator Hillyard, **H.B. 428**, WATER ISSUES TASK FORCE, was read the second time and circled.

\* \* \*

**1st Sub. H.B. 132**, WATER QUALITY AMENDMENTS, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Christensen            McAdams            Thatcher            Urquhart

\* \* \*

**H.B. 145, PUBLIC SCHOOL PRIVACY AMENDMENTS**, was read the second time. Senator Liljenquist explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Christensen            Reid            Urquhart

\* \* \*

**H.J.R. 39, STATE JURISDICTION OF FEDERALLY MANAGED LANDS JOINT RESOLUTION**, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

**Yeas, 17; Nays, 3; Absent, 9.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Liljenquist
Mayne	Morgan	Okerlund	Reid
J. Stevenson	Stowell	Thatcher	Valentine
Van Tassell			

**Voting in the negative were:** Senators

Jones            McAdams            Robles

**Absent or not voting were:** Senators

Hillyard	Jenkins	Knudson	Madsen
Niederhauser	Romero	H. Stephenson	Urquhart
Waddoups			

\* \* \*

On motion of Senator Dayton, **H.B. 330**, BUDGETARY PROCEDURE AMENDMENTS, was read the second time and circled.

\* \* \*

On motion of Senator Dayton, **1st Sub. H.B. 317**, CURRENCY AMENDMENTS, was read the second time and circled.

\* \* \*

On motion of Senator Dayton, **H.B. 403**, CHANGES TO FIT PREMISES, was read the second time and circled.

\* \* \*

**H.B. 98**, CAPITAL OUTLAY FUNDING MODIFICATIONS, was read the second time. Senator Okerlund explained the bill. Senator Hinkins commented. The bill passed second reading on the following roll call:

**Yeas, 17; Nays, 0; Absent, 12.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Liljenquist
Mayne	Okerlund	Reid	Robles
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell			

**Absent or not voting were:** Senators

Hillyard	Jenkins	Jones	Knudson
Madsen	McAdams	Morgan	Niederhauser
Romero	H. Stephenson	Stowell	Waddoups

\* \* \*

**H.B. 376**, SMALL CLAIMS COURT JURISDICTION, was read the second time. Senator Liljenquist explained the bill. The bill passed second reading on the following roll call:

**Yeas, 17; Nays, 0; Absent, 12.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hinkins	Liljenquist	Madsen

Mayne	Okerlund	Reid	Robles
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell			

**Absent or not voting were:** Senators

Dayton	Hillyard	Jenkins	Jones
Knudson	McAdams	Morgan	Niederhauser
Romero	H. Stephenson	Stowell	Waddoups

\* \* \*

On motion of Senator Liljenquist, **1st Sub. H.B. 138, FEDERAL RECEIPTS REPORTING REQUIREMENTS**, was read the second time and circled.

\* \* \*

**H.B. 281, SEX OFFENDER AND KIDNAPPING AMENDMENTS**, was read the second time. Senator Mayne explained the bill. The bill failed second reading on the following roll call:

**Yeas, 11; Nays, 6; Absent, 12.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Hinkins	Mayne
Okerlund	Reid	Robles	J. Stevenson
Thatcher	Valentine	Van Tassell	

**Voting in the negative were:** Senators

Buttars	Davis	Dayton	Liljenquist
Madsen	Urquhart		

**Absent or not voting were:** Senators

Bramble	Hillyard	Jenkins	Jones
Knudson	McAdams	Morgan	Niederhauser
Romero	H. Stephenson	Stowell	Waddoups

The bill was filed. On motion of Senator Davis, the bill was held for 24 hours.

\* \* \*

On motion of Senator Hinkins, **1st Sub. H.B. 191, NONRESIDENT TUITION WAIVER AMENDMENTS**, was read the second time and circled.

\* \* \*

On motion of Senator Dayton, **1st Sub. H.B. 89, PROTECTION OF CHILDREN RIDING IN MOTOR VEHICLES**, was read the second time and circled.

\* \* \*

**H.B. 177**, CANINE BODY ARMOR RESTRICTED ACCOUNT AND INCOME TAX CONTRIBUTION, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 0; Absent, 11.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Liljenquist
Madsen	Mayne	Okerlund	Reid
Robles	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell		

**Absent or not voting were:** Senators

Hillyard	Jenkins	Jones	Knudson
McAdams	Morgan	Niederhauser	Romero
H. Stephenson	Stowell	Waddoups	

\* \* \*

On motion of Senator Dayton, **H.B. 492**, WASHINGTON COUNTY VETERANS HOME, was read the second time and circled.

\* \* \*

**H.B. 493**, UTAH COUNTY VETERANS' HOME, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 0; Absent, 11.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Liljenquist
Madsen	Mayne	Okerlund	Reid
Robles	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell		

**Absent or not voting were:** Senators

Hillyard	Jenkins	Jones	Knudson
McAdams	Morgan	Niederhauser	Romero
H. Stephenson	Stowell	Waddoups	



**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 9, 2011

The House passed, **1st Sub. S.B. 119**, SCHOOL DISTRICT SUPERINTENDENTS AMENDMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 140**, STATE CHARTER SCHOOL BOARD AMENDMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 220**, INTERMOUNTAIN WEATHERIZATION TRAINING FUND, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 9, 2011

The House substituted and passed, **1st Sub. S.B. 30**, EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS, by Senator J. Valentine, and it is transmitted for further consideration; and

The House passed, as amended, **3rd Sub. S.B. 113**, ELECTION DISTRICT BOUNDARIES, by Senator J. Valentine, et al, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.B. 180**, MEDICAID REFORM, by Senator D. Liljenquist, and it is transmitted for further consideration; and

The House substituted and passed, **2nd Sub. S.B. 256**, TEACHER EFFECTIVENESS EVALUATION PROCESS, by Senator J. S. Adams, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

\* \* \*

On motion of Senator Jenkins, and at 4:30 p.m., the Senate recessed.

The Senate reassembled at 5:00 p.m., with President Waddoups presiding.

\* \* \*

On motion of Senator Knudson, the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar:

- 1st Sub. H.B. 495** Animal Control Modifications (Rep. J. Mathis)  
**H.B. 232** Drug Paraphernalia Definition Amendments  
 (Rep. E. Vickers)  
**H.B. 328** State Government Work Week (Rep. M. Noel)  
**2nd Sub. H.B. 77** Medical Assistance Accountability (Rep. D. Clark)  
**H.B. 434** County Amendments (Rep. M. Brown)  
**H.B. 370** Bail Bond Amendments (Rep. G. Hughes)  
**2nd Sub. H.B. 224** Radio Frequency Identification (Rep. W. Harper)  
**2nd Sub. H.B. 95** Amendments to Traffic Code Provisions (Rep. L. Perry)  
**2nd Sub. H.B. 354** Insurance Amendments Relating to Abortion  
 (Rep. C. Wimmer)  
**1st Sub. H.B. 349** Expedited Jury Trials (Rep. B. King)  
**H.B. 353** Abortion Freedom of Conscience (Rep. C. Wimmer)  
**2nd Sub. H.B. 260** Mechanics' Liens Revisions (Rep. D. Clark)  
**H.B. 475** State Energy Amendments (Rep. R. Barrus)  
**1st Sub. H.B. 134** Collection of Front-line Teachers Data (Rep. J. Nielson)  
**2nd Sub. H.B. 421** Use of Public Buildings for Political Caucus Meetings  
 (Rep. D. Brown)  
**H.B. 398** Utah State Instructional Materials Access Center Funding  
 (Rep. S. Handy)  
**1st Sub. H.B. 379** Nonjudicial Foreclosure of Trust Deeds (Rep. R. C. Webb)  
**1st Sub. H.B. 476** Procurement Code Amendments (Rep. B. Last)  
**1st Sub. H.B. 392** Retention Elections for Justice Court Judges  
 (Rep. C. Oda)  
**H.C.R. 12** Concurrent Resolution Opposing United States Secretary  
 of Interior's Wilderness Re-inventory (Rep. M. Noel)  
**1st Sub. H.B. 465** Respecting Our Fallen Heroes Act (Rep. E. Hutchings)  
**H.B. 285** Asbestos Requirements (Rep. L. Wiley)  
**2nd Sub. H.B. 249** Growing of Food (Rep. C. Herrod)  
**H.B. 293** Underground Storage Tank Act Amendments  
 (Rep. K. McIff)  
**H.B. 304** Campaign Finance Revisions (Rep. G. Hughes)  
**1st Sub. H.B. 337** Pawnshop and Secondhand Merchandise Transaction  
 Information Act Amendments (Rep. J. Seelig)  
**H.B. 432** Nuisance Amendments (Rep. G. Froerer)

**1st Sub. H.B. 482** Long-term Care Facility – Medicaid Certification for Bed Capacity Amendments (Rep. E. Hutchings)

\* \* \*

On motion of Senator Jenkins, and at 5:10 p.m., the Senate recessed.

## EVENING SESSION

The Senate reassembled at 6:55 p.m., with President Waddoups presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2011

The House passed, **2nd Sub. S.B. 162**, MILITARY AND OVERSEAS VOTING, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 226**, INCOME TAX CREDITS FOR CLEANER BURNING FUELS, by Senator S. Urquhart, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 274**, COURT BUDGET AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 280**, GOVERNMENT OPERATIONS AMENDMENTS, by Senator R. Okerlund, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 300**, GOVERNMENT BONDING AMENDMENTS, by Senator B. McAdams, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 312**, ECONOMIC DEVELOPMENT COORDINATION, by Senator S. Jenkins, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 16**, BONDS OF FRIENDSHIP WITH IRAN CONCURRENT RESOLUTION, by Senator P. Knudson, which has been signed by the Speaker, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 9, 2011

The House concurred in the Senate amendments and passed **H.B. 295**, OUTDOOR ADVERTISING AMENDMENTS, by Representative M. Noel, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 411**, APPROACHING STATIONARY EMERGENCY VEHICLE AMENDMENTS, by Representative D. Ipson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 420**, WATER QUALITY BOARD POWERS AND DUTIES, by Representative Julie Fisher, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

March 9, 2011

The House passed, as amended, **S.B. 51**, AMENDMENTS TO LOCAL SALES AND USE TAXES FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 72**, INITIATIVE AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 167**, CONDOMINIUM AND COMMUNITY ASSOCIATION REVISIONS, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 209**, TELECOMMUNICATIONS AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration; and

The House substituted, amended, and passed, **1st Sub. S.B. 236**, REFERENDUM AMENDMENTS, by Senator K. Van Tassell, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 272**, SECURED CREDITOR AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 282**, SMALL MINING OPERATIONS, by Senator D. Hinkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

\* \* \*

Mr. President:

March 9, 2011

The House refused to concur with the Senate Amendments to **1st Sub. H.B. 104**, HOMEOWNER ASSOCIATION AMENDMENTS, by Representative R. C. Webb, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Jenkins, the Senate voted to refuse to recede from its amendments to **1st Sub. H.B. 104**. President Waddoups appointed a conference committee consisting of Senators Adams, Waddoups, and McAdams to meet with a like committee from the House.

**CONCURRENCE CALENDAR**

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **1st Sub. S.B. 30**, EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative was:** Senator Romero

**Absent or not voting was:** Senator Thatcher

**1st Sub. S.B. 30** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 113**, ELECTION DISTRICT BOUNDARIES. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 1; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell

**Voting in the negative was:** Senator  
Waddoups

**3rd Sub. S.B. 113** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Liljenquist, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 180**, MEDICAID REFORM. The bill, as amended, passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**2nd Sub. S.B. 180** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Adams, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 256, TEACHER EFFECTIVENESS EVALUATION PROCESS**. The bill, as amended, passed on the following roll call:

**Yeas, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Dayton
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Davis	Jones	Mayne	McAdams
Morgan	Robles	Romero	

**Absent or not voting was:** Senator Christensen

**2nd Sub. S.B. 256** was returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

On motion of Senator Niederhauser, the circle was removed from **2nd Sub. H.B. 76, FEDERAL LAW EVALUATION AND RESPONSE**, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Davis	Romero
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**Absent or not voting were:** Senators

McAdams                      Robles

**2nd Sub. H.B. 76**, as amended, was returned to the House for further consideration.

### SECOND READING CALENDAR

On motion of Senator Knudson, the Senate voted to lift the following bills from Rules and place them on the bottom of the Second Reading Calendar:

**H.B. 301**                      School District Property Tax Revisions  
(Rep. M. Newbold)

**1st Sub. H.B. 487**          County Use of Land Use Ordinance (Rep. B. Wright)

**H.B. 438**                      Water Quality Board Amendments (Rep. B. Wright)

\* \* \*

On motion of Senator Knudson, the Senate voted to lift the following bills from Rules and place them on Second Reading Calendar under H.B. 328:

**1st Sub. H.B. 32**          Campaign and Financial Reporting Amendments  
(Rep. K. Grover)

**3rd Sub. H.B. 48**          Fingerprints of Juveniles (Rep. J. Peterson)

**H.B. 99**                      Motion Picture Incentives Amendments (Rep. G. Hughes)

**H.B. 153**                      County Correctional Facilities Funding Amendments  
(Rep. M. Noel)

**1st Sub. H.B. 169**          Firearm Laws Modifications (Rep. J. Seelig)

**2nd Sub. H.B. 171**          Abortion Clinic Licensing (Rep. C. Wimmer)

**2nd Sub. H.B. 287**          Restructuring of the Department of Community and  
Culture (Rep. W. Harper)

**H.B. 461**                      Energy Producer States' Agreement (Rep. R. Barrus)

**1st Sub. H.B. 496**          Technology and Life Science Economic Development Act  
and Related Tax Credits (Rep. D. Clark)

**1st Sub. H.B. 302**          Reading Program Amendments (Rep. M. Newbold)

\* \* \*

On motion of Senator Jenkins, the circle was removed from **1st Sub. H.B. 317, CURRENCY AMENDMENTS**, and it was before the Senate. Senator Jenkins explained the bill. Senator Robles commented. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 4; Absent, 4.**



**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Mayne	Morgan
Okerlund	Reid	H. Stephenson	J. Stevenson
Stowell	Thatcher	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Jones	McAdams	Robles	Romero
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**Absent or not voting were:** Senators

Bramble	Buttars	Niederhauser	Urquhart
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\* \* \*

On motion of Senator Urquhart, the circle was removed from **H.B. 492**, WASHINGTON COUNTY VETERANS' HOME, and it was before the Senate. Senator Urquhart explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Jenkins	Niederhauser
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\* \* \*

**1st Sub. H.B. 495**, ANIMAL CONTROL MODIFICATIONS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones

Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Jenkins	Niederhauser
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\* \* \*

**H.B. 232, DRUG PARAPHERNALIA DEFINITION AMENDMENTS**, was read the second time. Senator Jones explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.****Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Bramble	Buttars	Niederhauser
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\* \* \*

On motion of Senator Jenkins, **H.B. 328, STATE GOVERNMENT WORK WEEK**, was read the second time and circled.

\* \* \*

On motion of Senator Hillyard, legislative staff was authorized to draft a bill regarding raising the cap on the severance fund.

\* \* \*

On motion of Senator Jenkins, the Senate voted to suspend the rules and consider fiscal note bills for the remainder of the evening.

\* \* \*

On motion of Senator Dayton, **1st Sub. H.B. 32**, CAMPAIGN AND FINANCIAL REPORTING AMENDMENTS, was read the second time and circled.

\* \* \*

On motion of Senator Dayton, the circle was removed from **1st Sub. H.B. 32**, CAMPAIGN AND FINANCIAL REPORTING AMENDMENTS, and it was before the Senate. Senator Dayton explained the bill.

Senator Thatcher proposed the following amendment:

1. Page 20, Lines 585 through 590

585 (1) ~~{-(a)}~~ A county political party ~~{-officer~~  
~~who }~~ that fails to file the interim report due before the  
 586 regular primary election, on August 31, or before the regular  
general election is ~~{-;~~

587 ~~(i) subject to a fine imposed in accordance with Section~~  
~~20A-11-1005; and~~

588 ~~(ii) guilty of a class B misdemeanor }~~ subject to a fine of  
\$1,000, which the chief election officer shall deposit in the General  
Fund .

589 ~~{-(b) The lieutenant governor shall report all violations of~~  
~~Subsection (1)(a) to the~~

590 ~~attorney general. }~~

2. Page 20, Lines 603 through 609:

603 (4)(a) ~~{-It is unlawful for a }~~ A county political party  
~~{-officer to fail }~~ that fails to file or amend a

604 financial statement within 14 days after receiving notice from the  
lieutenant governor under

605 this section is subject to a fine of \$1,000, which the chief election  
officer shall deposit in the General Fund .

606 ~~(b) A county political party officer who violates Subsection~~  
~~(4)(a) is guilty of a class B~~

607 ~~misdemeanor.~~

608 ~~(c) The lieutenant governor shall report all violations of Subsection (4)(a) to the~~

609 ~~attorney general.~~

Senator Thatcher’s motion to amend passed on a voice vote. Senator McAdams commented.

On motion of Senator Dayton, under suspension of the rules, **1st Sub. H.B. 32, CAMPAIGN AND FINANCIAL REPORTING AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Buttars	Jenkins	Niederhauser
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**1st Sub. H.B. 32**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Madsen, **1st Sub. H.B. 99, MOTION PICTURE INCENTIVES AMENDMENTS**, was read the second time and circled.

\* \* \*

On motion of Senator Valentine, **H.B. 153, COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS**, was read the second time and circled.

\* \* \*

On motion of Senator Mayne, under suspension of the rules, **1st Sub. H.B. 169, FIREARM LAWS MODIFICATIONS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Hillyard	Urquhart
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**1st Sub. H.B. 169** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Valentine, the circle was removed from **H.B. 153, COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS**, and it was before the Senate. Senator Valentine explained the bill.

On motion of Senator Valentine, under suspension of the rules, **H.B. 153, COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Hillyard
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**H.B. 153** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Adams, under suspension of the rules, **2nd Sub. H.B. 171**, ABORTION CLINIC LICENSING, was considered read the second and third times. Senators Robles, Romero, Davis, Bramble, McAdams, and Valentine commented. Senator McAdams made the motion to return the bill to Rules for further study. The motion failed on a voice vote. The bill passed on the following roll call:

**Yeas, 22; Nays, 6; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hillyard	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Morgan	Niederhauser
Okerlund	Reid	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Davis	Knudson	Mayne	McAdams
Robles	Romero		

**Absent or not voting was:** Senator

Buttars

**2nd Sub. H.B. 171** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**2nd Sub. H.B. 287**, RESTRUCTURING OF THE DEPARTMENT OF COMMUNITY AND CULTURE, was read the second time. Senator Reid explained the bill.

Senator Reid proposed the following amendment:

1. Page 1, Lines 23 through 24:

23 Money Appropriated in this Bill:

24        {~~None~~}        This bill appropriates as an ongoing appropriation subject to future budget constraints, \$104,400 from the General Fund for fiscal year 2011–12 to the Department of Community

and Culture to offset the loss of funds by the department related to the shifting of the Bond Volume Cap Allocation program to the Governor’s Office of Economic Development.

2. Page 71, Lines 2180 through 2187:

2180 (i) qualified small issue bonds under Section 144(a) of the code;  
{-or-}

2181 (ii) qualified exempt facility bonds for qualified residential rental projects under

2182 Section 142(d) of the code; or  
(iii) qualified redevelopment bonds under Section 144(c) of the code;

2183 (d) the Exempt Facilities Account, for which eligible issuing authorities are those

2184 authorized under the code and state statute to issue any bonds requiring an allocation of volume cap

2185 other than for purposes described in Subsections (1)(a), (b), or (c);

2186 (e) the Pool Account, for which eligible issuing authorities are those authorized under

2187 the code and state statute to issue any bonds requiring an allocation of volume cap; and

3. Page 77, Lines 2372 through 2373:

2372 recommendations, and statutory or rule changes required to implement restructuring and

2373 transitioning.  
Section 58. Appropriation.

As an ongoing appropriation subject to future budget constraints, there is appropriated from the General Fund for fiscal year 2011–12, \$104,400 to the Department of Community and Culture to offset the loss of funds by the department related to the shifting of the Bond Volume Allocation Cap program to the Governor’s Office of Economic Development.

To Governor’s Office of Economic Development – Business Development

From General Fund (\$104,400)  
Schedule of Programs  
Business Growth (\$104,000)

To Department of Community and Culture – Housing and Community Development  
From General Fund \$104,000  
Schedule of Programs  
Administration \$104,000

Senator Reid’s motion to amend passed on a voice vote. Senator Davis commented.

On motion of Senator Reid, under suspension of the rules, **2nd Sub. H.B. 287**, RESTRUCTURING OF THE DEPARTMENT OF COMMUNITY AND CULTURE, was considered read the second and third times and passed on the following roll call:

**Yeas, 24; Nays, 3; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Reid
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

McAdams	Robles	Romero
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**Absent or not voting were:** Senators

Buttars	Jenkins
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**2nd Sub. H.B. 287** was returned to the House for further consideration.

\* \* \*

On motion of Senator Hinkins, under suspension of the rules, **H.B. 461**, ENERGY PRODUCER STATES’ AGREEMENT, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**



**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator

Buttars

**H.B. 461** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, **1st Sub. H.B. 496**, TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS, was read the second time and circled.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 302**, READING PROGRAM AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Hinkins	Madsen	Valentine
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**1st Sub. H.B. 302** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

On motion of Senator Hillyard, the Senate voted to lift **H.B. 57, 1st Sub. H.B. 17,** and **1st Sub. H.B. 256** from the Third Reading Table and place them on the Third Reading Calendar.

\* \* \*

**H.B. 57, JOINT PROFESSIONAL SCHOOL OF VETERINARY MEDICINE,** was read the third time, explained by Senator Stowell, and passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	J. Stevenson
Stowell	Thatcher	Van Tassell	Waddoups

**Voting in the negative were:** Senators

H. Stephenson      Valentine

**Absent or not voting were:** Senators

Buttars              Niederhauser      Urquhart

**H.B. 57** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Knudson, the Senate voted to lift **H.B. 110, TEACHER SALARY SUPPLEMENT PROGRAM AMENDMENTS,** from Rules and place it on the top of the Second Reading Calendar.

\* \* \*

**1st Sub. H.B. 17, ENTERPRISE ZONE AMENDMENTS,** was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	McAdams	Morgan
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Buttars	Jones	Mayne
Niederhauser			

**1st Sub. H.B. 17** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 256, CHILDREN’S HEALTH INSURANCE AND MEDICAID ADMINISTRATIVE SIMPLIFICATION**, was read the third time and explained by Senator Liljenquist. Senator Christensen declared a conflict of interest. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Mayne	McAdams
Morgan	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Jones	Madsen	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.

**SECOND READING CALENDAR**

On motion of Senator Morgan, under suspension of the rules, **1st Sub. H.B. 110, TEACHER SALARY SUPPLEMENT PROGRAM AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Voting in the negative was:** Senator

Dayton

**Absent or not voting were:** Senators

Buttars	Jones	Madsen	Urquhart
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**1st Sub. H.B. 110** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 9, 2011

The House passed, as amended, **1st Sub. S.B. 226, INCOME TAX CREDITS FOR CLEANER BURNING FUELS**, by Senator S. Urquhart, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

**INTRODUCTION OF BILLS**

**S.B. 320, Deposit of Severance Tax Revenues into Permanent State Trust Fund** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Stephenson, the Senate voted to reconsider its action on **S.B. 277, CHILD CUSTODY TASK FORCE**, and place it on the top of the Third Reading Calendar.

On motion of Senator Jenkins, and at 8:50 p.m., the Senate adjourned until 8:00 a.m., Thursday, March 10, 2011.

# FORTY-FIFTH DAY

## MORNING SESSION

**March 10, 2011**

The Senate was called to order at 9:00 a.m., with President Michael Waddoups presiding.

**Prayer** – Kelly Stowell

**Pledge of Allegiance** – Taylor Maryon, Veteran of the United States Coast Guard

**Roll Call** – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 80)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 9, 2011

The Speaker of the House has signed **2nd Sub. S.B. 32**, AGRICULTURE AMENDMENTS, by Senator R. Okerlund, and it is transmitted for the signature of the President; and

The House passed, **S.B. 39**, CHILDREN'S JUSTICE CENTER PROGRAM AMENDMENTS, by Senator R. Okerlund, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 44**, STATE COMMISSION AMENDMENTS, by Senator M. Dayton, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 59**, SCHOOL GRADING SYSTEM, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 76**, DISTRIBUTION OF REVENUES COLLECTED UNDER THE LOCAL SALES AND USE TAX ACT, by Senator D. Hinkins, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 97**, HIGHER EDUCATION MISSION BASED FUNDING, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The House passed, **S.B. 160**, FEDERAL FUNDS PROCEDURES ACT AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 251**, LOBBYIST TRAINING, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 19**, JOINT RESOLUTION APPROVING THE HOUGHTON CASE FINAL SETTLEMENT AGREEMENT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 314**, ALCOHOLIC BEVERAGE AMENDMENTS, by Senator J. Valentine, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President:

March 9, 2011

The House passed, as amended, **1st Sub. S.B. 28**, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.B. 57**, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CATS, by Senator D. Stowell, and it is transmitted for further consideration; and

The House substituted and passed, **2nd Sub. S.B. 305**, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

### CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 51**, AMENDMENTS TO LOCAL SALES AND USE TAXES FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Christensen	Knudson	Madsen	Robles
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**S.B. 51** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 72**, INITIATIVE AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator

Robles

**S.B. 72** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Liljenquist, the Senate voted to concur in the House amendments to **S.B. 272**, SECURED CREDITOR AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator

Robles

**S.B. 272** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hinkins, the Senate voted to concur in the House amendments to **S.B. 282**, SMALL MINING OPERATIONS. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator

Robles

**S.B. 282** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 167**, CONDOMINIUM AND COMMUNITY ASSOCIATION REVISIONS. The bill, as amended, passed on the following roll call:



**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Madsen	Robles
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**1st Sub S.B. 167** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **S.B. 209**, TELECOMMUNICATIONS AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Hinkins	Robles
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**S.B. 209** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Van Tassell, the Senate voted to concur in the House amendments to **1st Sub. S.B. 236**, REFERENDUM AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Romero
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative was:** Senator

H. Stephenson

**Absent or not voting were:** Senators

Robles J. Stevenson

**1st Sub. S.B. 236** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to **1st Sub. S.B. 226**, INCOME TAX CREDIT FOR CLEANER BURNING FUELS. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell			

**Absent or not voting were:** Senators

Buttars McAdams Robles Waddoups

**1st Sub. S.B. 226** was returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

On motion of Senator Niederhauser, **H.B. 316**, TAXATION OF SURPLUS LINES OF INSURANCE, was read the third time and circled.

\* \* \*

**H.B. 303**, PREPAID WIRELESS 911 SERVICE CHARGE, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell

**Voting in the negative were:** Senators

Dayton	Liljenquist
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**Absent or not voting were:** Senators

Buttars	Robles	Waddoups
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**H.B. 303** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 316**, TAXATION OF SURPLUS LINES OF INSURANCE, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell

**Absent or not voting were:** Senators

Buttars	Hillyard	Hinkins	Robles
Waddoups			

**H.B. 316** was returned to the House for further consideration.

\* \* \*

**H.J.R. 34**, JOINT RESOLUTION AUTHORIZING LEASE OF RIO GRANDE DEPOT, was read the third time, explained by Senator Davis, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Hillyard	Hinkins	Robles
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**H.J.R. 34** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Dayton, **H.B. 388**, OPERATION AND MANAGEMENT OF CHARTER SCHOOLS, was read the third time and circled.

\* \* \*

**1st Sub. H.B. 269**, COMMISSION ON CIVIC AND CHARACTER EDUCATION, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell			

**Absent or not voting were:** Senators

Buttars                      Davis                      Hillyard                      Waddoups

**1st Sub. H.B. 269** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 327**, PUBLIC EDUCATION ANNUAL REPORT AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell

**Voting in the negative was:** Senator  
Davis

**Absent or not voting were:** Senators

Buttars                      Hillyard                      Stowell                      Waddoups

**1st Sub. H.B. 327** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 178**, DISPATCHER SERVICE AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell			

**Absent or not voting were:** Senators

Buttars	Hillyard	Stowell	Waddoups
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**H.B. 178** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 400**, REGULATION ON MINING OPERATIONS, was read the third time and explained by Senator Hinkins. Senators Davis and Romero commented and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Stowell
Waddoups			

**H.B. 400** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 412**, LAND USE REVISIONS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell

**Absent or not voting were:** Senators

Bramble	Buttars	Hillyard	Stowell
Waddoups			

**H.B. 412** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.J.R. 29, FEDERALISM INTERIM COMMITTEE JOINT RESOLUTION**, was read the third time and explained by Senator Niederhauser. Senator Valentine commented.

On motion of Senator Niederhauser, the bill was circled.

\* \* \*

**H.B. 130, ELECTION DAY VOTING CENTERS**, was read the third time, explained by Senator Knudson, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Valentine	Van Tassell

**Absent or not voting were:** Senators

Buttars	Hillyard	Stowell	Urquhart
Waddoups			

**H.B. 130**, as amended, was returned to the House for further consideration.

\* \* \*

**1st Sub. H.B. 132, WATER QUALITY AMENDMENTS**, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yeas, 21; Nays, 0; Absent, 8.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones

Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Thatcher	Valentine
Van Tassell			

**Absent or not voting were:** Senators

Buttars	Hillyard	Madsen	McAdams
Robles	Stowell	Urquhart	Waddoups

**1st Sub. H.B. 132** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 145**, PUBLIC SCHOOL PRIVACY AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Valentine	Van Tassell		

**Absent or not voting were:** Senators

Buttars	Christensen	Hillyard	Knudson
Stowell	Urquhart	Waddoups	

**H.B. 145** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.J.R. 39**, STATE JURISDICTION OF FEDERALLY MANAGED LANDS JOINT RESOLUTION, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

**Yeas, 22; Nays, 2; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hinkins	Jenkins	Jones	Liljenquist



Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Robles                      Romero

**Absent or not voting were:** Senators

Buttars                      Davis                      Hillyard                      Knudson  
Stowell

**H.J.R. 39** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 98**, CAPITAL OUTLAY FUNDING MODIFICATION, was read the third time and explained by Senator Okerlund. Senators Stephenson, Hinkins, Bramble, Reid, Van Tassell, and Morgan commented.

On motion of Senator Okerlund, the bill was circled.

\* \* \*

On motion of Senator Dayton, **H.B. 376**, SMALL CLAIMS COURT JURISDICTION, was read the third time and circled.

\* \* \*

**H.B. 177**, CANINE BODY ARMOR RESTRICTED ACCOUNT AND INCOME TAX CONTRIBUTION, was read the third time, explained by Senator Okerlund. Senator Valentine declared a conflict of interest. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Liljenquist                      McAdams                      Stowell

**H.B. 177** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 493**, UTAH COUNTY VETERANS' HOMES, was read the third time, explained by Senator Dayton, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.****Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Liljenquist                      McAdams                      J. Stevenson                      Stowell

**H.B. 493** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Adams, the circle was removed from **H.B. 388**, OPERATION AND MANAGEMENT OF CHARTER SCHOOLS, and it was before the Senate.

Senator Adams proposed the following amendment:

1. Page 2, Line 50  
House Committee Amendments  
3-4-2011

50        (c) A chartering entity may not impose performance standards, except as permitted by statute, that limit, infringe, or

Senator Adams' motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 22; Nays, 4; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Jenkins
Knudson	Liljenquist	Madsen	Mayne
Niederhauser	Okerlund	Reid	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative were:** Senators

Jones	Morgan	Robles	Romero
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**Absent or not voting were:** Senators

Hinkins	McAdams	Stowell
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**H.B. 388** was returned to the House for further consideration.

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift **S.B. 320**, DEPOSIT OF SEVERANCE TAX REVENUES INTO PERMANENT STATE TRUST FUND, from Rules and place it on the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Stephenson, the Senate voted to move to Concurrence Calendar.

**CONCURRENCE CALENDAR**

**1st Sub. S.B. 28**, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS, was before the Senate.

On motion of Senator Jenkins, the bill was circled.

\* \* \*

**2nd Sub. S.B. 57**, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CATS, was before the Senate.

On motion of Senator Okerlund, the bill was circled.

\* \* \*

On motion of Senator Stephenson, the Senate refused to concur in the House amendments to **2nd Sub. S.B. 305**, ECONOMIC DEVELOPMENT THROUGH

EDUCATION / CAREER ALIGNMENT. The Senate asks the House to recede from their amendments. The bill was returned to the House.

\* \* \*

On motion of Senator Okerlund, the circle was removed from **2nd Sub. S.B. 57, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CATS**, and it was before the Senate.

On motion of Senator Okerlund, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 57, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CATS**. The bill, as amended, passed on the following roll call:

**Yeas, 20; Nays, 7; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Hillyard
Hinkins	Jenkins	Jones	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
Thatcher	Urquhart	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Buttars	Dayton	Knudson	Madsen
H. Stephenson	J. Stevenson	Valentine	

**Absent or not voting were:** Senators

Bramble	Stowell
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**2nd Sub. S.B. 57** was returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

On motion of Senator Bramble, the circle was removed from **H.B. 35, SALES AND USE TAX ACT REVISIONS**, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

**1st Sub. H.B. 35 Sales and Use Tax Act Revisions** (W. Harper)

On motion of Senator Bramble, the bill was circled.

\* \* \*

**1st Sub. H.B. 317, CURRENCY AMENDMENTS**, was read the third time and explained by Senator Jenkins. Senators Romero, Valentine, Jones, Hillyard, and Bramble commented and the bill passed on the following roll call:

**Yeas, 17; Nays, 7; Absent, 5.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Dayton	Hinkins
Jenkins	Knudson	Madsen	Morgan
Niederhauser	Okerlund	Reid	H. Stephenson
J. Stevenson	Thatcher	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Christensen	Davis	Hillyard	Jones
Mayne	Robles	Romero	

**Absent or not voting were:** Senators

Adams	Liljenquist	McAdams	Stowell
Urquhart			

**1st Sub. H.B. 317** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Bramble, the Senate voted that this bill be assigned to the Tax Review Commission for interim study.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 9, 2011

The House substituted, amended, and passed, **1st Sub. S.B. 65**, STATEWIDE ONLINE EDUCATION PROGRAM, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 177**, SECURITY AGENCY QUALIFICATION AMENDMENTS, by Senator M. Dayton, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

On motion of Senator Jenkins, and at 11:00 a.m., the Senate sauntered.

The Senate was called to order at 11:20 a.m., with President Waddoups presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 9, 2011

The Speaker of the House has signed **1st Sub. S.B. 30**, EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **3rd Sub. S.B. 113**, ELECTION DISTRICT BOUNDARIES, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The House passed, **S.B. 147**, FORGERY LAW AMENDMENTS, by Senator M. Madsen, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 151**, REAL ESTATE TRANSACTIONS AND SECURITIES, by Senator B. McAdams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 180**, MEDICAID REFORM, by Senator D. Liljenquist, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 210**, UTAH POSTSECONDARY PROPRIETARY SCHOOL ACT AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 256**, TEACHER EFFECTIVENESS EVALUATION PROCESS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The House passed, **S.B. 262**, TOBACCO PRODUCTS AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 10, 2011

The House concurred in the Senate amendments and passed **1st Sub. H.B. 32**, CAMPAIGN AND FINANCIAL REPORTING AMENDMENTS, by

Representative K. Grover, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 76**, FEDERAL LAW EVALUATION AND RESPONSE, by Representative K. Ivory, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 287**, RESTRUCTURING OF THE DEPARTMENT OF COMMUNITY AND CULTURE, by Representative W. Harper, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

March 10, 2011

The House substituted and passed, **5th Sub. S.B. 138**, DRIVER LICENSE QUALIFICATION AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 287**, SPECIALTY LICENSE PLATE AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

\* \* \*

Mr. President:

March 10, 2011

The House passed **H.B. 450**, HOSPITAL PROVIDER TAX AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.B. 453**, DOMESTIC VIOLENCE SERVICES, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.B. 454**, STATE HOSPITAL REVISIONS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 488**, BUDGETING PROCEDURES AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.J.R. 45**, JOINT RULES AMENDMENTS FOR ESTABLISHING BASE BUDGETS, by Representative J. Dougall, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President:

March 10, 2011

The Speaker of the House has appointed a Conference Committee consisting of Representatives R. C. Webb, J. Draxler, and N. Hendrickson to meet with a like committee from the Senate to consider or amend **1st Sub. H.B. 104**, HOMEOWNER ASSOCIATION AMENDMENTS, by Representative R. C. Webb.

Sandy D. Tenney, Chief Clerk

\* \* \*

On motion of Senator Knudson, the Senate voted to reprioritize the bills on the Second Reading Calendar in the following order:

<b>H.B. 488</b>	Budgeting Procedures Amendments (Rep. J. Dougall)
<b>H.J.R. 45</b>	Joint Rules Amendments for Establishing Base Budgets (Rep. J. Dougall)
<b>H.B. 450</b>	Hospital Provider Tax Amendments (Rep. D. Clark)
<b>H.B. 453</b>	Domestic Violence Services (Rep. D. Clark)
<b>1st Sub. H.B. 148</b>	Raw Honey Amendments (Rep. S. Sandstrom)
<b>1st Sub. H.B. 176</b>	Audit of State Budgets (Rep. L. Christensen)
<b>H.B. 454</b>	State Hospital Revisions (Rep. B. Last)
<b>1st Sub. H.B. 482</b>	Long-term Care Facility – Medicaid Certification for Bed Capacity Amendments (Rep. E. Hutchings)
<b>2nd Sub. H.B. 84</b>	Office of Inspector General of Medicaid Services (Rep. D. Clark)
<b>H.B. 301</b>	School District Property Tax Revisions (Rep. M. Newbold)
<b>1st Sub. H.B. 487</b>	County Use of Land Use Ordinance (Rep. B. Wright)
<b>H.B. 438</b>	Water Quality Board Amendments (Rep. B. Wright)



- H.B. 296** Highway Construction Contract Amendments  
(Rep. C. Oda)
- 2nd Sub. H.B. 77** Medical Assistance Accountability (D. Clark)
- H.B. 434** County Amendments (Rep. M. Brown)
- H.B. 370** Bail Bond Amendments (Rep. G. Hughes)
- 2nd Sub. H.B. 224** Radio Frequency Identification (Rep. W. Harper)
- 2nd Sub. H.B. 95** Amendments to Traffic Code Provisions (Rep. L. Perry)
- 2nd Sub. H.B. 354** Insurance Amendments Relating to Abortion  
(Rep. C. Wimmer)
- 1st Sub. H.B. 349** Expedited Jury Trials (Rep. B. King)
- H.B. 353** Abortion Freedom of Conscience (Rep. C. Wimmer)
- 2nd Sub. H.B. 260** Mechanics' Liens Revisions (Rep. D. Clark)
- H.B. 475** State Energy Amendments (Rep. R. Barrus)
- H.C.R. 13** Secure Rural Schools Concurrent Resolution  
(Rep. M. Noel)
- 1st Sub. H.B. 210** Animal Cruelty Amendments (Rep. C. Oda)
- 2nd Sub. H.B. 491** Alimony Modifications (Rep. S. Sandstrom)
- H.B. 320** 4-H Special Group License Plate (Rep. K. Powell)
- 1st Sub. H.B. 158** Coordination Between State and Local Government on  
Federal Regulations (Rep. C. Herrod)
- H.B. 359** Business Resource Center Advisory Board Modification  
(Rep. V. Peterson)
- H.J.R. 44** 50th Anniversary of the Freedom Academy Joint  
Resolution (Rep. V. Peterson)
- 1st Sub. H.B. 134** Collection of Front-line Teachers Data (Rep. J. Nielson)
- 2nd Sub. H.B. 421** Use of Public Buildings for Political Caucus Meetings  
(Rep. D. Brown)
- H.B. 398** Utah State Instructional Materials Access Center Funding  
(Rep. S. Handy)
- 1st Sub. H.B. 379** Nonjudicial Foreclosure of Trust Deeds (Rep. R. C. Webb)
- 1st Sub. H.B. 476** Procurement Code Amendments (Rep. B. Last)
- 1st Sub. H.B. 392** Retention Elections for Justice Court Judges  
(Rep. C. Oda)
- H.C.R. 12** Concurrent Resolution Opposing United States Secretary  
of Interior's Wilderness Re-inventory (Rep. M. Noel)
- 1st Sub. H.B. 465** Respecting Our Fallen Heroes Act (Rep. E. Hutchings)
- H.B. 285** Asbestos Requirements (Rep. L. Wiley)
- 2nd Sub. H.B. 249** Growing of Food (Rep. C. Herrod)
- H.B. 293** Underground Storage Tank Act Amendments  
(Rep. K. McIff)
- H.B. 304** Campaign Finance Revisions (Rep. G. Hughes)

- 1st Sub. H.B. 337** Pawnshop and Secondhand Merchandise Transaction Information Act Amendments ( Rep. J. Seelig)
- H.B. 432** Nuisance Amendments (Rep. G. Froerer)
- H.C.R. 14** Wild Lands Concurrent Resolution (Rep. C. Watkins)
- H.B. 131** Custody and Parent–time Modifications (Rep. R. Edwards)
- 2nd Sub. H.B. 331** Post–employment Benefits Amendments (Rep. J. Seelig)
- 1st Sub. H.B. 122** Firearms Amendments (Rep. S. Sandstrom)
- H.C.R. 15** Navajo Electrification Demonstration Project Concurrent Resolution (Rep. C. Watkins)

**THIRD READING CALENDAR**

On motion of Senator Knudson, the circle was removed from **3rd Sub. H.B. 48, FINGERPRINTS OF JUVENILES**, and it was before the Senate.

Senator Urquhart proposed the following amendment:

- 1. Page 2, Line 51 and 52:  
Delete lines 51 and 52

Senator Urquhart’s motion to amend passed on a voice vote. Senators Valentine and Hillyard commented.

On motion of Senator Thatcher, the bill was circled.

\* \* \*

On motion of Senator Knudson, the circle was removed from **S.B. 225, PERSONAL INJURY PROTECTION ARBITRATION**, and it was before the Senate.

On motion of Senator Urquhart, the bill was circled.

\* \* \*

On motion of Senator Okerlund, the circle was removed from **H.B. 98, CAPITAL OUTLAY FUNDING MODIFICATIONS**, and it was before the Senate. Senators Hinkins and Liljenquist commented. The bill passed on the following roll call:

**Yeas, 19; Nays, 8; Absent, 2.**

**Voting in the affirmative were:** Senators

Christensen	Davis	Hillyard	Hinkins
Jenkins	Jones	Knudson	Mayne

McAdams	Morgan	Okerlund	Reid
Robles	Romero	Stowell	Thatcher
Urquhart	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Adams	Dayton	Liljenquist	Madsen
Niederhauser	H. Stephenson	J. Stevenson	Valentine

**Absent or not voting were:** Senators

Bramble	Buttars
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**H.B. 98** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 492**, WASHINGTON COUNTY VETERANS' HOME, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Bramble	Buttars	Dayton	Madsen
McAdams			

**H.B. 492** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 495**, ANIMAL CONTROL MODIFICATION, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins

Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Buttars

**1st Sub. H.B. 495** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 232**, DRUG PARAPHERNALIA DEFINITION AMENDMENTS, was read the third time, explained by Senator Jones, and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**H.B. 232** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Liljenquist, the circle was removed from **H.B. 376**, SMALL CLAIMS COURT JURISDICTION, and it was before the Senate. The bill passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins

Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**H.B. 376** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Thatcher, the circle was removed from **3rd Sub. H.B. 48**, FINGERPRINTS OF JUVENILES, and it was before the Senate.

Senator Urquhart proposed the following amendment:

1. Page 2, Line 51 and 52:  
Reinstate lines 51 and 52

Senator Urquhart's motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 25; Nays, 4; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Reid	H. Stephenson	J. Stevenson
Stowell	Thatcher	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

McAdams	Robles	Romero	Urquhart
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**3rd Sub. H.B. 48** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

## SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, **S.B. 320**, DEPOSIT OF SEVERANCE TAX REVENUES INTO PERMANENT STATE

TRUST FUND, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator

Hinkins

**S.B. 320** was transmitted to the House.

\* \* \*

On motion of Senator Robles, under suspension of the rules, **S.B. 277, CHILD CUSTODY TASK FORCE**, was considered read the second and third times. Senator Robles explained the bill. The bill failed on the following roll call:

**Yeas, 13; Nays, 14; Absent, 2.**

**Voting in the affirmative were:** Senators

Davis	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	Stowell	Valentine
Van Tassell			

**Voting in the negative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Liljenquist	Niederhauser	Reid	H. Stephenson
J. Stevenson	Waddoups		

**Absent or not voting were:** Senators

Thatcher                      Urquhart

**S.B. 277** was filed.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 10, 2011

The House refuses to recede from its amendments to **2nd Sub. S.B. 305**, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, by Senator H. Stephenson, and has appointed a Conference Committee consisting of Representatives M. Morley, R. Menlove, and S. Duckworth to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Stephenson, the Senate voted to refuse to recede from its amendments to **2nd Sub. S.B. 305**. President Waddoups appointed a conference committee consisting of Senators Stephenson, Reid, and Morgan to meet with a like committee from the House.

**SECOND READING CALENDAR**

On motion of Senator Hillyard, the circle was removed from **H.B. 428**, WATER ISSUES TASK FORCE, and it was before the Senate.

Senator Hillyard proposed the following amendment:

- 1. Page 2, Lines 51 through 53

51 companies; and

52 (b) water development financing { ~~and~~

53 (c) other issues relating to water development } .

Senator Hillyard’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 428**, WATER ISSUES TASK FORCE, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Morgan                      Reid                      H. Stephenson

**H.B. 428**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Adams, the Senate voted to lift **S.B. 294**, PATIENT ACCESS REFORM, from Rules and place it on the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 99**, MOTION PICTURE INCENTIVES AMENDMENTS, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

- 1. Page 8, Lines 221 through 222

221            (3) (a) Subject to Subsection (3)(b), the office may issue [up to:  
 (i)-(A)] {-\$7,793,700-} \$6,793,700 in

222 tax credit certificates under this part in a fiscal year [2009-10; and].

Senator Niederhauser’s motion to amend passed on a voice vote.

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub. H.B. 99**, MOTION PICTURE INCENTIVES AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator Hillyard



**1st Sub. H.B. 99**, as amended, was returned to the House for further consideration.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 10, 2011

The House passed, as amended, **2nd Sub. S.B. 52**, TORTIOUS ACT ARBITRATION, by Senator S. Urquhart, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 184**, DISPOSAL OF ELECTRONIC WASTE, by Senator S. Urquhart, and it is transmitted for further consideration; and

The House substituted and passed, **3rd Sub. S.B. 261**, CHANGES TO TRUST DEED FORECLOSURE PROVISIONS, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

### SECOND READING CALENDAR

Senator Valentine made the motion to remove the circle from **1st Sub. H.B. 89**, PROTECTION OF CHILDREN RIDING IN MOTOR VEHICLES. The motion failed on a voice vote.

### CONCURRENCE CALENDAR

On motion of Senator Jenkins, the circle was removed from **1st Sub. S.B. 28**, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS, and it was before the Senate.

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **1st Sub. S.B. 28**, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen

Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Jones

**1st Sub. S.B. 28** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to **1st Sub. S.B. 65**, STATEWIDE ONLINE EDUCATION PROGRAM. Senator Buttars commented. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Van Tassell	Waddoups	

**Absent or not voting were:** Senators  
Jenkins                      Valentine

**1st Sub. S.B. 65** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Dayton, the Senate voted to concur in the House amendments to **S.B. 177**, SECURITY AGENCY QUALIFICATION AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins

Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**S.B. 177** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to **5th Sub. S.B. 138**, DRIVER LICENSE QUALIFICATION AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 3; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Reid	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

McAdams	Robles	Romero
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**Absent or not voting was:** Senator

Valentine

**5th Sub. S.B. 138** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **S.B. 287**, SPECIALITY LICENSE PLATE AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins

Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Reid	Robles	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Voting in the negative was:** Senator Romero

**Absent or not voting were:** Senators Hillyard McAdams

**S.B. 287** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 52**, TORTIOUS ACT ARBITRATION. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars Hillyard McAdams

**2nd Sub. S.B. 52** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Urquhart, the Senate voted to refuse to concur with the House amendments to **S.B. 184**, DISPOSAL OF ELECTRONIC WASTE, and asked the House to recede from their amendments.

\* \* \*

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 261**, CHANGES TO TRUST DEED

FORECLOSURE PROVISIONS. The bill, as amended, passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Hillyard	McAdams	Urquhart
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**3rd Sub. S.B. 261** was returned to the House for the signature of the Speaker.

\* \* \*

Senator Davis made the motion that the Senate reconsider its action on **H.B. 281, SEX OFFENDER AND KIDNAPPING AMENDMENTS**. The motion failed on a voice vote.

## SECOND READING CALENDAR

**S.B. 294, PATIENT ACCESS REFORM**, was read the second time.

On motion of Senator Adams, the following substitute bill replaced the original bill:

**2nd Sub. S.B. 294 Patient Access Reform** (J.S. Adams)

On motion of Senator Adams, the bill was circled.

\* \* \*

On motion of Senator Jenkins, and at 1:00 p.m., the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 3:25 p.m., with President Waddoups presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 10, 2011

The Speaker of the House has signed **S.B. 51**, AMENDMENTS TO LOCAL SALES AND USE TAXES FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 57**, ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CATS, by Senator D. Stowell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 72**, INITIATIVE AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 167**, CONDOMINIUM AND COMMUNITY ASSOCIATION REVISIONS, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The House passed, **S.B. 186**, UTAH MEDICAL PRACTICE ACT AMENDMENTS, by Senator J. S. Adams, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 209**, TELECOMMUNICATIONS AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 226**, INCOME TAX CREDITS FOR CLEANER BURNING FUELS, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 236**, REFERENDUM AMENDMENTS, by Senator K. Van Tassell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 272**, SECURED CREDITOR AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 282**, SMALL MINING OPERATIONS, by Senator D. Hinkins, and it is transmitted for the signature of the President; and

The House passed, **S.B. 293**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AND ANNEXATION AMENDMENTS, by

Senator J. Stevenson, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 301**, PUBLIC TRANSIT REVISIONS, by Senator J. Stevenson, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 318**, JUSTICE COURT MODIFICATIONS, by Senator D. C. Buttars, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 319**, TECHNOLOGY COMMERCIALIZATION AND INNOVATION ACT, by Senator C. Bramble, which has been signed by the Speaker, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

### SECOND READING CALENDAR

On motion of Senator Niederhauser, under suspension of the rules, **H.B. 488**, BUDGETING PROCEDURES AMENDMENTS, was considered read the second and third times. Senators Romero, Hillyard, Jones, and Davis commented and the bill passed on the following roll call:

**Yeas, 18; Nays, 10; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	McAdams
Niederhauser	Okerlund	Reid	J. Stevenson
Thatcher	Urquhart		

**Voting in the negative were:** Senators

Dayton	Jones	Mayne	Morgan
Robles	Romero	H. Stephenson	Valentine
Van Tassell	Waddoups		

**Absent or not voting was:** Senator  
Stowell

**H.B. 488** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Knudson, under suspension of the rules, the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar under 1st Sub. H.B. 496:

**H.B. 330, H.B. 403, 1st Sub. H.B. 138, 1st Sub. H.B. 191, and H.B. 328**

On motion of Senator Hillyard, the bills were circled.

\* \* \*

On motion of Senator Knudson, the Senate voted to lift **H.B. 404, STATE HEALTH INSURANCE AMENDMENTS**, from Rules and place it on the bottom of the Second Reading Calendar.

\* \* \*

On motion of Senator Niederhauser, under suspension of the rules, **H.J.R. 45, JOINT RULES AMENDMENTS FOR ESTABLISHING BASE BUDGETS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Stowell

**H.J.R. 45** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Adams, the circle was removed from **S.B. 5, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS**, and it was before the Senate.



Senator Adams proposed the following amendment:

- 1. Page 11, Lines 326 through 327

326 (e) the university may not request state funds for operation and maintenance costs or

327 capital improvements.

(7) The Legislature intends that:

(a) the Board of Regents, on behalf of Weber State University, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Weber State University to borrow money on the credit, revenues, and reserves of the university, other than appropriations of the Legislature, to finance a portion of the cost of constructing a Professional Programs Classroom Building on the Davis Campus;

(b) Weber State University use student fees and other contributions as the primary revenue sources for repayment of any obligation created under authority of this section;

(c) the maximum amount of revenue bonds or evidences of indebtedness authorized by this section is \$8,400,000, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements;

(d) the university may plan, design, and construct the classroom building subject to the requirements of Title 63A, Chapter 5, State Building Board – Division of Facilities Construction and Management; and

(e) the university may not request state funds for operation and maintenance costs or capital improvements.

Senator Adams’ motion to amend passed on a voice vote.

On motion of Senator Adams, under suspension of the rules, **S.B. 5, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS**, was considered read the second and third times. Senator Adams explained the bill. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan

Niederhauser	Okerlund	Reid	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Robles	Stowell
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**S.B. 5** was transmitted to the House.

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift **H.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS**, from the Rules committee and place it on the top of the Second Reading Calendar.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

On motion of Senator Adams, the circle was removed from **2nd Sub. S.B. 294, PATIENT ACCESS REFORM**, and it was before the Senate.

Senator Adams proposed the following amendment:

1. Page 3, Line 73

73      (a) age of the employee in accordance with Subsection (7):

Senator Adams' motion to amend passed on a voice vote.

On motion of Senator Adams, under suspension of the rules, **2nd Sub. S.B. 294, PATIENT ACCESS REFORM**, was considered read the second and third times. Senator Adams explained the bill. Senator Adams made the motion to suspend the rules to pass the bills on second and third for the remainder of the day. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Hillyard                      Hinkins                      Stowell

**2nd Sub. S.B. 294** was transmitted to the House.

\* \* \*

On motion of Senator Christensen, under suspension of the rules, **H.B. 450**, HOSPITAL PROVIDER TAX AMENDMENTS, was considered read the second and third times. Senator Dayton commented and the bill passed on the following roll call:

**Yeas, 23; Nays, 2; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hillyard	Hinkins	Jones
Liljenquist	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Dayton                      Madsen

**Absent or not voting were:** Senators

Jenkins                      Knudson                      Mayne                      Stowell

**H.B. 450** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 453**, DOMESTIC VIOLENCE SERVICES, was read the second time.

On motion of Senator Christensen, the following substitute bill replaced the original bill:

**1st Sub. S.B. 453 Domestic Violence Services** (D. Clark)

On motion of Senator Christensen, under suspension of the rules, **1st Sub. H.B. 453**, DOMESTIC VIOLENCE SERVICES, was considered read the second and third times and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
McAdams	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Waddoups

**Absent or not voting were:** Senators

Adams	Mayne	Niederhauser	Stowell
Van Tassell			

**1st Sub. H.B. 453** was returned to the House for further consideration.

\* \* \*

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to reconsider its action on **H.B. 488, BUDGETING PROCEDURES AMENDMENTS.**

On motion of Senator Jenkins, the bill was circled.

\* \* \*

**1st Sub. H.B. 148, RAW HONEY AMENDMENTS,** was read the second time. Senator Valentine explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 0; Absent, 9.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Hillyard	Jenkins	Jones
Liljenquist	Morgan	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Waddoups

**Absent or not voting were:** Senators

Dayton	Hinkins	Knudson	Madsen
Mayne	McAdams	Niederhauser	Stowell
Van Tassell			

\* \* \*

On motion of Senator Christensen, **1st Sub. H.B. 176**, AUDIT OF STATE BUDGETS, was read the second time and circled.

\* \* \*

On motion of Senator Christensen, under suspension of the rules, **H.B. 454**, STATE HOSPITAL REVISIONS, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hinkins	Madsen	Stowell	Valentine
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**H.B. 454** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **H.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, and it was before the Senate.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne

McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Thatcher	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Bramble	Madsen	Stowell	Urquhart
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**H.B. 3** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **H.B. 330**, BUDGETARY PROCEDURE AMENDMENTS, and it was before the Senate.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 330**, BUDGETARY PROCEDURE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Madsen	Stowell	Urquhart
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**H.B. 330** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Robles, under suspension of the rules, **1st Sub. H.B. 482**, LONG-TERM CARE FACILITY – MEDICAID CERTIFICATION FOR BED CAPACITY AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 1; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative was:** Senator  
Dayton

**Absent or not voting were:** Senators

Buttars	Madsen	Stowell
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**1st Sub. H.B. 482** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**JOINT CONFERENCE COMMITTEE REPORT**

Mr. President: March 10, 2011

The Joint Conference Committee comprised of Sens. Adams, Waddoups, and McAdams, and Reps. Webb, Draxler, and Hendrickson, recommends **1st Sub. H.B. 104, HOMEOWNER ASSOCIATION AMENDMENTS**, by Representative R. C. Webb, be replaced and favorably recommends **2nd Sub. H.B. 104, HOMEOWNER ASSOCIATION AMENDMENTS**.

Sen. Stuart Adams and  
Rep. Curt Webb, Chairs

On motion of Senator Adams, under suspension of the rules, **2nd Sub. H.B. 104, HOMEOWNER ASSOCIATION AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting were:** Senators

Buttars	Christensen	Madsen	Robles
Stowell			

**2nd Sub. H.B. 104** was returned to the House for further consideration.

\* \* \*

On motion of Senator Niederhauser, **2nd Sub. H.B. 84**, OFFICE OF INSPECTOR GENERAL OF MEDICAID SERVICES, was read the second time and circled.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **H.B. 403**, CHANGES TO FIT PREMISES ACT, and it was before the Senate.

On motion of Senator Niederhauser, under suspension of the rules, **H.B. 403**, CHANGES TO FIT PREMISES ACT, was considered read the second and third times and passed on the following roll call:

**Yeas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Reid	Robles
Romero	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars	Hillyard	Madsen	Okerlund
H. Stephenson	Stowell		

**H.B. 403** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 138**, FEDERAL RECEIPTS REPORTING REQUIREMENTS, and it was before the Senate.



Senator Niederhauser proposed the following amendment:

1. Page 3, Lines 62 through 67  
House Committee Amendments  
2-23-2011
 

62        (2) Subject to Subsections (3) and (4), a designated state agency shall each year, on or

63        before October 31, prepare a report that:

64        (a) reports the aggregate value of federal receipts the designated state agency received for the

65        preceding fiscal year;

66        (b) reports the aggregate amount of federal funds appropriated by the Legislature to the

67        designated state agency for the preceding fiscal year.
2. Page 3, Lines 71 through 72  
House Committee Amendments  
2-23-2011:
 

71        (d) ~~H~~→ [develops a plan] {~~develop~~ } develops plans ~~←H~~ for operating the designated state agency if

71a       there is a reduction of  $\frac{1}{2}$

(i) ~~H~~→ 5% {~~1~~} or more in the federal receipts that the designated state agency receives; and {~~a reduction of~~} ~~←H~~

72        (ii) 25% or more in the federal receipts that the designated state agency receives.
3. Page 3, Lines 85 through 87  
House Committee Amendments  
2-23-2011:
 

85        (ii) compares the aggregate value of federal receipts each designated state agency received for the

86        previous fiscal year to the aggregate amount of federal funds appropriated by the Legislature to that

87        designated state agency for that fiscal year.
4. Page 4, Lines 104 through 115:

104 During the 2011 interim, the Government Operations and Political Subdivisions Interim

105 Committee shall study whether to draft legislation requiring:

106 (1) a political subdivision to:

107 (a) calculate the aggregate value of federal receipts the political subdivision receives;

108 (b) calculate the percentage of the political subdivision's total budget that constitutes

109 federal receipts; and

110 (c) develop a plan for operating the political subdivision if there is a reduction of :

(i) 5% or more in the federal receipts that the political subdivision receives; and

(ii) 25%

111 or more in the federal receipts that the political subdivision receives; or

112 (2) a state institution of higher education listed in Section 53B-2-101 or a school within

113 the public education system to develop a plan for operating the state institution of higher

114 education or the school if there is a reduction of :

(i) 5% or more in the federal receipts that the state institution of higher education or school receives; and

(ii) 25% or more in the federal receipts that the state

115 institution of higher education or school receives.

Senator Niederhauser's motion to amend passed on a voice vote.

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub. H.B. 138, FEDERAL RECEIPTS REPORTING REQUIREMENTS**, was considered read the second and third times. Senators Robles and Davis commented and the bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Jones

Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Hinkins	Jenkins	Madsen	H. Stephenson
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**1st Sub. H.B. 138**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Dayton, the circle was removed from **H.B. 328**, STATE GOVERNMENT WORK WEEK, and it was before the Senate.

Senator Dayton proposed the following amendment:

1. Page 1, Lines 18 through 19

18 Other Special Clauses:

19        ~~{None}~~        This bill takes effect September 17, 2011.

2. Page 2, Line 48g  
House Floor Amendments  
3-1-2011:

48g        (d)the hours a state agency employee works per day. ←<sup>h</sup>  
Section 4. Effective date.  
This bill takes effect September 17, 2011.

Senator Dayton’s motion to amend passed on a voice vote.

On motion of Senator Dayton, under suspension of the rules, **H.B. 328**, STATE GOVERNMENT WORK WEEK, was considered read the second and third times. Senators Waddoups, Valentine, Robles, Jenkins, Bramble, and Christensen commented and the bill passed on the following roll call:

**Yeas, 18; Nays, 8; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins

Jones	Knudson	Liljenquist	Madsen
Okerlund	Reid	J. Stevenson	Stowell
Valentine	Van Tassell		

**Voting in the negative were:** Senators

Davis	Mayne	McAdams	Morgan
Robles	Romero	Thatcher	Waddoups

**Absent or not voting were:** Senators

Niederhauser	H. Stephenson	Urquhart
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**H.B. 328**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **H.B. 301**, SCHOOL DISTRICT PROPERTY TAX REVISIONS, was considered read the second and third times. Senator Van Tassell commented and the bill passed on the following roll call:

**Yeas, 20; Nays, 6; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Jones	Mayne	McAdams	Morgan
Robles	Romero		

**Absent or not voting were:** Senators

Christensen	Hillyard	Urquhart
-------------	----------	----------

**H.B. 301** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Stevenson, under suspension of the rules, **1st Sub. H.B. 487**, COUNTY USE OF LAND USE ORDINANCE, was considered read the second and third times. Senator Jenkins commented and the bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Buttars	Christensen	Liljenquist	Thatcher
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**1st Sub. H.B. 487** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

### **SPECIAL RECOGNITION**

A citation was read honoring Robert Gardner as Sergeant of Arms and Annette Moore as Secretary of the Senate on their retirement from the Senate. Senators Jenkins, Davis, Mayne, Van Tassell, Hillyard, Valentine, Robles, and Knudson commented.

### **COMMITTEE OF THE WHOLE**

On motion of Senator Knudson, Bob Gardner and Annette Moore spoke in Committee of the Whole.

On motion of Senator Knudson, the Committee of the Whole was dissolved.

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 496, TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS**, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

**2nd Sub. H.B. 496 Technology and Life Science Economic Development Act and Related Tax Credits** (D. Clark)

On motion of Senator Bramble, under suspension of the rules, **2nd Sub. H.B. 496**, TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator

Urquhart

**2nd Sub. H.B. 496** was returned to the House for further consideration.

\* \* \*

On motion of Senator Knudson, the Senate voted to lift **1st Sub. H.B. 445** and **H.B. 87** from Rules and place them on the top of the Second Reading Calendar.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 10, 2011

The House passed, as amended, **S.B. 248**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration; and

The House substituted, amended, and passed, **2nd Sub. S.B. 155**, POLITICAL SUBDIVISION’S PROCUREMENT PROCESS FOR CONSTRUCTION PROJECTS, by Senator B. McAdams, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 273**, EMERGENCY RESPONDER FEES, by Senator J. S. Adams, and it is transmitted for further consideration; and

The House adopted the Joint Conference Committee Report dated March 10, 2011, and passed **2nd Sub. S.B. 305**, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

\* \* \*

Mr. President:

March 10, 2011

The House passed, as substituted, **2nd Sub. H.B. 2**, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift **2nd Sub. H.B. 2** from Rules and place it on the top of the Second Reading Calendar.

### SECOND READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 176**, AUDIT OF STATE BUDGETS, and it was before the Senate.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

#### **2nd Sub. H.B. 176 Audit of State Budgets** (L. Christensen)

Senator Niederhauser proposed the following amendment:

1. Page 3, Line 71 through 81 Delete lines 71–81

Senator Niederhauser's motion to amend passed on a voice vote. Senators Hillyard, Dayton, and Valentine commented.

On motion of Senator Niederhauser, under suspension of the rules, **2nd Sub. H.B. 176**, AUDIT OF STATE BUDGETS, was considered read the second and third times and passed on the following roll call:

**Yeas, 16; Nays, 12; Absent, 1.**

**Voting in the affirmative were:** Senators

Bramble	Buttars	Dayton	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Niederhauser	Reid	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Waddoups

**Voting in the negative were:** Senators

Christensen	Davis	Hillyard	Knudson
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	Stowell	Van Tassell

**Absent or not voting was:** Senator

Adams

**2nd Sub. H.B. 176** was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble, the Senate voted to reconsider its action on **1st H.B. 496**, TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS.

On motion of Senator Valentine, the bill was circled.

\* \* \*

On motion of Senator Urquhart, **2nd Sub. H.B. 2**, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS, was read the second time and circled.

\* \* \*

**1st Sub. H.B. 445**, PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT, was read the second time.

Senator Valentine proposed the following amendment:

1. Page 2, Lines 49 through 50

49       (2) (a) The authority consists of {~~nine~~} 10  
members.

50       (b) {~~Three~~} Two members of the authority shall be  
appointed by the legislative body of the

2. Page 2, Lines 52 through 56:

52       (c) {~~(i) Five~~} Three members of the authority shall  
be appointed by the governor.

53       {~~(ii) At least one of the members appointed under~~  
Subsection (2)(c)(i) shall be from the



54 Governor's Office of Economic Development, at least one shall be from the Division of

55 Facilities Construction and Management, at least one shall be from the Department of

56 Corrections, and at least one shall be from the Governor's Office of Planning and Budget. }

3. Page 3, Line 57:

57 (d) One member shall be appointed by the Utah Association of Counties.

(e) Two members shall be members of the Senate appointed by the president of the Senate.

(f) Two members shall be members of the House of Representatives appointed by the speaker of the House of Representatives.

4. Page 3, Lines 66 through 68:

66 {~~(1)~~ As provided in this chapter, the authority shall pursue the feasibility of various

67 options to realize a prison relocation project. }

68 {~~(2)~~ } (1) The authority shall:

5. Page 3, Lines 72 through 73:

72 Subsection {~~(2)~~ } (1) (a) {~~-~~ } ;  
(c) review and evaluate any proposals relating to a prison relocation project that the executive branch submits; and

(d) complete its review and evaluation of proposals within 90 days after receiving proposals.

73 {~~(3)~~ } (2)(a) Upon completing its evaluation of proposals submitted concerning a prison

6. Page 3, Lines 75 through 79:

75 recommendations to the {~~Legislative Management Committee and~~ } governor.

(b) The process of the authority's issuing requests and reviewing and evaluating proposals is to provide a public forum for considering the feasibility of and proposals for a prison relocation project.

(c) The authority's recommendations under Subsection (2)(a) are advisory only.

76            {~~(4)~~ }    (3)(a)    After    {~~the authority makes a report under Subsection (3) and subject to any~~

77    ~~necessary legislation to implement a proposal, the governor may accept a proposal submitted to~~

78    ~~the authority without any further process to request and receive proposals for the prison~~

79    ~~relocation project~~ }    receiving the authority's report under Subsection (3), the governor shall make a recommendation to the Legislative Management Committee with respect to any implementation of a proposal for the prison relocation project .

(b) The acceptance of a proposal and any implementation of a proposal for a prison relocation project are subject to legislative approval.

Senator Valentine's motion to amend passed on a voice vote. Senators Valentine and Reid commented.

On motion of Senator Urquhart, under suspension of the rules, **1st Sub. H.B. 445, PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT**, was considered read the second and third times and passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Dayton	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative was:** Senator Christensen

**Absent or not voting were:** Senators

Buttars	Davis	Hillyard	Stowell
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**1st Sub. H.B. 445** was returned to the House for further consideration.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 10, 2011

The House passed, as amended, **S.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Senator J. S. Adams, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 217**, EDUCATION POLICY AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 235**, CHARTER SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, by Senator K. Mayne, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

\* \* \*

Mr. President: March 10, 2011

The House passed, as amended, **H.J.R. 46**, JOINT RESOLUTION ON STATE HEALTH INSURANCE, by Representative B. Dee, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. President: March 10, 2011

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 16**, PHARMACY BENEFITS MANAGER ACT, by Representative E. Vickers, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 99**, MOTION PICTURE INCENTIVES AMENDMENTS, by Representative G. Hughes, and it is transmitted for the signature of the President; and

The House adopted the Joint Conference Committee Report dated March 10, 2011, and passed **2nd Sub. H.B. 104**, HOMEOWNER ASSOCIATION AMENDMENTS, by Representative R. C. Webb, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 130**, ELECTION DAY VOTING CENTERS, by Representative R. Chavez–Houck, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 316**, TAXATION OF SURPLUS LINES OF INSURANCE, by Representative T. Kiser, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 388**, OPERATION AND MANAGEMENT OF CHARTER SCHOOLS, by Representative C. Herrod, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 428**, WATER ISSUES TASK FORCE, by Representative P. Painter, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 453**, DOMESTIC VIOLENCE SERVICES, by Representative D. Clark, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Jenkins, and at 6:35 p.m., the Senate recessed.

## EVENING SESSION

The Senate reassembled at 8:00 p.m., with President Waddoups presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 10, 2011

The House passed, as amended, **S.J.R. 24**, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, by Senator D. Hinkins, and it is transmitted for further consideration

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

\* \* \*

Mr. President:

March 10, 2011

The Speaker of the House has signed **1st Sub. S.B. 28**, ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 52**, TORTIOUS ACT ARBITRATION, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 65**, STATEWIDE ONLINE EDUCATION PROGRAM, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The House passed, **S.B. 69**, SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **5th Sub. S.B. 138**, DRIVER LICENSE QUALIFICATION AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The House passed, **S.B. 174**, MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS, by Senator S. Urquhart, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 177**, SECURITY AGENCY QUALIFICATION AMENDMENTS, by Senator M. Dayton, and it is transmitted for the signature of the President; and

The House receded from its amendments and passed **S.B. 184**, DISPOSAL OF ELECTRONIC WASTE, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 250**, ELECTRONIC TRANSMISSIONS AND DIRECTORS ACTIONS, by Senator B. McAdams, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **3rd Sub. S.B. 261**, CHANGES TO TRUST DEED FORECLOSURE PROVISIONS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 287**, SPECIALTY LICENSE PLATE AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The House passed, **S.B. 304**, PREVENTING BULLYING AND HAZING IN ELEMENTARY AND SECONDARY SCHOOLS, by Senator R. Okerlund, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

### SECOND READING CALENDAR

On motion of Senator Dayton, **H.B. 438**, WATER QUALITY BOARD AMENDMENTS, was read the second time and circled.

\* \* \*

On motion of Senator Bramble, the circle was removed from **2nd Sub. H.B. 496**, TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 2, Lines 36 through 37

36 Other Special Clauses:

37 This bill provides ~~{for}~~ effective dates.

This bill provides for retrospective operation.

2. Page 5, Lines 146 through 147:

146 (i) for a taxable year for which the eligible claimant, estate, or trust holds a tax credit

147 certificate issued in accordance with Section  
~~{-64M-1-2908 }~~ 63M-1-2908 ; and

3. Page 6, Lines 179 through 180:

179 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

180 commission {~~shall~~} may by rule define the term  
“transaction.”

4. Page 8, Lines 234 through 236:

234 (b) on each day of the taxable year of the capital gain  
transaction, the Utah small

235 business corporation described in Subsection (3)(a) (ii) has at  
least 50% of its employees in the

236 state.

5. Page 8, Line 242 through Page 9, Line 243:

242 (5) In accordance with Title 63G, Chapter 3, Utah  
Administrative Rulemaking Act, the

243 commission {~~shall~~} may make rules:

Senator Bramble’s motion to amend passed on a voice vote.

On motion of Senator Bramble, under suspension of the rules, **2nd Sub. H.B. 496, TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Valentine

**2nd Sub. H.B. 496**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift **S.B. 3** from Rules and place it on the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Buttars, the circle was removed from **2nd Sub. H.B. 2, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS**, and it was before the Senate.

Senator Stephenson proposed the following amendment:

- 1. Page 13, Line 393

393 Flexible Allocation – WPU Distribution  
 {-\$22,698,864-} \$20,698,864

- 1. Page 14, Line 407:

407 Pilot Assessment \$1,000,000  
Public Education Job Enhancement \$2,000,000

Senator Stephenson’s motion to amend failed on a voice vote.

Senator Romero, Buttars, Morgan, Hillyard, and Valentine commented

On motion of Senator Buttars, under suspension of the rules, **2nd Sub. H.B. 2, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator Liljenquist

**2nd Sub. H.B. 2** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**INTRODUCTION OF BILLS**

**S.B. 3, Appropriations Adjustments** (L. Hillyard), was read the first time by short title and referred to the Rules Committee.



On motion of Senator Hillyard, the bill was lifted from rules and placed on the Second Reading Calendar.

**S.B. 3, APPROPRIATIONS ADJUSTMENTS**, was read the second time.

Senator Hillyard proposed the following amendment:

1. Page 13, Line 479:  
After line 479 insert:  
ITEM 65A To Department of Administrative Services –  
DFCM Administration  
From General Fund 2,185,500  
From General Fund, One-time (2,185,500)
2. Page 14, Line 517:  
After line 517 insert:  
ITEM 70A To State Board of Bonding Commissioners –  
Debt Service  
From General Fund 3,000,000  
Schedule of Programs:  
Debt Service 3,000,000
3. Page 19, Line 711:  
Delete “180,000” and insert “70,000”
4. Page 19, Line 713:  
Delete “Securities” and insert “Real Estate”
5. Page 19, Line 713:  
Delete “180,000” and insert “70,000”
6. Page 19, Line 714–715:  
Delete “Securities Fraud Reporting Program Act (Senate  
Bill 100, 2011 General Session)” and insert “Homeowner  
Association Amendments (House Bill 104, 2011 General  
Session)
7. Page 25, Line 936:  
Delete “2,300,000” and insert “1,300,000”
8. Page 25, Line 940:  
Delete “12,346,600” and insert “11,346,600”

Senator Hillyard’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**H.B. 87**, SCHOOL FINANCE AMENDMENTS, was read the second time.

Senator Bramble proposed the following amendment:

- 1. Page 1, Lines 13 through 14

13       ▶       increases the voted leeway and board guarantees each year by .0005 times the value

14       of the prior year’s weighted pupil unit subject to the Legislature appropriating funds for an increase in the guarantee ; and

- 2. Page 2, Lines 49 through 50:

49       (ii) The guarantee shall increase by .0005 times the value of the prior year’s weighted

50       pupil unit for each succeeding year subject to the Legislature appropriating funds for an increase in the guarantee .

Senator Bramble’s motion to amend passed on a voice vote.

On motion of Senator Bramble, under suspension of the rules, **H.B. 87**, SCHOOL FINANCE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator Davis

**H.B. 87** was returned to the House for further consideration.

\* \* \*

On motion of Senator Adams, under suspension of the rules, **H.B. 296**, HIGHWAY CONSTRUCTION CONTRACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Reid
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Davis	Liljenquist	Madsen
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**H.B. 296** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Urquhart, the Senate voted to recall **1st Sub. H.B. 445**, PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT, from from the House for the purpose of making an amendment.

\* \* \*

On motion of Senator Jenkins, the Senate voted to lift **2nd Sub. H.B. 260** to the top of the Second Reading Calendar.

### CONCURRENCE CALENDAR

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **S.B. 248**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins

Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Madsen

**S.B. 248** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator McAdams, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 155**, POLITICAL SUBDIVISION'S PROCUREMENT PROCESS FOR CONSTRUCTION PROJECTS. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators  
Madsen                      Urquhart

**2nd Sub. S.B. 155** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Adams, the Senate voted to concur in the House amendments to **S.B. 273**, EMERGENCY RESPONDER FEES. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins

Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator Urquhart

**S.B. 273** was returned to the House for the signature of the Speaker.

**JOINT CONFERENCE COMMITTEE REPORT**

Mr. President: March 10, 2011

The Joint Conference Committee comprised of Sens. Howard Stephenson, Stuart Reid, and Karen Morgan, and Reps. Michael Morley, Rhonda Menlove, and Susan Duckworth, recommends **2nd Sub. S.B. 305, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT**, by Senator H. Stephenson, with the following amendments:

1. Also include the following amendments:

1. Page 3, Lines 58 through 60:

58     (c) three private sector members that represent business,  
appointed by the governor

59     ~~{ from a list of a minimum of three names submitted by the~~  
~~speaker of the House, and a list of a~~

60     minimum of three names submitted by the president of the  
Senate } :

Sen. Howard Stephenson and  
Rep. Michael Morley, Chairs

On motion of Senator Stephenson, the Senate voted to adopt the Joint Conference Committee report. The bill pass on the following roll call vote:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist

Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Madsen	Urquhart
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**2nd Sub. S.B. 305** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Adams, the Senate voted to concur in the House amendments to **S.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator

Madsen

**S.B. 5** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **S.B. 217**, EDUCATION POLICY AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist

Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Madsen

**S.B. 217** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Mayne, the Senate voted to concur in the House amendments to **1st Sub. S.B. 235**, CHARTER SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Jenkins

**1st Sub. S.B. 235** was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hinkins, the Senate voted to concur in the House amendments to **S.J.R. 24**, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins

Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Buttars                      Romero

**S.J.R. 24** was returned to the House for the signature of the Speaker.

### SECOND READING CALENDAR

**2nd Sub. H.B. 260**, MECHANICS' LIENS REVISIONS, was read the second time.

On motion of Senator Jenkins, the following substitute bill replaced the original bill:

#### **3rd Sub. H.B. 260 Mechanics' Liens Revisions** (D. Clark)

Senator Jenkins proposed the following amendment:

1. Page 4, Line 102

102     ~~[The liens herein provided for shall relate]~~

(1) As used in this section:

2. Page 4, Line 110:

110     ~~(v) not withdrawn under Subsection 38-1-32(8).~~

(b) "Project property" means the real property on which a building or structure is being constructed or altered or on which an improvement is made.

3. Page 5, Line 123:

123     ~~(b) A recorded mortgage or trust deed of a construction lender~~ as defined in Section 38-1-27.  ~~has priority over each~~

4. Page 6, Line 157:

157     ~~(i) the lot or parcel number of each lot included in~~ the project property that has a lot or

5. Page 8, Lines 212 through 223:



- 212        {-(iv) project address;-}
- 213        {-(v)-}        (iv)    lot or parcel number;
- 214        [(vi) unique project number assigned by the designated agent;  
and]
- 215        {-(vi)}        (v)    the address of the project property;
- 216        {-(vii)}        (vi)    entry number;
- 217        {-(viii)}        (vii)    the name of the county in which the  
project property is located;
- 218        {-(ix)}        (viii)    for private projects;
- 219        (A) the tax parcel identification number of each parcel included  
in the project property;
- 220        and
- 221        (B) the building permit number;
- 222        {-(x)}        (ix)    for government projects, the government  
project-identifying information; and
- 223        [(vii)]        {-(xi)}        (x)    any other identifier that the  
division considers reasonably appropriate in

6. Page 12, Lines 341 through 342:

- 341        (2) {~~Promptly after~~}        After    recording a mortgage or  
trust deed securing a construction loan on a
- 342        private project, the construction lender on the loan shall  
promptly, in conjunction with the closing of the construction  
loan, file with the database a notice of

7. Page 30, Line 905:

- 905        (v) not withdrawn under Subsection 38-1-32(8).  
(b) "Project property" means the real property on which an  
improvement is being constructed or made.

8. Page 30, Line 924:

- 924        Subsection 38-1-32(8)."        ;

9. Page 31, Line 935:

- 935        38-1-32.7, 38-1-33, or 38-1-40;"        ;

10. Page 32, Line 982:

982 (e) (i) Except as provided in Subsection  
 {-(3)-} (2) (e)(ii), a preliminary notice that is timely

Senator Jenkins' motion to amend passed on a voice vote.

On motion of Senator Valentine, under suspension of the rules, **3rd Sub. H.B. 260, MECHANICS' LIENS REVISIONS**, was considered read the second and third times. Senators Thatcher and Mayne commented and the bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Buttars

**3rd Sub. H.B. 260**, as amended, was returned to the House for further consideration.

## COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011

The House transmits **1st Sub. H.B. 445, PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT**, by Representative G. Hughes, for further consideration.

Sandy D. Tenney, Chief Clerk

## CONCURRENCE CALENDAR

**1st Sub. H.B. 445, PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT**, was before the Senate.

Senator Urquhart proposed the following amendment:

- 1. Page 3, Line 82:

After “The” delete “municipality in whose boundary the prison property is presently located” and insert “Governor’s Office of Planning and Budget”

Senator Urquhart’s motion to amend passed on a voice vote and the bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Buttars

**1st Sub. H.B. 445** was returned to the House for further consideration.

\* \* \*

On motion of Senator Jenkins, the circle was removed from **H.B. 488**, BUDGETING PROCEDURES AMENDMENTS, and it was before the Senate.

Senator Jenkins proposed the following amendment:

- 1. Page 1, Lines 12 through 13

12            {~~—~~ provides that the governor may elect to submit, as  
opposed to being required to  
13 submit, a proposed budget under the Budgetary Procedures Act;  
—}

- 2. Page 1, Lines 18 through 20:

18            ►        modifies the statutory structure of the code; {~~—~~  
19            ►~~—~~ provides that the governor has discretion in submitting a  
budget proposal rather than

20 ~~having an obligation to do so;~~ } and

3. Page 2, Lines 38 through 39:

38 (1) ~~{-}~~ The ~~{-}~~ ~~{-If the governor chooses to submit a proposed budget to the Legislature, the }~~

39 governor shall deliver, not later than 30 days before the date the Legislature convenes in the

4. Page 10, Lines 295 through 299:

295 (3) An internal service fund agency shall submit a status report of outstanding

296 nonlapsing authority to acquire capital assets and associated one-time projects to the

297 Governor’s Office of Planning and Budget and the Legislative Fiscal Analyst’s Office with the

298 proposed budget [required by] ~~{-that may be }~~ submitted by the governor as provided under

299 Section 63J-1-201.

Senator Jenkins’ motion to amend passed on a voice vote. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

H. Stephenson	Thatcher	Urquhart
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**H.B. 488** was returned to the House for further consideration.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **S.B. 3**, APPROPRIATIONS ADJUSTMENTS, and it was before the Senate.

Senator Hillyard proposed the following amendment:

1. Page 14, Line 517:  
After line 517 insert:  
CAPITAL BUDGET  
ITEM 70B To Capital Budget – Capital Development  
From Capital Project Fund – Project Reserve (5,000,000)  
Schedule of Programs:  
Freeport Warehouse (5,000,000)  
  
REVENUE – INFRASTRUCTURE AND GENERAL  
GOVERNMENT  
ITEM 70C To General Fund  
From Capital Project Fund – Project Reserve 5,000,000  
Schedule of Programs:  
General Fund, One-time 5,000,000
2. Page 14, Line 522:  
Delete “610,000” and insert “2,610,000”
3. Page 14, Line 524:  
Delete “600,000” and insert “2,600,000”
4. Page 16, Line 573:  
Delete “915,000” and insert “3,915,000”
5. Page 16, Line 577:  
Delete “(35,000)” and insert “2,965,000”

Senator Hillyard’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**2nd Sub. H.B. 77, MEDICAL ASSISTANCE ACCOUNTABILITY,** was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 3, Lines 60 through 62  
House Floor Amendments  
2–22–2011

60 (5) “Upcoding” means assigning an inaccurate billing code for a service that is payable

61 or reimbursable by Medicaid funds, if the correct billing code for the service, taking into account reasonable opinions derived from official published coding definitions, would result in a

62 lower Medicaid payment or reimbursement.

Senator Niederhauser’s motion to amend passed on a voice vote.

On motion of Senator Niederhauser, under suspension of the rules, **2nd Sub. H.B. 77, MEDICAL ASSISTANCE ACCOUNTABILITY**, was considered read the second and third times and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**2nd Sub. H.B. 77** was returned to the House for further consideration.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **2nd Sub. H.B. 84, OFFICE OF INSPECTOR GENERAL OF MEDICAID SERVICES**, and it was before the Senate.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

**4th Sub. H.B. 84 Office of Inspector General of Medicaid Services**  
(D. Clark)

On motion of Senator Niederhauser, under suspension of the rules, **4th Sub. H.B. 84, OFFICE OF INSPECTOR GENERAL OF MEDICAID SERVICES**, was considered read the second and third times and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**4th Sub. H.B. 84** was returned to the House for further consideration.

\* \* \*

On motion of Senator Okerlund, under suspension of the rules, **H.B. 434**, COUNTY AMENDMENTS, was considered read the second and third times. Senator McAdams commented and the bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator Morgan

**H.B. 434** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

**1st Sub. H.B. 148**, RAW HONEY AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative was:** Senator

Buttars

**Absent or not voting was:** Senator

Adams

**1st Sub. H.B. 148** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

**H.B. 370**, BAIL BOND AMENDMENTS, was read the second time.

Senator Bramble proposed the following amendment:

- Page 3, Line 85:  
House Floor Amendments  
3-8-2011  
After "to and including" delete "the next execution of" and insert "the defendant's appearance to commence serving the"

Senator Bramble's motion to amend passed on a voice vote.

On motion of Senator Bramble, under suspension of the rules, **H.B. 370**, BAIL BOND AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Thatcher
Urquhart	Valentine	Waddoups	



**Absent or not voting were:** Senators

Davis                      Van Tassell

**H.B. 370** was returned to the House for further consideration.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **S.B. 3**, APPROPRIATIONS ADJUSTMENTS, and it was before the Senate.

Senator Stephenson proposed the following amendment:

1. Page 25, Line 921:  
Delete “337,100” and insert “(376,600)”
2. Page 25, Line 925:  
Delete “(7,947,400)” and insert “(8,661,100)”
3. Page 26, Line 968:  
Delete “257,100” and insert “(230,900)”
4. Page 26, Line 970:  
Delete “2,279,000” and insert “1,791,000”
5. Page 28, Line 1027:  
Delete “(145,500)” and insert “(339,400)”
6. Page 28, Line 1029:  
Delete “(62,500)” and insert “(256,400)”
7. Page 28, Line 1038:  
Delete “83,400” and insert “(9,500)”
8. Page 28, Line 1040:  
Delete “23,500” and insert “(69,400)”
9. Page 28, Line 1053:  
Delete “213,700” and insert “25,300”
10. Page 28, Line 1055:  
Delete “(76,700)” and insert “(265,100)”
11. Page 29, Line 1064:  
Delete “36,500” and insert “(22,800)”

12. Page 29, Line 1066:  
Delete “(16,600)” and insert “(75,900)”
13. Page 29, Line 1076:  
Delete “50,100” and insert “(15,800)”
14. Page 29, Line 1078:  
Delete “(4,300)” and insert “(70,200)”
15. Page 29, Line 1087:  
Delete “167,200” and insert “(30,700)”
16. Page 29, Line 1089:  
Delete “(300,000)” and insert “(497,900)”
17. Page 29, Line 1089:  
After line 1089 insert:  
“The Legislature intends that Salt Lake Community College eliminate waiting lists for career and technical education courses through internal reallocation of resources.”
18. Page 30, Line 1109:  
Delete “78,100” and insert “624,200”
19. Page 30, Line 1114:  
Delete “122,700” and insert “668,800”
20. Page 30, Line 1117:  
Delete “68,900” and insert “709,900”
21. Page 30, Line 1122:  
Delete “115,400” and insert “756,400”
22. Page 30, Line 1131:  
Delete “78,400” and insert “236,800”
23. Page 31, Line 1134:  
Delete “66,300” and insert “224,700”
24. Page 31, Line 1137:  
Delete “96,400” and insert “501,200”
25. Page 31, Line 1142:  
Delete “144,500” and insert “549,300”

26. Page 31, Line 1145:  
Delete “36,600” and insert “96,200”
27. Page 31, Line 1148:  
Delete “32,400” and insert “92,000”
28. Page 31, Line 1151:  
Delete “5,700” and insert “26,800”
29. Page 31, Line 1156:  
Delete “15,300” and insert “36,400”
30. Page 31, Line 1159:  
Delete “10,000” and insert “179,000”
31. Page 31, Line 1164:  
Delete “69,700” and insert “238,700”

Senator Stephenson’s motion to amend failed on a voice vote

~ ~ ~

Senator Stephenson proposed the following amendment:

1. Page 25, Line 921:  
Delete “337,100” and insert “(145,400)”
2. Page 25, Line 925:  
Delete “(7,947,400)” and insert “(8,429,900)”
3. Page 26, Line 968:  
Delete “257,100” and insert “72,800”
4. Page 26, Line 970:  
Delete “2,279,000” and insert “1,949,100”
5. Page 28, Line 1027:  
Delete “(145,500)” and insert “(276,600)”
6. Page 28, Line 1029:  
Delete “(62,500)” and insert “(193,600)”
7. Page 28, Line 1030:  
Delete “83,400” and insert “20,600”

8. Page 28, Line 1040:  
Delete “23,500” and insert “(39,300)”
9. Page 28, Line 1053:  
Delete “213,700” and insert “86,400”
10. Page 28, Line 1055:  
Delete “(76,700)” and insert “(204,000)”
11. Page 29, Line 1064:  
Delete “36,500” and insert “(3,600)”
12. Page 29, Line 1066:  
Delete “(16,600)” and insert “(56,700)”
13. Page 29, Line 1076:  
Delete “50,100” and insert “5,500”
14. Page 29, Line 1078:  
Delete “(4,300)” and insert “(48,900)”
15. Page 29, Line 1087:  
Delete “167,200” and insert “33,500”
16. Page 29, Line 1089:  
Delete “(300,000)” and insert “(433,700)”
17. Page 29, Line 1089:  
After line 1089 insert:  
“The Legislature intends that Salt Lake Community College eliminate waiting lists for career and technical education courses through internal reallocation of resources.”
18. Page 30, Line 1109:  
Delete “78,100” and insert “372,000”
19. Page 30, Line 1114:  
Delete “122,700” and insert “416,600”
20. Page 30, Line 1117:  
Delete “68,900” and insert “583,300”
21. Page 30, Line 1122:  
Delete “115,400” and insert “629,800”

- 22. Page 30, Line 1131:  
Delete “78,400” and insert “205,500”
- 23. Page 31, Line 1134:  
Delete “66,300” and insert “193,400”
- 24. Page 31, Line 1137:  
Delete “96,400” and insert “350,600”
- 25. Page 31, Line 1142:  
Delete “144,500” and insert “398,700”
- 26. Page 31, Line 1145:  
Delete “36,600” and insert “63,400”
- 27. Page 31, Line 1148:  
Delete “32,400” and insert “59,200”
- 28. Page 31, Line 1159:  
Delete “10,000” and insert “145,600”
- 29. Page 31, Line 1164:  
Delete “69,700” and insert “205,300”

Senator Stephenson’s motion to amend failed on the a voice vote.

Senator Urquhart commented.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 3, APPROPRIATIONS ADJUSTMENTS**, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative was:** Senator  
H. Stephenson

**Absent or not voting was:** Senator  
Liljenquist

**S.B. 3** was transmitted to the House.

\* \* \*

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011

The House concurred in the Senate amendments and passed **1st Sub. H.B. 138**, FEDERAL RECEIPTS REPORTING REQUIREMENTS, by Representative K. Ivory, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 176**, AUDIT OF STATE BUDGETS, by Representative L. Christensen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 328**, STATE GOVERNMENT WORK WEEK, by Representative M. Noel, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 445**, PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT, by Representative G. Hughes, and it is transmitted for the signature of the President; and

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President: March 10, 2011

The House passed, as amended, **H.J.R. 24**, MASTER STUDY RESOLUTION, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.B. 4**, GENERAL OBLIGATIONS BONDS AUTHORIZATIONS, by Representative G. Froerer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Knudson, the Senate voted to reorganize the board putting the following bills at the top of the Second Reading Calendar:

**2nd Sub. H.B. 354, H.B. 475, H.B. 491, H.B. 359, 2nd Sub. H.B. 421, H.B. 304, 1st Sub. H.B. 337, H.B. 432, and H.B. 404**

### THIRD READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **H.B. 228, ADMINISTRATIVE RULES REAUTHORIZATION**, and it was before the Senate.

On motion of Senator Stephenson, the following substitute bill replaced the original bill:

**1st Sub. H.B. 228 Administrative Rules Reauthorization** (C. Oda)

The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Davis	Stowell
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**1st Sub. H.B. 228**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 35, SALES AND USE TAX ACT REVISIONS**, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

**3rd Sub. H.B. 35 Sales and Use Tax Act Revisions (W. Harper)**

The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Madsen	Stowell	Urquhart
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**1st Sub. H.B. 35** was returned to the House for further consideration.

**SECOND READING CALENDAR**

On motion of Senator Niederhauser, under suspension of the rules, **2nd Sub. H.B. 224, RADIO FREQUENCY IDENTIFICATION**, was considered read the second and third times. Senator Valentine commented and the bill passed on the following roll call:

**Yeas, 19; Nays, 6; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Dayton
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Thatcher	Waddoups	

**Voting in the negative were:** Senators

Buttars	Christensen	Hillyard	Reid
Valentine	Van Tassell		

**Absent or not voting were:** Senators

Madsen	H. Stephenson	Stowell	Urquhart
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**2nd Sub. H.B. 224** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.



\* \* \*

On motion of Senator Knudson, under suspension of the rules, **2nd Sub. H.B. 95**, AMENDMENTS TO TRAFFIC CODE PROVISIONS, was considered read the second and third times and failed on the following roll call:

**Yeas, 9; Nays, 19; Absent, 1.**

**Voting in the affirmative were:** Senators

Davis	Hillyard	Jones	Knudson
Mayne	McAdams	Morgan	Robles
Romero			

**Voting in the negative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hinkins	Jenkins	Liljenquist
Madsen	Niederhauser	Okerlund	Reid
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting was:** Senator  
Stowell

**2nd Sub. H.B. 95** was returned to the House for filing.

\* \* \*

**2nd Sub. H.B. 354**, INSURANCE AMENDMENTS RELATING TO ABORTION, was read the second time.

Senator Dayton proposed the following amendment:

1. Page 1, Lines 20 through 21
  - 20 Other Special Clauses:
  - 21 {~~None~~} This bill takes effect on January 1, 2012.
2. Page 2, Line 48:
  - 48 Act, 111 P.L. 148, unless the coverage is a type of permitted abortion coverage.
  - Section. 2 Effective Date.
  - This bill takes effect on January 1, 2012.

Senator Dayton's motion to amend passed on a voice vote.

Senator McAdams made the motion to substitute the bill. Senator Romero commented. The motion failed on a voice vote.

On motion of Senator Dayton, under suspension of the rules, **2nd Sub. H.B. 354**, INSURANCE AMENDMENTS RELATING TO ABORTION, was considered read the second and third times and passed on the following roll call:

**Yeas, 24; Nays, 4; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Waddoups

**Voting in the negative were:** Senators

Davis	McAdams	Robles	Romero
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**Absent or not voting was:** Senator

Van Tassell

**2nd Sub. H.B. 354** was returned to the House for further consideration.

\* \* \*

On motion of Senator Urquhart, under suspension of the rules, **1st Sub. H.B. 349**, EXPEDITED JURY TRIALS, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Jenkins	Niederhauser
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**1st Sub. H.B. 349** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011

The House concurred in the Senate amendments and passed **H.B. 87**, SCHOOL FINANCE AMENDMENTS, by Representative M. Newbold, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 496**, TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS, by Representative D. Clark, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President: March 10, 2011

The Speaker of the House has signed **S.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 155**, POLITICAL SUBDIVISION'S PROCUREMENT PROCESS FOR CONSTRUCTION PROJECTS, by Senator B. McAdams, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 217**, EDUCATION POLICY AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 235**, CHARTER SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, by Senator K. Mayne, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 248**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 273**, EMERGENCY RESPONDER FEES, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 305**, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.J.R. 24**, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, by Senator D. Hinkins, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 10, 2011

The House passed, as amended, **S.B. 320**, DEPOSIT OF SEVERANCE TAX REVENUES INTO PERMANENT STATE TRUST FUND, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

**CONCURRENCE CALENDAR**

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 320**, DEPOSIT OF SEVERANCE TAX REVENUES INTO PERMANENT STATE TRUST FUND. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator Stowell

**S.B. 320** was returned to the House for the signature of the Speaker.

### SECOND READING CALENDAR

On motion of Senator Buttars, under suspension of the rules, **H.B. 353**, ABORTION FREEDOM OF CONSCIENCE, was considered read the second and third times.

Senator Robles proposed the following amendment:

1. Page 1, Lines 17 through 19  
House Floor Amendments  
3-7-2011

17       ▶ provides that, {~~except as otherwise required by law~~} subject to certain exceptions, a

17a   ~~H~~→ [~~hospital~~] health care facility ←~~H~~ may refuse, on

18 religious or moral grounds, to admit a patient for an abortion procedure or perform

19 an abortion procedure for a patient;

2. Page 2, Lines 49 through 54  
House Floor Amendments  
3-7-2011:

49       (3) Except as otherwise required by law, and except as provided in Subsection (7), a ~~H~~→ [~~hospital~~] health care facility. ←~~H~~ may

49a refuse, on religious or moral

50 grounds, to:

51       (a) admit a patient for an abortion procedure or another procedure that is intended to, or

52 likely to, result in the termination of a pregnancy; or

53       (b) perform for a patient an abortion procedure or another procedure that is intended to,

54 or likely to, result in the termination of a pregnancy.

3. Page 3, Line 76:

76 day on which the cause of action arises.

(7) A health care facility may not refuse, on religious or moral grounds,

to take an action described in Subsection (3)(a) or (b) for an abortion where the woman is pregnant as a result of:  
(a) rape, as described in Section 76-5-402;  
(b) rape of a child, as described in Section 76-5-402.1; or  
(c) incest, as described in Subsection 76-5-406(10) or Section 76-7-102.

Senator Robles' motion to amend failed on a voice vote. Senator Jones commented and the bill passed on the following roll call:

**Yeas, 23; Nays, 6; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Morgan
Niederhauser	Okerlund	Reid	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Davis	Jones	Mayne	McAdams
Robles	Romero		

**H.B. 353** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Adams, the Senate voted to lift **H.B. 4** from Rules and place it on the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Knudson, the Senate voted to rearrange the Second Reading Calendar by putting the following bills at the top of the calendar:

**H.B. 404, H.B. 304, H.B. 476, and H.C.R. 12**

\* \* \*

On motion of Senator Adams, under suspension of the rules, **H.B. 4, GENERAL OBLIGATIONS BONDS AUTHORIZATIONS**, was considered read the second and third times and passed on the following roll call:

**Yeas, 23; Nays, 4; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Reid
Robles	Romero	J. Stevenson	Stowell
Thatcher	Van Tassell	Waddoups	

**Voting in the negative were:** Senators

Madsen	H. Stephenson	Urquhart	Valentine
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**Absent or not voting were:** Senators

Buttars	Okerlund
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**H.B. 4** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011

The House passed, **S.B. 4**, CURRENT SCHOOL YEAR SUPPLEMENTAL PUBLIC EDUCATION BUDGET ADJUSTMENTS, by Senator D. C. Buttars, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 90**, BOARD OF PARDONS RETIREMENT AMENDMENTS, by Senator D. Liljenquist, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 149**, QUALIFICATIONS FOR THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH, by Senator D. Liljenquist, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 20**, JOINT RESOLUTION SUPPORTING SANPETE COUNTY INCREASING THE NUMBER OF CONTRACT BEDS AT ITS CORRECTIONAL FACILITIES, by Senator K. Okerlund, which has been signed by the Speaker, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President:

March 10, 2011

The House passed, as amended, **S.B. 229**, TRANSPORTATION FUNDING REVISIONS, by Senator J. S. Adams, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

### CONCURRENCE CALENDAR

On motion of Senator Adams, the Senate voted to concur in the House amendments to **S.B. 229**, TRANSPORTATION FUNDING REVISIONS. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 4; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Hillyard	Hinkins	Thatcher	Valentine
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**Absent or not voting was:** Senator

Urquhart

**S.B. 229** was returned to the House for the signature of the Speaker.

### SECOND READING CALENDAR

On motion of Senator Liljenquist, under suspension of the rules, **H.B. 404**, STATE HEALTH INSURANCE AMENDMENTS, was considered read the second and third times.

Senator Liljenquist proposed the following amendment:

1. Page 2, Lines 35 through 37  
House Floor Amendments  
3-8-2011

35 (a) improvements to the way in which the state { ~~local~~  
~~governments, and political~~



36 ~~subdivisions provide~~ } provides health insurance to  
employees, retirees, and their families:

37 (b) methods to improve the quality of health care {and choice of  
health care coverage}

Senator Liljenquist's motion to amend passed on a voice vote and the bill passed on the following roll call:

**Yeas, 20; Nays, 7; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Davis	Dayton	Jones	Mayne
McAdams	Morgan	Romero	

**Absent or not voting were:** Senators

Robles	Urquhart
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**H.B. 404** was returned to the House for further consideration.

\* \* \*

On motion of Senator Jenkins, under suspension of the rules, **H.B. 304**, CAMPAIGN FINANCE REVISIONS, was considered read the second and third times.

Senator Jenkins proposed the following amendment:

1. Page 2, Lines 35 through 37

35 ~~{-20A-12-302, as enacted by Laws of Utah 2001, Chapter~~  
 166

36 ~~20A-12-304, as last amended by Laws of Utah 2010, Chapter~~  
 389

37 ~~20A-12-305, as last amended by Laws of Utah 2010, Chapter~~  
 389-}

2. Page 17, Line 515 through Page 20, Line 601:

Delete Lines 515 through 601.

Senator Jenkins' motion to amend passed on a voice vote. Senators Bramble and Valentine declared conflicts of interest and the bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Urquhart

**H.B. 304** was returned to the House for further consideration.

\* \* \*

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub. H.B. 476**, PROCUREMENT CODE AMENDMENTS, was considered read the second and third times.

Senator Niederhauser proposed the following amendment:

1. Page 1, Line 9

9 This bill amends Title 63G, Chapter 6, Utah Procurement Code and another procurement provision, to address procurement

2. Page 10, Lines 287 through 288:

287 (1) Administrative rules shall be [promulgated] issued {~~in~~  
~~accordance with Title 63G,~~

288 Chapter 3, Utah Administrative Rulemaking Act, } to govern  
the preparation, maintenance, and

Senator Niederhauser's motion to amend passed on a voice vote and the bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Liljenquist	Mayne	McAdams
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Christensen	Knudson	Madsen	Morgan
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**1st Sub. H.B. 476** was returned to the House for further consideration.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 10, 2011

The House passed **H.B. 427, HIGHER EDUCATION COMPENSATION APPROPRIATION REALLOCATIONS**, by Representative M. Newbold, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bill was read the first time by short title and referred to the Rules Committee.

\* \* \*

The bill was placed on the Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Stowell, under suspension of the rules, **H.C.R. 12, CONCURRENT RESOLUTION OPPOSING UNITED STATES SECRETARY OF INTERIOR’S WILDERNESS RE-INVENTORY**, was considered read the second and third times and passed on the following roll call:

**Yeas, 20; Nays, 5; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Dayton
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Mayne	Niederhauser	Okerlund
Reid	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Davis	Jones	McAdams	Robles
Romero			

**Absent or not voting were:** Senators

Christensen	Madsen	Morgan	Valentine
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**H.C.R. 12** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Van Tassell, under suspension of the rules, **H.B. 475**, STATE ENERGY AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 21; Nays, 4; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Reid	Robles
J. Stevenson	Stowell	Thatcher	Urquhart
Van Tassell			

**Voting in the negative were:** Senators

Dayton	H. Stephenson	Valentine	Waddoups
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**Absent or not voting were:** Senators

Buttars	Madsen	McAdams	Romero
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**H.B. 475** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, **H.B. 427**, HIGHER EDUCATION COMPENSATION APPROPRIATION REALLOCATIONS, was read the second time and circled.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 10, 2011

The House passed, **S.B. 3**, APPROPRIATIONS ADJUSTMENTS, by Senator L. Hillyard, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 48**, ALZHEIMER’S STATE PLAN TASK FORCE, by Senator K. Morgan, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 257**, LEGISLATIVE COUNSEL RELATING TO UNITED STATES SENATORS, by Senator H. Stephenson, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

**SECOND READING CALENDAR**

On motion of Senator Knudson, the Senate voted to lift **H.B. 432** and **2nd Sub. H.B. 421** to the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **H.B. 427**, HIGHER EDUCATION COMPENSATION APPROPRIATION REALLOCATIONS, and it was before the Senate.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 427**, HIGHER EDUCATION COMPENSATION APPROPRIATION REALLOCATIONS, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Madsen	Robles
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**H.B. 427** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Jenkins, under suspension of the rules, **H.B. 432**, NUISANCE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Romero	H. Stephenson	J. Stevenson
Stowell	Thatcher	Urquhart	Valentine
Van Tassell	Waddoups		

**Absent or not voting were:** Senators

Buttars	Madsen	Robles
---------	--------	--------

**H.B. 432** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**2nd Sub. H.B. 421**, USE OF PUBLIC BUILDINGS FOR POLITICAL CAUCUS MEETINGS, was read the second time.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

**3rd Sub. H.B. 421 Use of Public Buildings for Political Caucus Meetings**  
(B. Dee)

On motion of Senator Niederhauser, under suspension of the rules, **3rd Sub. H.B. 421**, USE OF PUBLIC BUILDINGS FOR POLITICAL CAUCUS MEETINGS, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hillyard	Hinkins	Jenkins	Jones

Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators  
Bramble                      Buttars

**3rd Sub. H.B. 421** was returned to the House for further consideration.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 10, 2011

The House substituted and passed **3rd Sub. S.B. 85**, LEGAL NOTICE AMENDMENTS, by Senator S. Urquhart, with the following amendments:

1. Page 1, Line 17:

17           ▶       establishes legal notice requirements for local districts and special service districts;

2. Page 2, Line 54 through Page 3, Line 61:

54    ~~59-2-1332.5.~~

(e) "Local district" is as defined in Section 17B-1-102.

55           {~~(e)~~}    (f) "Public legal notice website" means the website described in Subsection (2)(b) for

56    the purpose of publishing a legal notice online.

57           {~~(f)~~}    (g) (i) "Qualifying advertising segment" means, except as provided in Subsection

58    (1) {~~(f)~~} (g) (ii), a category of print advertising sold by a newspaper, including classified advertising,

59    line advertising, and display advertising.

60           (ii) "Qualifying advertising segment" does not include legal notice advertising.

61           {~~(g)~~}    (h) "Special service district" is as defined in Section 17D-1-102.

3. Page 4, Lines 91 through 98:

91 (5) If legal notice is required by law to be published in a  
92 newspaper, or if a local district or a special

93 service district publishes legal notice in a newspaper, the  
94 newspaper:

95 (a) may not charge more for publication than the newspaper's  
96 average advertisement

97 rate; and

98 (b) shall publish the legal notice on the public legal notice  
99 website at no additional

100 cost.

101 (6) If legal notice is not required by law to be published in a  
102 newspaper, or if a local district or a special

103 service district with an annual operating budget of less than  
104 \$250,000 chooses to publish a

4. Page 4, Line 110 through Page 5, Line 127:

110 (8) Notwithstanding the requirements of a statute that requires  
111 the publication of legal

112 notice, if legal notice is required by law to be published by a local  
113 district or a special service district with an

114 annual operating budget of \$250,000 or more, the local district  
115 or special service district shall satisfy its legal

116 notice publishing requirements by:

117 (a) mailing a written notice, postage prepaid:

118 (i) to each voter in the local district or special service  
119 district; and

120 (ii) that contains the information required by the statute that  
121 requires the publication of

122 legal notice; or

123 (b) publishing the legal notice in a newspaper and on the legal  
124 public notice website as

125 described in Subsection (5).

126 (9) Notwithstanding the requirements of a statute that requires  
127 the publication of legal



121 notice, if legal notice is required by law to be published by a local  
district or a special service district with an

122 annual operating budget of less than \$250,000, the local district  
or special service district shall satisfy its legal

123 notice publishing requirements by:

124 (a) mailing a written notice, postage prepaid:

125 (i) to each voter in the local district or special service  
district; and

126 (ii) that contains the information required by the statute that  
requires the publication of

127 legal notice; or

5. Page 6, Line 166:

166 delinquency unless on or before January {-16-} 31  
the following are paid:

6. Page 6, Line 178:

178 delinquency unless on or before January {-16-} 31  
the following are paid:

and returns it to the Senate for further consideration; and

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

**CONCURRENCE CALENDAR**

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 85**, LEGAL NOTICE AMENDMENTS. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

- |              |             |              |               |
|--------------|-------------|--------------|---------------|
| Adams        | Christensen | Davis        | Dayton        |
| Hillyard     | Hinkins     | Jenkins      | Jones         |
| Knudson      | Liljenquist | Madsen       | Mayne         |
| McAdams      | Morgan      | Niederhauser | Okerlund      |
| Reid         | Robles      | Romero       | H. Stephenson |
| J. Stevenson | Stowell     | Thatcher     | Urquhart      |
| Valentine    | Van Tassell | Waddoups     |               |

**Absent or not voting were:** Senators

Bramble                      Buttars

**3rd Sub. S.B. 85** was returned to the House for the signature of the Speaker.

### SECOND READING CALENDAR

On motion of Senator Stevenson, under suspension of the rules, **H.B. 359**, BUSINESS RESOURCE CENTER ADVISORY BOARD MODIFICATION, was considered read the second and third times and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**H.B. 359** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Knudson, under suspension of the rules, **H.B. 285**, ASBESTOS REQUIREMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Okerlund
Reid	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Voting in the negative was:** Senator Morgan

**Absent or not voting was:** Senator Niederhauser

**H.B. 285** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Jenkins, under suspension of the rules, **H.J.R. 46**, JOINT RESOLUTION ON STATE HEALTH INSURANCE, was considered read the second and third times. Senators Hillyard and Valentine commented and the bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Reid	Romero	H. Stephenson
J. Stevenson	Thatcher	Valentine	Van Tassell
Waddoups			

**Absent or not voting were:** Senators

Madsen	Robles	Stowell	Urquhart
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**H.J.R. 46** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 10, 2011

The House substituted and passed, **1st Sub. S.B. 286**, GRANDPARENTS' VISITATION RIGHTS, by Senator D. Hinkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

## SECOND READING CALENDAR

On motion of Senator Jenkins, under suspension of the rules, **H.J.R. 24**, MASTER STUDY RESOLUTION, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Stowell

**H.J.R. 24** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

## CONCURRENCE CALENDAR

On motion of Senator Hinkins, the Senate voted to concur in the House amendments to **1st Sub. S.B. 286**, GRANDPARENTS' VISITATION RIGHTS. The bill, as amended, passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Stowell

**1st Sub. S.B. 286** was returned to the House for the signature of the Speaker.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 10, 2011

The Speaker of the House has signed **S.B. 320**, DEPOSIT OF SEVERANCE TAX REVENUES INTO PERMANENT STATE TRUST FUND, by Senator L. Hillyard, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bill was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 10, 2011

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 35**, SALES AND USE TAX ACT REVISIONS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 77**, MEDICAL ASSISTANCE ACCOUNTABILITY, by Representative D. Clark, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **4th Sub. H.B. 84**, OFFICE OF INSPECTOR GENERAL OF MEDICAID SERVICES, by Representative D. Clark, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 228**, ADMINISTRATIVE RULES REAUTHORIZATION, by Representative C. Oda, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 370**, BAIL BOND AMENDMENTS, by Representative G. Hughes, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 260**, MECHANICS' LIENS REVISIONS, by Representative D. Clark, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 488**, BUDGETING PROCEDURES AMENDMENTS, by Representative J. Dougall, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

## SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 337**, PAWNSHOP AND SECONDHAND MERCHANDISE TRANSACTION INFORMATION ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Stowell

**1st Sub. H.B. 337** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hinkins, under suspension of the rules, **H.C.R. 13**, SECURE RURAL SCHOOLS CONCURRENT RESOLUTION, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Stowell

**H.C.R. 13** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 10, 2011

The House passed **2nd Sub. S.B. 294**, PATIENT ACCESS REFORM, by Senator J. S. Adams, with the following amendments:

1. Page 1, Line 18:

18       ▶       amends the family tier structure, for plans renewed or effective on or after September 1, 2011, to create a fifth tier

2. Page 4, Line 98:

98       (i) for plans renewed or effective before {~~until~~} September 1, 2011, four tiers that include:

3. Page 4, Line 104:

104     (ii) for plans renewed or effective on or after September 1, 2011, five tiers that include:

4. Page 4, Line 107:

107     (C) employee plus {~~a~~} one dependent other than a spouse ; and

and returns it to the Senate for further consideration.

Sandy D. Tenney, Chief Clerk

### CONCURRENCE CALENDAR

On motion of Senator Adams, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 294**, PATIENT ACCESS REFORM. The bill, as amended, passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser

Okerlund	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	

**Absent or not voting were:** Senators

Hillyard	Stowell
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**2nd Sub. S.B. 294** was returned to the House for the signature of the Speaker.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2011

The Speaker of the House has signed **3rd Sub. S.B. 85**, LEGAL NOTICE AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 286**, GRANDPARENTS VISITATION RIGHTS, by Senator D. Hinkins, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 294**, PATIENT ACCESS REFORM, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 229**, TRANSPORTATION FUNDING REVISIONS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The House passed, **S.B. 278**, CHARTER SCHOOL PROPERTY TAX AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 279**, GRAND JURY MODIFICATIONS, by Senator M. Dayton, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 6**, CONCURRENT RESOLUTION HONORING THE SORENSON LEGACY FOUNDATION, by Senator C. Bramble, which has been signed by the Speaker, and it is transmitted for the signature of the President

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 10, 2011

The House concurred in the Senate amendments and passed **H.B. 304**, CAMPAIGN FINANCE REVISIONS, by Representative G. Hughes, and it is transmitted for the signature of the President; and



The House concurred in the Senate amendments and passed **2nd Sub. H.B. 354**, INSURANCE AMENDMENTS RELATING TO ABORTION, by Representative C. Wimmer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 404**, STATE HEALTH INSURANCE AMENDMENTS, by Representative D. Ipson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 421**, USE OF PUBLIC BUILDINGS FOR POLITICAL CAUCUS MEETINGS, by Representative D. Brown, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 476**, PROCUREMENT CODE AMENDMENTS, by Representative B. Last, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Jenkins, the Senate struck the enacting clause on all House bills and Senate bills and resolutions on the Senate calendar and with the Rules Committee and ordered them filed.

President Michael Waddoups directed Annette Moore and Leslie McLean to read, revise, and make minor corrections to the Daily Senate Journals and be responsible for certifying the indexed and bound copy as the accurate record of the proceedings of the 2011 General Session of the Fifty–Ninth Legislature.

President Waddoups appointed Senators Stuart Adams, Dan Thatcher, and Luz Robles to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Waddoups appointed Senators John Valentine, Stuart Reid, and Karen Mayne to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Scott Jenkins and Senator Ross Romero expressed appreciation to the opposite party.

Senator Allen Christensen, Chairman of the Employee Committee, asked that all Senate employees stand and receive the thanks of the Senators. He also

expressed thanks to all the legislative employees serving in the Office of Legislative Research and General Counsel, Fiscal Analyst, Auditor General, and to the employees in Legislative Printing.

Senator Christensen also expressed appreciation to the Senate interns for the exceptional work they have done throughout the session.

President Waddoups expressed appreciation to Senator Jenkins, Senator Niederhauser, Senator Knudson, Senator Dayton, and Senator Lyle Hillyard for his excellent service as Appropriations Chairman and Senator Dennis Stowell for his service as Appropriations Vice-Chairman.

Senator Valentine reported the House has been notified that the business of the Senate has concluded and the Senate is ready to adjourn sine die.

Senator Adams reported that his committee, with a like committee from the House of Representatives had notified the Governor. The Governor asked that the committee convey to each house that he has no further business to bring before the legislature but that he would like to speak before each house prior to their adjournment sine die.

### **COMMITTEE OF THE WHOLE**

On motion of Senator Jenkins, Governor Gary R. Herbert spoke in Committee of the Whole.

On motion of Senator Jenkins, the Committee of the Whole was dissolved.

On motion of Senator Jenkins and at 12:00 a.m., the Senate adjourned sine die.

### **SENATE STRUCK ENACTING CLAUSE (HOUSE BILLS AND RESOLUTIONS)**

Mr. President:

March 10, 2011

I am directed to inform the House of Representatives that the Senate on this day struck the enacting clause on the following House Bills and Resolutions:

- |                         |   |
|-------------------------|---|
| <b>H.B. 42</b>          | Alcoholic Beverage Control Act Retail License Quotas<br>(Rep. G. Froerer) |
| <b>1st Sub. H.B. 61</b> | Home Business Workers' Compensation Amendments<br>(Rep. R. Barrus)        |
| <b>H.B. 70</b>          | Illegal Immigration Enforcement Act (Rep. S. Sandstrom)                   |
| <b>H.B. 85</b>          | Alcoholic Beverage Control Act – Sales to Minors<br>(Rep. V. Peterson)    |

- H.B. 88** Agriculture Sustainability Task Force (Rep. J. Draxler)  
**1st Sub. H.B. 89** Protection of Children Riding in Motor Vehicles  
(Rep. P. Arent)
- 1st Sub. H.B. 122** Firearms Amendments (Rep. S. Sandstrom)  
**H.B. 131** Custody and Parent-time Modifications  
(Rep. R. Edwards)
- 1st Sub. H.B. 134** Collection of Front-line Teachers Data (Rep. J. Nielson)  
**H.B. 140** Divorce Waiting Period Amendments (Rep. V. Peterson)  
**1st Sub. H.B. 158** Coordination Between State and Local Government on  
Federal Regulations (Rep. C. Herrod)
- 1st Sub. H.B. 191** Nonresident Tuition Waiver Amendments  
(Rep. C. Wimmer)
- H.B. 193** Public Highway Designation (Rep. C. Watkins)  
**1st Sub. H.B. 210** Animal Cruelty Amendments (Rep. C. Oda)  
**1st Sub. H.B. 233** Insurance Coverage for Amino Acid-based Formula  
(Rep. C. Moss)
- H.B. 234** Assertive Community Mental Health Treatment Pilot  
Program (Rep. C. Moss)
- 2nd Sub. H.B. 249** Growing of Food (Rep. C. Herrod)  
**H.B. 252** Railroad and Railroad Crossing Amendments  
(Rep. R. Greenwood)
- 1st Sub. H.B. 253** Employment of Unauthorized Aliens (Rep. C. Herrod)  
**1st Sub. H.B. 273** Animal Control Amendments (Rep. J. Seelig)  
**H.B. 274** Lobbyist Disclosure and Regulation Act Amendments  
(Rep. P. Arent)
- H.B. 277** Sales and Use Tax Revisions (Rep. W. Harper)  
**H.B. 293** Underground Storage Tank Act Amendments  
(Rep. K. McIff)
- H.B. 320** 4-H Special Group License Plate (Rep. K. Powell)  
**H.B. 323** Multicounty Appraisal Trust Amendments  
(Rep. G. Froerer)
- 2nd Sub. H.B. 331** Post-employment Benefits Amendments  
(Rep. J. Dougall)
- H.B. 339** Charter School Enrollment Amendments  
(Rep. E. Hutchings)
- H.B. 357** Long-term Care Amendments (Rep. P. Ray)  
**H.B. 368** Adoption of Children (Rep. S. Sandstrom)  
**1st Sub. H.B. 379** Nonjudicial Foreclosure of Trust Deeds  
(Rep. R. C. Webb)
- 1st Sub. H.B. 392** Retention Elections for Justice Court Judges  
(Rep. C. Oda)

<b>H.B. 398</b>	Utah State Instructional Materials Access Center Funding (Rep. S. Handy)
<b>H.B. 438</b>	Water Quality Board Amendments (Rep. B. Wright)
<b>1st Sub. H.B. 465</b>	Respecting Our Fallen Heroes Act (Rep. E. Hutchings)
<b>1st Sub. H.B. 470</b>	Authorized Use of a Business Name (Rep. R. Edwards)
<b>2nd Sub. H.B. 491</b>	Alimony Modifications (Rep. S. Sandstrom)
<b>H.B. 494</b>	Justice Courts (Rep. C. Herrod)
<b>H.C.R. 14</b>	Wild Lands Concurrent Resolution (Rep. C. Watkins)
<b>H.C.R. 15</b>	Navajo Electrification Demonstration Project Concurrent Resolution (Rep. C. Watkins)
<b>H.J.R. 4</b>	Joint Rules Resolution Providing Ethics Requirements for Legislators Elect (Rep. P. Arent)
<b>H.J.R. 11</b>	Joint Resolution Honoring Law Enforcement Officers Killed in the Line of Fire (Rep. L. Perry)
<b>1st Sub. H.J.R. 13</b>	Joint Resolution to Implement Legislative Compensation Joint Rules Changes (Rep. W. Harper)
<b>H.J.R. 26</b>	Scofield Land Transfer Joint Resolution (Rep. P. Painter)
<b>H.J.R. 29</b>	Federalism Interim Committee Joint Resolution (Rep. C. Herrod)
<b>H.J.R. 31</b>	Joint Resolution on the Need to Be Self-Sufficient (Rep. C. Herrod)
<b>H.J.R. 44</b>	50th Anniversary of the Freedom Academy Joint Resolution (Rep. V. Peterson)

Annette B. Moore  
Secretary of the Senate

**HOUSE STRUCK ENACTING CLAUSE  
(SENATE BILLS AND RESOLUTIONS)**

Mr. President:

March 10, 2010

I am directed to inform the Utah State Senate that the House Committee on Rules has struck the enacting clause on the following Senate Bills and Resolutions:

<b>S.B. 17</b>	State Tax Commission Levy Process Using Depository Institution Data Match System (Sen. C. Bramble)
<b>S.B. 27</b>	Sale of State Property (Sen. P. Knudson)
<b>S.B. 45</b>	Wireless Telephone Use Restriction for Minors in Vehicles (Sen. R. Romero)

- S.B. 78** Public School Early Graduation Counseling  
(Sen. D. C. Buttars)
- S.B. 132** Sales and Use Tax Exemption for an Energy Efficient Stove or Energy Efficient Stove Fuel (Sen. G. Davis)
- 1st Sub. S.B. 133** Grand Jury Amendments (Sen. J. Valentine)
- 1st Sub. S.B. 139** Revocation of Motor Vehicle Registration (Sen. S. Reid)
- 1st Sub. S.B. 179** Math Education Initiative (Sen. H. Stephenson)
- S.B. 224** Partisan School Board Elections (Sen. H. Stephenson)
- S.B. 238** Verification of Employment Status (Sen. D. Hinkins)
- S.B. 270** Modifications to Sales and Use Tax (Sen. J. S. Adams)
- S.B. 276** Personal Property Audits (Sen. R. Okerlund)
- 1st Sub. S.C.R.5** Bear Lake Concurrent Resolution (Sen. P. Knudson)
- S.J.R. 9** Joint Resolution – Governance of Public and Higher Education (Sen. S. Reid)
- S.J.R. 26** Joint Resolution Recognizing the Contributions of the Sundance Institute and the Sundance Film Festival  
(Sen. J. Stevenson)

Sandy D. Tenney  
Chief Clerk

\* \* \*

Mr. President:

March 10, 2010

The Rules Committee recommends the enacting clause be stricken on the following Senate Bills and Resolutions and they be filed:

- S.B. 40** Employment Practices and Protection from Violence  
(Sen. P. Jones)
- S.B. 41** Health Amendments for Legal Immigrant Children  
(Sen. L. Robles)
- 1st Sub. S.B. 43** Local District Fees (Sen. D. Thatcher)
- S.B. 53** Eligibility for Interscholastic Activities in Secondary Schools (Sen. M. Madsen)
- S.B. 54** Physician Supervision of Cosmetic Medical Procedures  
(Sen. P. Knudson)
- S.B. 55** Electronic Signatures (Sen. S. Urquhart)
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- S.B. 202** Pharmaceutical Competitive Pricing (Sen. C. Bramble)
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**S.B. 231** Film Enterprise Zone (Sen. M. Madsen)  
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**S.B. 260** Veterans' Nursing Home Reimbursement Restricted Account Amendments (Sen. P. Knudson)  
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Margaret Dayton  
Rules Chair



**SUMMARY OF LEGISLATION  
2011 GENERAL SESSION**

	<b>House</b>	<b>Senate</b>	<b>Total</b>
Bills Introduced	419	266	782
Bills Passed	252	192	504
Bills Vetoed	1	3	4
Line Items Vetoed	0	0	0
<b><i>Total Bills Enacted</i></b>	<b><i>251</i></b>	<b><i>189</i></b>	<b><i>500</i></b>
Concurrent Resolutions Introduced	17	15	32
Joint Resolutions Introduced	40	22	62
House & Senate Resolutions Introduced	2	1	3
<b><i>Total Resolutions Introduced</i></b>	<b><i>59</i></b>	<b><i>38</i></b>	<b><i>97</i></b>
Concurrent Resolutions Passed	14	13	27
Joint Resolutions Passed	15	15	30
House & Senate Resolutions Passed	2	1	3
<b><i>Total Resolutions Passed<sup>3</sup></i></b>	<b><i>31</i></b>	<b><i>29</i></b>	<b><i>60</i></b>

**STATISTICAL SUMMARY OF GENERAL SESSIONS  
2003-2009**

	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Bills Introduced	673	670	663	685	694	630	626
Bills Passed	419	370	371	392	400	400	418
Bills Vetoed	6	2	4	0	1	2	3
Vetos Overridden	0	0	0	0	0	0	0
Joint Resolutions Introduced	36	41	38	29	26	50	48
Joint Resolutions Passed	18	32	17	15	16	31	34
Concurrent Resolutions Introduced	21	24	11	12	14	14	29
Concurrent Resolutions Passed	16	20	5	12	13	12	24
House & Senate Resolutions Introduced	14	13	7	5	10	10	10
House & Senate Resolutions Passed	10	9	6	4	7	8	5



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- Abusive Workplace Policies Act, Sandstrom, S. . . . . HB 292 (F)
- Children’s Justice Center Program Amendments, Okerlund, R. . . . . SB 39 (P)
- Employment Practices and Protection from Violence, Jones, P. . . . . SB 40 (F)

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- Agriculture Sustainability Task Force, Draxler, J. . . . . HB 88 (F)
- Federal Regulation of Local Agricultural Products, Wright, B. . . . . HB 365 (F)
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- Concurrent Resolution Honoring Providers of Health Care Services  
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- Controlled Substance Database Modifications, Eliason, S. . . . . HB 397 (F)
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2011 GENERAL SESSION

FIFTY-NINTH LEGISLATURE

**January 24 through March 10, 2011**





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Signed by the President and transmitted to the Governor	1037
<b>S.B. 29</b> — UNIFORM DRIVER LICENSE ACT AMENDMENTS ( <i>K. Van Tassel</i> )	
Read the first time by short title and referred to the Rules Committee.	89
Placed on calendar	101
Read the second time	111
Circled	111
Uncircled	148
Read the third time	159
Transmitted to the House	159
Signed by the President and transmitted to the Governor	271
<b>S.B. 30</b> — EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED TAX CREDITS ( <i>J. Valentine</i> )	
Read the first time by short title and referred to the Rules Committee.	89
Placed on calendar	101
Read the second time	111
Circled	111
Uncircled	148
Returned to the Rules Committee	148
Assigned to standing committee	153
Committee report adopted and placed on calendar	645
Read the second time	687
Read the third time	714
Transmitted to the House	715
Placed on Concurrence Calendar	961
Concurrence	965
Returned to the House	966
Signed by the President and returned to the House	998
<b>S.B. 31</b> — RURAL FAST TRACK PROGRAM AMENDMENTS ( <i>R. Okerlund</i> )	
Read the first time by short title and referred to the Rules Committee.	89
Assigned to standing committee	100
Read the second time and placed on Consent Calendar	116
Read the third time	173
Transmitted to the House	173
Signed by the President and transmitted to the Governor	296

**S.B. 32** — AGRICULTURE AMENDMENTS (*R. Okerlund*)

Read the first time by short title and referred to the Rules Committee. . . . . 89

Assigned to standing committee . . . . . 100

Committee report adopted and placed on calendar . . . . . 115

Read the second time . . . . . 150

Read the third time . . . . . 161

Transmitted to the House . . . . . 161

Placed on Concurrence Calendar . . . . . 944

Concurrence . . . . . 947

Returned to the House . . . . . 948

Signed by the President and transmitted to the Governor . . . . . 981

**S.B. 33** — HEALTH DISPARITIES AND RELATED AMERICAN INDIAN PROGRAMS (*K. Van Tassell*)

Read the first time by short title and referred to the Rules Committee. . . . . 89

Assigned to standing committee . . . . . 99

Read the second time and placed on Consent Calendar . . . . . 116

Read the third time . . . . . 172

Transmitted to the House . . . . . 172

Signed by the President and transmitted to the Governor . . . . . 224

**S.B. 34** — UNIFORM INTERSTATE FAMILY SUPPORT ACT (*L. Hilbyard*)

Read the first time by short title and referred to the Rules Committee. . . . . 89

Assigned to standing committee . . . . . 99

Amendments . . . . . 139, 167

Committee report adopted and placed on calendar . . . . . 139

Read the second time . . . . . 162

Circled . . . . . 162

Uncircled . . . . . 167

Read the third time . . . . . 177

Transmitted to the House . . . . . 178

Signed by the President and transmitted to the Governor . . . . . 296

**S.B. 35** — CONSTRUCTION LICENSEES RELATED AMENDMENTS (*K. Mayne*)

Read the first time by short title and referred to the Rules Committee. . . . . 89

Assigned to standing committee . . . . . 98

Substituted . . . . . 140

Committee report adopted and placed on calendar . . . . . 140

Read the second time . . . . . 163

Read the third time . . . . . 174

Transmitted to the House . . . . . 175

Placed on Concurrence Calendar . . . . . 318

Concurrence . . . . . 345

Intent Language . . . . . 346

Returned to the House . . . . . 346

Signed by the President and transmitted to the Governor . . . . . 369

**S.B. 36** — CONCEALED FIREARM ACT AMENDMENTS (*J. Valentine*)

Read the first time by short title and referred to the Rules Committee. . . . . 89

Assigned to standing committee . . . . . 99

Substituted . . . . . 139

Committee report adopted and placed on calendar . . . . . 139

Read the second time . . . . . 162

Circled . . . . . 162

Uncircled . . . . . 166

Amendments . . . . . 166

Read the third time . . . . . 177

Transmitted to the House . . . . . 177

Placed on Concurrence Calendar . . . . . 318

Concurrence . . . . . 346

Returned to the House . . . . . 346

Signed by the President and transmitted to the Governor . . . . . 369

**S.B. 37** — EMERGENCY FOOD AGENCY AMENDMENTS (*P. Knudson*)

Read the first time by short title and referred to the Rules Committee. . . . . 89

Assigned to standing committee . . . . . 100

Read the second time and placed on Consent Calendar . . . . . 116

Read the third time . . . . . 173

Transmitted to the House . . . . . 174

Signed by the President and transmitted to the Governor . . . . . 355

**S.B. 38** — K-3 READING AMENDMENTS (*K. Morgan*)

Read the first time by short title and referred to the Rules Committee. . . . . 89

Assigned to standing committee . . . . . 99

Committee report adopted and placed on calendar . . . . . 104

Read the second time . . . . . 149

Read the third time . . . . . 159

Transmitted to the House . . . . . 160

Signed by the President and transmitted to the Governor . . . . . 296

<b>S.B. 39</b> — CHILDREN'S JUSTICE CENTER PROGRAM AMENDMENTS ( <i>R. Okerlund</i> )	
Read the first time by short title and referred to the Rules Committee.	89
Assigned to standing committee	114
Committee report adopted and placed on calendar	156
Read the second time	197
Read the third time	206
Transmitted to the House	206
Signed by the President and transmitted to the Governor	981
<b>S.B. 40</b> — EMPLOYMENT PRACTICES AND PROTECTION FROM VIOLENCE ( <i>P. Jones</i> )	
Read the first time by short title and referred to the Rules Committee.	89
Assigned to standing committee	113
Returned to the Rules Committee	725
Enacting Clause Stricken	1093
<b>S.B. 41</b> — HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN ( <i>L. Robles</i> )	
Read the first time by short title and referred to the Rules Committee.	89
Enacting Clause Stricken	1093
<b>S.B. 42</b> — REGULATION OF SIGN COMPANIES ( <i>P. Jones</i> )	
Read the first time by short title and referred to the Rules Committee.	104
Assigned to standing committee	113
Amendments	140
Committee report adopted and placed on calendar	140
Read the second time	163
Read the third time	175
Transmitted to the House	175
Signed by the President and transmitted to the Governor	296
<b>S.B. 43</b> — LOCAL DISTRICT FEES ( <i>D. Thatcher</i> )	
Read the first time by short title and referred to the Rules Committee.	104
Assigned to standing committee	258
Substituted	797
Returned to the Rules Committee	797
Enacting Clause Stricken	1093
<b>S.B. 44</b> — STATE COMMISSION AMENDMENTS ( <i>M. Dayton</i> )	
Read the first time by short title and referred to the Rules Committee.	117
Assigned to standing committee	136
Committee report adopted and placed on calendar	154
Read the second time	180
Circled	180
Uncircled	241
Amendments	241, 252
Read the third time	252
Transmitted to the House	253
Placed on Concurrence Calendar	946
Concurrence	948
Returned to the House	949
Signed by the President and transmitted to the Governor	981
<b>S.B. 45</b> — WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES ( <i>R. Romero</i> )	
Read the first time by short title and referred to the Rules Committee.	117
Assigned to standing committee	226
Amendments	260
Committee report adopted and placed on calendar	260
Read the second time	413
Read the third time	435
Transmitted to the House	435
Enacting Clause Stricken	1092
<b>S.B. 46</b> — HIGHER EDUCATION RESIDENCY REQUIREMENTS ( <i>M. Dayton</i> )	
Read the first time by short title and referred to the Rules Committee.	117
Assigned to standing committee	136
Amendments	153, 191
Committee report adopted and placed on calendar	153
Read the second time	178
Circled	178
Uncircled	179
Read the third time	190
Transmitted to the House	192
Signed by the President and transmitted to the Governor	296
<b>S.B. 47</b> — DRIVER LICENSE AND IDENTIFICATION CARD AMENDMENTS ( <i>C. Bramble</i> )	
Read the first time by short title and referred to the Rules Committee.	141
Assigned to standing committee	170
Committee report adopted and placed on calendar	200
Read the second time	270
Read the third time	286
Transmitted to the House	287
Signed by the President and transmitted to the Governor	436

**S.B. 48** — ALZHEIMER’S STATE PLAN TASK FORCE (*K. Morgan*)

Read the first time by short title and referred to the Rules Committee. . . . . 141

Assigned to standing committee . . . . . 152

Committee report adopted and placed on calendar . . . . . 198

Read the second time . . . . . 266

Amendments . . . . . 266

Read the third time . . . . . 286

Transmitted to the House . . . . . 286

Signed by the President and transmitted to the Governor . . . . . 1077

**S.B. 49** — OVERSIGHT OF BONDING BY COUNTIES (*J. Stevenson*)

Read the first time by short title and referred to the Rules Committee. . . . . 157

Assigned to standing committee . . . . . 169

Committee report adopted and placed on calendar . . . . . 184

Read the second time . . . . . 241

Read the third time . . . . . 252

Circled . . . . . 252

Uncircled . . . . . 263

Transmitted to the House . . . . . 264

Signed by the President and transmitted to the Governor . . . . . 394

**S.B. 50** — ENHANCED PENALTIES FOR HIV POSITIVE OFFENDER AMENDMENTS (*J. Stevenson*)

Read the first time by short title and referred to the Rules Committee. . . . . 157

Assigned to standing committee . . . . . 170

Amendments . . . . . 215

Committee report adopted and placed on calendar . . . . . 215

Read the second time . . . . . 333

Circled . . . . . 333

Uncircled . . . . . 411

Substituted . . . . . 411

Read the third time . . . . . 434

Transmitted to the House . . . . . 434

Signed by the President and transmitted to the Governor . . . . . 605

**S.B. 51** — AMENDMENTS TO LOCAL SALES AND USE TAXES FOR BOTANICAL, CULTURAL, RECREATIONAL,  
AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES (*L. Hillyard*)

Read the first time by short title and referred to the Rules Committee. . . . . 157

Assigned to standing committee . . . . . 226

Amendments . . . . . 322, 516, 553

Committee report adopted and placed on calendar . . . . . 322

Read the second time . . . . . 490

Read the third time . . . . . 516

Circled . . . . . 517

Uncircled . . . . . 553

Transmitted to the House . . . . . 555

Placed on Concurrence Calendar . . . . . 964

Concurrence . . . . . 982

Returned to the House . . . . . 983

Signed by the President and transmitted to the Governor . . . . . 1014

**S.B. 52** — TORTIOUS ACT ARBITRATION (*S. Urquhart*)

Read the first time by short title and referred to the Rules Committee. . . . . 166

Assigned to standing committee . . . . . 182

Amendments . . . . . 320

Committee report adopted and placed on calendar . . . . . 320

Read the second time . . . . . 454

Circled . . . . . 454

Uncircled . . . . . 652

Substituted . . . . . 652

Read the third time . . . . . 674

Transmitted to the House . . . . . 675

Placed on Concurrence Calendar . . . . . 1009

Concurrence . . . . . 1012

Returned to the House . . . . . 1012

Signed by the President and transmitted to the Governor . . . . . 1037

**S.B. 53** — ELIGIBILITY FOR INTERSCHOLASTIC ACTIVITIES IN SECONDARY SCHOOLS (*M. Madsen*)

Read the first time by short title and referred to the Rules Committee. . . . . 171

Assigned to standing committee . . . . . 357

Amendments . . . . . 622

Committee report adopted and placed on calendar . . . . . 622

Read the second time . . . . . 680

Circled . . . . . 680, 897, 943, 949

Uncircled . . . . . 873, 943, 949

Amendments . . . . . 873

Read the third time . . . . . 897

Enacting Clause Stricken . . . . . 1093

**S.B. 54** — PHYSICIAN SUPERVISION OF COSMETIC MEDICAL PROCEDURES (*P. Knudson*)

Read the first time by short title and referred to the Rules Committee. . . . . 171

Assigned to standing committee	182
Returned to the Rules Committee	727
Enacting Clause Stricken	1093
<b>S.B. 55</b> — ELECTRONIC SIGNATURES ( <i>S. Urquhart</i> )	
Read the first time by short title and referred to the Rules Committee.	189
Assigned to standing committee	213
Amendments	372
Committee report adopted and placed on calendar	372
Read the second time	508
Circled	508
Enacting Clause Stricken	1093
<b>S.B. 56</b> — OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN AMENDMENTS ( <i>J. Stevenson</i> )	
Read the first time by short title and referred to the Rules Committee.	189
Assigned to standing committee	214
Substituted	301
Committee report adopted and placed on calendar	301
Read the second time	454
Circled	454, 530
Uncircled	511, 556
Read the third time	530
Transmitted to the House	557
Signed by the President and transmitted to the Governor	858
<b>S.B. 57</b> — ANIMAL CONTROL – EXCEPTION FOR COMMUNITY CAT MANAGEMENT INITIATIVE ( <i>D. Stowell</i> )	
Read the first time by short title and referred to the Rules Committee.	189
Assigned to standing committee	438
Substituted	643
Committee report adopted and placed on calendar	644
Read the second time	686
Circled	686, 995
Uncircled	777, 996
Substituted	777
Read the third time	810
Transmitted to the House	811
Placed on Concurrence Calendar	982
Before the Senate	995
Concurrence	996
Returned to the House	996
Signed by the President and transmitted to the Governor	1014
<b>S.B. 58</b> — CRIME VICTIMS REPARATIONS REVISIONS ( <i>J. S. Adams</i> )	
Read the first time by short title and referred to the Rules Committee.	189
Assigned to standing committee	214
Read the second time and placed on Consent Calendar	249
Read the third time	304
Transmitted to the House	305
Placed on Concurrence Calendar	525
Concurrence	566
Returned to the House	567
Signed by the President and transmitted to the Governor	590
<b>S.B. 59</b> — SCHOOL GRADING SYSTEM ( <i>W. Niederhauser</i> )	
Read the first time by short title and referred to the Rules Committee.	202
Assigned to standing committee	214
Committee report adopted and placed on calendar	247
Read the second time	364
Circled	364, 811
Uncircled	811, 826
Substituted	811
Read the third time	850
Transmitted to the House	851
Signed by the President and transmitted to the Governor	981
<b>S.B. 60</b> — PILOT ACCOUNTABILITY PERMIT PROGRAM AND IDENTITY RELATED AMENDMENTS ( <i>L. Robles</i> )	
Read the first time by short title and referred to the Rules Committee.	217
Assigned to standing committee	396
Substituted	574, 778
Amendments	574
Committee report adopted and placed on calendar	574
Read the second time	649
Circled	649, 778
Uncircled	778
Enacting Clause Stricken	1093
<b>S.B. 61</b> — PRESCRIPTION DRUG PRESCRIBER TRAINING ( <i>P. Jones</i> )	
Read the first time by short title and referred to the Rules Committee.	202
Assigned to standing committee	246
Substituted	299



Committee report adopted and placed on calendar	300
Read the first time and placed on calendar	300
Read the second time	453
Amendments	453
Read the third time	477
Transmitted to the House	477
Signed by the President and transmitted to the Governor	660
<b>S.B. 62</b> — ADOPTION REVISIONS ( <i>R. Romero</i> )	
Read the first time by short title and referred to the Rules Committee.	217
Assigned to standing committee	225
Returned to the Rules Committee	343
Enacting Clause Stricken	1093
<b>S.B. 63</b> — K-3 READING IMPROVEMENT PROGRAM ACCOUNTABILITY ( <i>K. Morgan</i> )	
Read the first time by short title and referred to the Rules Committee.	217
Assigned to standing committee	225
Committee report adopted and placed on calendar	259
Read the second time	412
Amendments	412
Read the third time	435
Circled	435
Uncircled	465
Transmitted to the House	466
Signed by the President and transmitted to the Governor	926
<b>S.B. 64</b> — WORKERS' COMPENSATION FUND SUBSIDIARY AMENDMENTS ( <i>J. S. Adams</i> )	
Read the first time by short title and referred to the Rules Committee.	228
Assigned to standing committee	245
Amendments	274
Committee report adopted and placed on calendar	274
Read the second time	444
Read the third time	472
Circled	472
Uncircled	936
Referred to Rules Committee for interim study	936
Enacting Clause Stricken	1093
<b>S.B. 65</b> — STATEWIDE ONLINE EDUCATION PROGRAM ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to the Rules Committee.	228
Assigned to standing committee	245
Committee report adopted and placed on calendar	277
Read the second time	448
Amendments	448
Read the third time	475
Circled	475, 729
Uncircled	698, 734
Failed	698
Filed	698
Reconsideration	717
Placed on calendar	717
Before the Senate	729
Transmitted to the House	735
Placed on Concurrence Calendar	997
Concurrence	1010
Returned to the House	1010
Signed by the President and transmitted to the Governor	1037
<b>S.B. 66</b> — MILITARY LEAVE FOR AN ELECTED OFFICIAL OF A POLITICAL SUBDIVISION ( <i>J. Valentine</i> )	
Read the first time by short title and referred to the Rules Committee.	228
Assigned to standing committee	245
Read the second time and placed on Consent Calendar	283
Read the third time	344
Transmitted to the House	344
Placed on Concurrence Calendar	766
Concurrence	836
Returned to the House	836
Signed by the President and transmitted to the Governor	858
<b>S.B. 67</b> — ANNUAL EYE EXAMINATION FOR CHILDREN IN GRADES KINDERGARTEN THROUGH THREE ( <i>L. Robles</i> )	
Read the first time by short title and referred to the Rules Committee.	229
Assigned to standing committee	337
Substituted	358
Amendments	358, 522
Committee report adopted and placed on calendar	358
Read the second time	506
Read the third time	522
Transmitted to the House	523
Signed by the President and transmitted to the Governor	926

<b>S.B. 68</b> — SOLID WASTE AMENDMENTS – FINANCIAL ASSURANCE REQUIREMENTS ( <i>K. Van Tassel</i> )	
Read the first time by short title and referred to the Rules Committee.	229
Assigned to standing committee	246
Substituted	770
Amendments	770
Read the second time and placed on Consent Calendar	770
Read the third time	833
Transmitted to the House	833
Signed by the President and transmitted to the Governor	906
<b>S.B. 69</b> — SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION ( <i>K. Mayne</i> )	
Read the first time by short title and referred to the Rules Committee.	249
Assigned to standing committee	259
Amendments	323
Committee report adopted and placed on calendar	323
Read the second time	494
Circled	494
Uncircled	494
Read the third time	518
Transmitted to the House	519
Signed by the President and transmitted to the Governor	1037
<b>S.B. 70</b> — COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES AMENDMENTS ( <i>C. Bramble</i> )	
Read the first time by short title and referred to the Rules Committee.	261
Assigned to standing committee	273
Committee report adopted and placed on calendar	458
Read the second time	582
Circled	582, 598
Uncircled	585, 600
Substituted	585
Read the third time	598
Amendments	600
Transmitted to the House	601
Signed by the President and transmitted to the Governor	906
<b>S.B. 71</b> — REQUIREMENTS APPLICABLE TO PROPERTY TAX OR FEE INCREASES ( <i>D. Thatcher</i> )	
Read the first time by short title and referred to the Rules Committee.	261
Assigned to standing committee	273
Returned to the Rules Committee	797
Enacting Clause Stricken	1094
<b>S.B. 72</b> — INITIATIVE AMENDMENTS ( <i>L. Hillyard</i> )	
Read the first time by short title and referred to the Rules Committee.	462
Assigned to standing committee	481
Committee report adopted and placed on calendar	580
Read the second time	638
Read the third time	672
Transmitted to the House	672
Placed on Concurrence Calendar	964
Concurrence	983
Returned to the House	983
Signed by the President and transmitted to the Governor	1014
<b>S.B. 73</b> — PUBLIC SCHOOL TEACHER TENURE MODIFICATIONS ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to the Rules Committee.	361
Assigned to standing committee	371
Substituted	624
Committee report adopted and placed on calendar	624
Read the second time	681
Read the third time	710
Circled	710
Uncircled	792
Amendments	792
Transmitted to the House	793
Signed by the President and transmitted to the Governor	943
<b>S.B. 76</b> — DISTRIBUTION OF REVENUES COLLECTED UNDER THE LOCAL SALES AND USE TAX ACT ( <i>D. Hinkins</i> )	
Read the first time by short title and referred to the Rules Committee.	284
Assigned to standing committee	299
Amendments	458
Committee report adopted and placed on calendar	458
Read the second time	583
Read the third time	596
Transmitted to the House	596
Placed on Concurrence Calendar	928
Concurrence	946
Returned to the House	947
Signed by the President and transmitted to the Governor	981

**S.B. 77** — IGNITION INTERLOCK SYSTEM AMENDMENTS (*J. Valentine*)

Read the first time by short title and referred to the Rules Committee. . . . . 416

Assigned to standing committee . . . . . 438

Amendments . . . . . 544

Read the second time and placed on Consent Calendar . . . . . 544

Read the third time . . . . . 669

Transmitted to the House . . . . . 669

Signed by the President and transmitted to the Governor . . . . . 945

**S.B. 78** — PUBLIC SCHOOL EARLY GRADUATION COUNSELING (*D. C. Buttars*)

Read the first time by short title and referred to the Rules Committee. . . . . 462

Assigned to standing committee . . . . . 481

Committee report adopted and placed on calendar . . . . . 543

Read the second time . . . . . 615

Circled . . . . . 615

Uncircled . . . . . 638

Amendments . . . . . 638

Read the third time . . . . . 673

Transmitted to the House . . . . . 673

Enacting Clause Stricken . . . . . 1093

**S.B. 81** — ALCOHOLIC BEVERAGE CONTROL ACT SAMPLING AMENDMENTS (*R. Romero*)

Read the first time by short title and referred to the Rules Committee. . . . . 325

Assigned to standing committee . . . . . 337

Returned to the Rules Committee . . . . . 725

Enacting Clause Stricken . . . . . 1094

**S.B. 82** — URBAN FARMING ASSESSMENT ACT (*W. Niederhauser*)

Read the first time by short title and referred to the Rules Committee. . . . . 361

Assigned to standing committee . . . . . 372

Amendments . . . . . 565

Committee report adopted and placed on calendar . . . . . 565

Read the second time . . . . . 617

Circled . . . . . 617, 718

Uncircled . . . . . 718

Enacting Clause Stricken . . . . . 1094

**S.B. 84** — PREDATOR CONTROL FUNDING (*D. Hinkins*)

Read the first time by short title and referred to the Rules Committee. . . . . 566

Assigned to standing committee . . . . . 607

Returned to the Rules Committee . . . . . 782

Enacting Clause Stricken . . . . . 1094

**S.B. 85** — LEGAL NOTICE AMENDMENTS (*S. Urquhart*)

Read the first time by short title and referred to the Rules Committee. . . . . 343

Assigned to standing committee . . . . . 357

Amendments . . . . . 397, 571, 1079

Committee report adopted and placed on calendar . . . . . 397

Read the second time . . . . . 571

Read the third time . . . . . 594

Transmitted to the House . . . . . 595

Placed on Concurrence Calendar . . . . . 1079

Concurrence . . . . . 1081

Returned to the House . . . . . 1082

Signed by the President and transmitted to the Governor . . . . . 1088

**S.B. 86** — SUNSET REAUTHORIZATIONS (*S. Jenkins*)

Read the first time by short title and referred to the Rules Committee. . . . . 250

Assigned to standing committee . . . . . 298

Committee report adopted and placed on calendar . . . . . 340

Read the second time . . . . . 504

Circled . . . . . 504, 528

Uncircled . . . . . 508, 552

Amendments . . . . . 508

Read the third time . . . . . 528

Transmitted to the House . . . . . 553

Signed by the President and transmitted to the Governor . . . . . 926

**S.B. 87** — MARKETABLE RECORD TITLE AMENDMENTS (*S. Reid*)

Read the first time by short title and referred to the Rules Committee. . . . . 229

Assigned to standing committee . . . . . 245

Committee report adopted and placed on calendar . . . . . 275

Read the second time . . . . . 444

Read the third time . . . . . 473

Transmitted to the House . . . . . 473

Placed on Concurrence Calendar . . . . . 721

Concurrence . . . . . 772

Returned to the House . . . . . 773

Signed by the President and transmitted to the Governor . . . . . 812

<b>S.B. 88</b> — MOTOR VEHICLE INSURANCE – SETTLEMENT OF CLAIMS ( <i>G. Davis</i> )	
Read the first time by short title and referred to the Rules Committee . . . . .	229
Assigned to standing committee . . . . .	245
Returned to the Rules Committee . . . . .	725
Enacting Clause Stricken . . . . .	1094
<b>S.B. 89</b> — HOMEOWNER ASSOCIATION RESERVE ACCOUNT ( <i>S. Urquhart</i> )	
Read the first time by short title and referred to the Rules Committee . . . . .	229
Assigned to standing committee . . . . .	245
Amendments . . . . .	275
Committee report adopted and placed on calendar . . . . .	275
Read the second time . . . . .	445
Circled . . . . .	445, 710
Uncircled . . . . .	681, 711
Substituted . . . . .	681
Read the third time . . . . .	710
Transmitted to the House . . . . .	711
Signed by the President and transmitted to the Governor . . . . .	945
<b>S.B. 90</b> — BOARD OF PARDONS RETIREMENT AMENDMENTS ( <i>D. Liljenquist</i> )	
Read the first time by short title and referred to the Rules Committee . . . . .	229
Assigned to standing committee . . . . .	246
Read the second time and placed on Consent Calendar . . . . .	381
Read the third time . . . . .	486
Transmitted to the House . . . . .	487
Signed by the President and transmitted to the Governor . . . . .	1071
<b>S.B. 91</b> — MEDICAL PRACTICE SELF REFERRAL ( <i>D. C. Buttars</i> )	
Read the first time by short title and referred to the Rules Committee . . . . .	229
Assigned to standing committee . . . . .	246
Substituted . . . . .	728
Amendments . . . . .	728
Returned to the Rules Committee . . . . .	728
Enacting Clause Stricken . . . . .	1094
<b>S.B. 92</b> — PRIVATE SECURITY SERVICES ( <i>M. Dayton</i> )	
Read the first time by short title and referred to the Rules Committee . . . . .	229
Assigned to standing committee . . . . .	245
Amendments . . . . .	342
Read the second time and placed on Consent Calendar . . . . .	342
Read the third time . . . . .	418
Transmitted to the House . . . . .	418
Signed by the President and transmitted to the Governor . . . . .	605
<b>S.B. 93</b> — CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL REPORTING AMENDMENTS ( <i>A. Christensen</i> )	
Read the first time by short title and referred to the Rules Committee . . . . .	101
Assigned to standing committee . . . . .	114
Committee report adopted and placed on calendar . . . . .	154
Read the second time . . . . .	179
Read the third time . . . . .	192
Amendments . . . . .	192
Transmitted to the House . . . . .	193
Signed by the President and transmitted to the Governor . . . . .	335
<b>S.B. 94</b> — UNIFORM REQUIREMENTS FOR CONSTABLES ( <i>K. Mayne</i> )	
Read the first time by short title and referred to the Rules Committee . . . . .	90
Assigned to standing committee . . . . .	99
Substituted . . . . .	139
Committee report adopted and placed on calendar . . . . .	140
Read the first and second time . . . . .	163
Read the third time . . . . .	174
Circled . . . . .	174
Uncircled . . . . .	190
Transmitted to the House . . . . .	190
Signed by the President and transmitted to the Governor . . . . .	297
<b>S.B. 95</b> — SHAREHOLDER ACTION WITHOUT MEETING ( <i>B. McAdams</i> )	
Read the first time by short title and referred to the Rules Committee . . . . .	90
Assigned to standing committee . . . . .	99
Amendments . . . . .	103
Committee report adopted and placed on calendar . . . . .	103
Read the second time . . . . .	125
Read the third time . . . . .	145
Transmitted to the House . . . . .	146
Signed by the President and transmitted to the Governor . . . . .	224
<b>S.B. 96</b> — ALIMONY AMENDMENTS ( <i>L. Hillyard</i> )	
Read the first time by short title and referred to the Rules Committee . . . . .	90
Assigned to standing committee . . . . .	99
Substituted . . . . .	321, 455

Committee report adopted and placed on calendar	321
Read the second time	455
Circled	455
Uncircled	502
Failed	502
Filed	503
Enacting Clause Stricken	1094
<b>S.B. 97 — HIGHER EDUCATION MISSION BASED FUNDING (<i>S. Urquhart</i>)</b>	
Read the first time by short title and referred to the Rules Committee	90
Assigned to standing committee	99
Amendments	319, 570
Committee report adopted and placed on calendar	319
Read the second time	454
Circled	454
Uncircled	570
Read the third time	594
Transmitted to the House	594
Placed on Concurrence Calendar	928
Concurrence	947
Returned to the House	947
Signed by the President and transmitted to the Governor	981
<b>S.B. 98 — SECURITIES RELATED AMENDMENTS (<i>B. McAdams</i>)</b>	
Read the first time by short title and referred to the Rules Committee	90
Assigned to standing committee	99
Substituted	156
Read the second time and placed on Consent Calendar	156
Read the third time	203
Transmitted to the House	203
Signed by the President and transmitted to the Governor	394
<b>S.B. 99 — MOTOR VEHICLE INSURANCE – NAMED DRIVER EXCLUSION AMENDMENTS (<i>L. Hillyard</i>)</b>	
Read the first time by short title and referred to the Rules Committee	90
Assigned to standing committee	99
Committee report adopted and placed on calendar	104
Read the second time	125
Read the third time	146
Transmitted to the House	146
Signed by the President and transmitted to the Governor	297
<b>S.B. 100 — SECURITIES WHISTLEBLOWER PROGRAM ACT (<i>B. McAdams</i>)</b>	
Read the first time by short title and referred to the Rules Committee	90
Assigned to standing committee	136
Substituted	483
Amendments	483
Committee report adopted and placed on calendar	483
Read the second time	584
Read the third time	597
Transmitted to the House	597
Signed by the President and transmitted to the Governor	926
<b>S.B. 101 — UTAH UNIFORM SECURITIES ACT ENFORCEMENT (<i>B. McAdams</i>)</b>	
Read the first time by short title and referred to the Rules Committee	90
Assigned to standing committee	169
Substituted	215
Committee report adopted and placed on calendar	215
Read the second time	330
Read the third time	348
Circled	348
Uncircled	349
Transmitted to the House	350
Signed by the President and transmitted to the Governor	523
<b>S.B. 102 — TEMPORARY WATER SHORTAGE EMERGENCY – MILITARY FACILITIES (<i>R. Okerlund</i>)</b>	
Read the first time by short title and referred to the Rules Committee	90
Assigned to standing committee	100
Committee report adopted and placed on calendar	115
Read the second time	150
Circled	150
Uncircled	161
Amendments	161
Read the third time	174
Transmitted to the House	174
Signed by the President and transmitted to the Governor	297
<b>S.B. 103 — UTAH FALSE CLAIMS ACT AMENDMENTS (<i>B. McAdams</i>)</b>	
Read the first time by short title and referred to the Rules Committee	90
Enacting Clause Stricken	1094

<b>S.B. 104</b> — PROBATE LAW AMENDMENTS ( <i>J. Valentine</i> )	
Read the first time by short title and referred to the Rules Committee.	90
Assigned to standing committee	99
Committee report adopted and placed on calendar	156
Read the second time	239
Read the third time	250
Transmitted to the House	251
Signed by the President and transmitted to the Governor	394
<b>S.B. 105</b> — LEGAL NOTICE PUBLICATION REQUIREMENTS ( <i>J. Valentine</i> )	
Read the first time by short title and referred to the Rules Committee.	90
Assigned to standing committee	100
Returned to the Rules Committee	772
Enacting Clause Stricken	1094
<b>S.B. 106</b> — SEXUAL EXPLOITATION AMENDMENTS ( <i>D. Hinkins</i> )	
Read the first time by short title and referred to the Rules Committee.	90
Assigned to standing committee	99
Read the second time and placed on Consent Calendar	157
Read the third time	204
Transmitted to the House	204
Placed on Concurrence Calendar	336
Concurrence	363
Returned to the House	363
Signed by the President and transmitted to the Governor	394
<b>S.B. 107</b> — HIGHER EDUCATION SUCCESS STIPEND PROGRAM ( <i>W. Niederhauser</i> )	
Read the first time by short title and referred to the Rules Committee.	90
Assigned to standing committee	99
Committee report adopted and placed on calendar	104
Read the second time	126
Read the third time	147
Transmitted to the House	147
Signed by the President and transmitted to the Governor	297
<b>S.B. 108</b> — JOINT USE OF WATER INFRASTRUCTURE ( <i>D. Stowell</i> )	
Read the first time by short title and referred to the Rules Committee.	91
Assigned to standing committee	100
Substituted	216, 352
Committee report adopted and placed on calendar	217
Read the second time	334
Circled	334, 363
Uncircled	352, 384
Read the third time	363
Amendments	384
Transmitted to the House	386
Signed by the President and transmitted to the Governor	720
<b>S.B. 109</b> — CHILD PROTECTION REGISTRY AMENDMENTS ( <i>C. Bramble</i> )	
Read the first time by short title and referred to the Rules Committee.	91
Assigned to standing committee	169
Returned to the Rules Committee	725
Enacting Clause Stricken	1094
<b>S.B. 110</b> — DRIVER LICENSE SUSPENSION AMENDMENTS ( <i>D. C. Buttary</i> )	
Read the first time by short title and referred to the Rules Committee.	91
Assigned to standing committee	114
Committee report adopted and placed on calendar	201
Read the second time	327
Read the third time	347
Circled	347
Uncircled	383
Amendments	383
Transmitted to the House	384
Placed on Concurrence Calendar	525
Concurrence	567
Returned to the House	567
Signed by the President and transmitted to the Governor	590
<b>S.B. 111</b> — UTILITIES – UNDERGROUND FACILITIES AND PIPELINES ( <i>S. Jenkins</i> )	
Read the first time by short title and referred to the Rules Committee.	91
Assigned to standing committee	100
Committee report adopted and placed on calendar	141
Read the second time	164
Read the third time	175
Transmitted to the House	176
Signed by the President and transmitted to the Governor	297
<b>S.B. 112</b> — RETIREMENT SYSTEM DIVESTMENT ( <i>C. Bramble</i> )	
Read the first time by short title and referred to the Rules Committee.	91

Assigned to standing committee	114
Amendments	377
Committee report adopted and placed on calendar	377
Read the second time	534
Read the third time	559
Transmitted to the House	559
Signed by the President and transmitted to the Governor	943
<b>S.B. 113 — ELECTION DISTRICT BOUNDARIES (<i>J. Valentine</i>)</b>	
Read the first time by short title and referred to the Rules Committee	91
Assigned to standing committee	245
Substituted	276, 445
Committee report adopted and placed on calendar	276
Read the second time	445
Read the third time	473
Transmitted to the House	474
Placed on Concurrence Calendar	961
Concurrence	966
Returned to the House	966
Signed by the President and returned to the House	998
<b>S.B. 114 — MUNICIPAL PROSECUTORIAL DISCRETION (<i>D. Thatcher</i>)</b>	
Read the first time by short title and referred to the Rules Committee	101
Assigned to standing committee	114
Committee report adopted and placed on calendar	184
Read the second time	253
Read the third time	262
Circled	262
Uncircled	263
Transmitted to the House	263
Signed by the President and transmitted to the Governor	394
<b>S.B. 115 — SCHOOL PERFORMANCE REPORTING (<i>H. Stephenson</i>)</b>	
Read the first time by short title and referred to the Rules Committee	101
Assigned to standing committee	114
Committee report adopted and placed on calendar	154
Read the second time	178
Read the third time	190
Circled	190
Uncircled	209
Amendments	209
Transmitted to the House	210
Signed by the President and transmitted to the Governor	297
<b>S.B. 116 — HOMESTEAD EXEMPTION MODIFICATION (<i>S. Urquhart</i>)</b>	
Read the first time by short title and referred to the Rules Committee	101
Assigned to standing committee	114
Returned to the Rules Committee	795
Enacting Clause Stricken	1094
<b>S.B. 117 — COMMUNITY ASSOCIATION ACT AMENDMENTS (<i>S. Urquhart</i>)</b>	
Read the first time by short title and referred to the Rules Committee	104
Assigned to standing committee	113
Substituted	215
Committee report adopted and placed on calendar	215
Read the second time	331
Read the third time	348
Circled	348
Uncircled	349
Transmitted to the House	349
Placed on Concurrence Calendar	525
Concurrence	567
Returned to the House	568
Signed by the President and transmitted to the Governor	590
<b>S.B. 118 — MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT AMENDMENTS (<i>K. Van Tassel</i>)</b>	
Read the first time by short title and referred to the Rules Committee	104
Assigned to standing committee	114
Committee report adopted and placed on calendar	141
Read the second time	165
Read the third time	176
Transmitted to the House	176
Signed by the President and transmitted to the Governor	297
<b>S.B. 119 — SCHOOL DISTRICT SUPERINTENDENTS AMENDMENTS (<i>H. Stephenson</i>)</b>	
Read the first time by short title and referred to the Rules Committee	111
Assigned to standing committee	114
Committee report adopted and placed on calendar	154
Read the second time	178
Read the third time	190

Circled .....	190
Uncircled .....	210
Substituted .....	210
Transmitted to the House .....	211
Signed by the President and transmitted to the Governor .....	961
<b>S.B. 120 — CAREER SERVICE AMENDMENTS (D. Liljenquist)</b>	
Read the first time by short title and referred to the Rules Committee .....	111
Assigned to standing committee .....	114
Substituted .....	378, 534
Amendments .....	379
Committee report adopted and placed on calendar .....	379
Read the second time .....	534
Read the third time .....	559
Transmitted to the House .....	559
Placed on Concurrence Calendar .....	766
Before the Senate .....	836
Circled .....	837
Uncircled .....	846
Concurrence .....	846
Returned to the House .....	847
Signed by the President and transmitted to the Governor .....	860
<b>S.B. 121 — NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS (D. Liljenquist)</b>	
Read the first time by short title and referred to the Rules Committee .....	111
Assigned to standing committee .....	113
Committee report adopted and placed on calendar .....	140
Read the second time .....	164
Circled .....	164
Uncircled .....	196
Amendments .....	196
Read the third time .....	205
Transmitted to the House .....	206
Signed by the President and transmitted to the Governor .....	297
<b>S.B. 122 — TAX EXEMPTION FOR CEDAR BAND OF PAIUTE TRIBE (D. Stowell)</b>	
Read the first time by short title and referred to the Rules Committee .....	117
Assigned to standing committee .....	137
Amendments .....	797
Returned to the Rules Committee .....	797
Enacting Clause Stricken .....	1094
<b>S.B. 123 — RESTRICTIONS ON LOBBYING EXPENDITURES – PUBLIC EDUCATION (S. Jenkins)</b>	
Read the first time by short title and referred to the Rules Committee .....	141
Assigned to standing committee .....	152
Amendments .....	184
Committee report adopted and placed on calendar .....	184
Read the second time .....	264
Read the third time .....	284
Transmitted to the House .....	285
Signed by the President and transmitted to the Governor .....	394
<b>S.B. 124 — LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE (B. McAdams)</b>	
Read the first time by short title and referred to the Rules Committee .....	141
Assigned to standing committee .....	152
Amendments .....	199, 311
Committee report adopted and placed on calendar .....	199
Read the second time .....	269
Read the third time .....	286
Circled .....	286
Uncircled .....	311
Transmitted to the House .....	312
Placed on Concurrence Calendar .....	766
Concurrence .....	837
Returned to the House .....	837
Signed by the President and transmitted to the Governor .....	859
<b>S.B. 125 — PROPERTY TAX EXEMPTION AMENDMENTS (C. Bramble)</b>	
Read the first time by short title and referred to the Rules Committee .....	141
Assigned to standing committee .....	153
Substituted .....	202, 330
Committee report adopted and placed on calendar .....	202
Read the second time .....	330
Substituted .....	330
Read the third time .....	348
Circled .....	348
Uncircled .....	354
Transmitted to the House .....	354
Signed by the President and transmitted to the Governor .....	562



**S.B. 126** — LOCAL DISTRICT SERVICE AMENDMENTS (*J. S. Adams*)

Read the first time by short title and referred to the Rules Committee. . . . . 142

Assigned to standing committee . . . . . 152

Committee report adopted and placed on calendar . . . . . 184

Read the second time . . . . . 265

Read the third time . . . . . 285

Transmitted to the House . . . . . 285

Placed on Concurrence Calendar . . . . . 395

Concurrence . . . . . 420

Returned to the House . . . . . 420

Signed by the President and transmitted to the Governor . . . . . 436

**S.B. 127** — POST RETIREMENT EMPLOYMENT AMENDMENTS (*D. Liljenquist*)

Read the first time by short title and referred to the Rules Committee. . . . . 142

Assigned to standing committee . . . . . 152

Amendments . . . . . 379

Committee report adopted and placed on calendar . . . . . 379

Read the second time . . . . . 535

Read the third time . . . . . 560

Transmitted to the House . . . . . 560

Signed by the President and transmitted to the Governor . . . . . 927

**S.B. 128** — REGULATORY AMENDMENTS (*C. Bramble*)

Read the first time by short title and referred to the Rules Committee. . . . . 142

Assigned to standing committee . . . . . 152

Committee report adopted and placed on calendar . . . . . 226

Read the second time . . . . . 334

Amendments . . . . . 334

Circled . . . . . 334, 363

Uncircled . . . . . 353, 389

Read the third time . . . . . 363

Transmitted to the House . . . . . 390

Signed by the President and transmitted to the Governor . . . . . 660

**S.B. 129** — LICENSING OF PHYSICIAN-EDUCATORS (*S. Urquhart*)

Read the first time by short title and referred to the Rules Committee. . . . . 142

Assigned to standing committee . . . . . 298

Substituted . . . . . 318, 570

Committee report adopted and placed on calendar . . . . . 318

Read the second time . . . . . 454

Circled . . . . . 454

Uncircled . . . . . 570

Read the third time . . . . . 593

Transmitted to the House . . . . . 593

Signed by the President and transmitted to the Governor . . . . . 859

**S.B. 130** — SURPLUS PROPERTY AMENDMENTS (*S. Reid*)

Read the first time by short title and referred to the Rules Committee. . . . . 142

Assigned to standing committee . . . . . 152

Amendments . . . . . 247

Committee report adopted and placed on calendar . . . . . 247

Read the second time . . . . . 367

Read the third time . . . . . 389

Transmitted to the House . . . . . 389

Signed by the President and transmitted to the Governor . . . . . 640

**S.B. 131** — UNINCORPORATED BUSINESS ENTITY UNIFORM ACTS (*L. Hillyard*)

Read the first time by short title and referred to the Rules Committee. . . . . 157

Assigned to standing committee . . . . . 245

Amendments . . . . . 276, 634

Committee report adopted and placed on calendar . . . . . 276

Read the second time . . . . . 448

Circled . . . . . 448, 571, 628

Uncircled . . . . . 571, 609, 634

Substituted . . . . . 571

Read the third time . . . . . 628

Transmitted to the House . . . . . 635

Signed by the President and transmitted to the Governor . . . . . 906

**S.B. 132** — SALES AND USE TAX EXEMPTION FOR AN ENERGY EFFICIENT STOVE OR ENERGY EFFICIENT STOVE FUEL (*G. Davis*)

Read the first time by short title and referred to the Rules Committee. . . . . 157

Assigned to standing committee . . . . . 170

Committee report adopted and placed on calendar . . . . . 248

Read the second time . . . . . 411

Read the third time . . . . . 434

Transmitted to the House . . . . . 435

Enacting Clause Stricken . . . . . 1093

<b>S.B. 133</b> — GRAND JURY AMENDMENTS ( <i>J. Valentine</i> )	
Read the first time by short title and referred to the Rules Committee.	157
Assigned to standing committee	170
Committee report adopted and placed on calendar	216
Read the second time	333
Read the third time	350
Transmitted to the House	350
Enacting Clause Stricken	1093
<b>S.B. 134</b> — TRANSPARENCY IN HEALTH CARE PROVIDER ADVERTISING ( <i>J. Stevenson</i> )	
Read the first time by short title and referred to the Rules Committee.	157
Assigned to standing committee	170
Committee report adopted and placed on calendar	278
Read the second time	451
Amendments	451
Read the third time	475
Transmitted to the House	476
Signed by the President and transmitted to the Governor	720
<b>S.B. 135</b> — DEPARTMENT OF PUBLIC SAFETY DUTIES AMENDMENTS ( <i>D. Thatcher</i> )	
Read the first time by short title and referred to the Rules Committee.	157
Assigned to standing committee	258
Read the second time and placed on Consent Calendar	283
Read the third time	345
Transmitted to the House	345
Signed by the President and transmitted to the Governor	523
<b>S.B. 136</b> — BOATING AMENDMENTS ( <i>C. Bramble</i> )	
Read the first time by short title and referred to the Rules Committee.	158
Assigned to standing committee	170
Substituted	201
Committee report adopted and placed on calendar	201
Read the second time	328
Read the third time	347
Transmitted to the House	347
Signed by the President and transmitted to the Governor	605
<b>S.B. 137</b> — MEDICAID AMENDMENTS ( <i>A. Christensen</i> )	
Read the first time by short title and referred to the Rules Committee.	158
Assigned to standing committee	169
Substituted	358, 506
Amendments	358
Committee report adopted and placed on calendar	358
Read the second time	506
Circled	506
Uncircled	617
Read the third time	633
Failed	633
Filed	634
Enacting Clause Stricken	1094
<b>S.B. 138</b> — DRIVER LICENSE QUALIFICATION AMENDMENTS ( <i>S. Urquhart</i> )	
Read the first time by short title and referred to the Rules Committee.	229
Assigned to standing committee	246
Committee report adopted and placed on calendar	301
Read the second time	454
Circled	454, 815
Placed on Time Certain Calendar	681
Uncircled	814, 817
Substituted	814
Read the second and third time	817
Transmitted to the House	818
Placed on Concurrence Calendar	999
Concurrence	1011
Returned to the House	1011
Signed by the President and transmitted to the Governor	1037
<b>S.B. 139</b> — REVOCATION OF MOTOR VEHICLE REGISTRATION ( <i>S. Reid</i> )	
Read the first time by short title and referred to the Rules Committee.	171
Assigned to standing committee	182
Committee report adopted and placed on calendar	215
Read the second time	331
Substituted	331
Amendments	332, 446
Circled	333
Uncircled	446
Read the third time	474
Transmitted to the House	475
Enacting Clause Stricken	1093

**S.B. 140** — STATE CHARTER SCHOOL BOARD AMENDMENTS (*H. Stephenson*)

Read the first time by short title and referred to the Rules Committee. . . . . 172

Assigned to standing committee . . . . . 182

Committee report adopted and placed on calendar . . . . . 215

Read the second time . . . . . 333

Read the third time . . . . . 348

Transmitted to the House . . . . . 349

Signed by the President and transmitted to the Governor . . . . . 961

**S.B. 141** — BURGLARY OFFENSE AMENDMENTS (*M. Madsen*)

Read the first time by short title and referred to the Rules Committee. . . . . 172

Assigned to standing committee . . . . . 182

Committee report adopted and placed on calendar . . . . . 216

Read the second time . . . . . 334

Circled . . . . . 334, 364, 518

Uncircled . . . . . 364, 493, 569

Amendments . . . . . 364

Read the third time . . . . . 518

Transmitted to the House . . . . . 569

Signed by the President and transmitted to the Governor . . . . . 764

**S.B. 142** — PUBLIC OFFICIAL CONTACT INFORMATION (*H. Stephenson*)

Read the first time by short title and referred to the Rules Committee. . . . . 172

Assigned to standing committee . . . . . 182

Amendments . . . . . 201

Committee report adopted and placed on calendar . . . . . 201

Read the second time . . . . . 328

Read the third time . . . . . 347

Transmitted to the House . . . . . 348

Placed on Concurrence Calendar . . . . . 562

Concurrence . . . . . 608

Returned to the House . . . . . 608

Signed by the President and transmitted to the Governor . . . . . 640

**S.B. 143** — JUDICIARY AMENDMENTS (*L. Hillyard*)

Read the first time by short title and referred to the Rules Committee. . . . . 202

Assigned to standing committee . . . . . 214

Committee report adopted and placed on calendar . . . . . 247

Read the second time . . . . . 365

Read the third time . . . . . 389

Circled . . . . . 389

Uncircled . . . . . 400

Transmitted to the House . . . . . 400

Signed by the President and transmitted to the Governor . . . . . 523

**S.B. 144** — COUNTY PURCHASING AGENT AMENDMENTS (*M. Dayton*)

Read the first time by short title and referred to the Rules Committee. . . . . 202

Assigned to standing committee . . . . . 214

Read the second time and placed on Consent Calendar . . . . . 249

Read the third time . . . . . 304

Transmitted to the House . . . . . 304

Signed by the President and transmitted to the Governor . . . . . 479

**S.B. 145** — UTAH EDUCATIONAL SAVINGS PLAN AMENDMENTS (*W. Niederhauser*)

Read the first time by short title and referred to the Rules Committee. . . . . 202

Assigned to standing committee . . . . . 214

Committee report adopted and placed on calendar . . . . . 247

Read the second time . . . . . 364

Read the third time . . . . . 382

Circled . . . . . 382

Uncircled . . . . . 388

Transmitted to the House . . . . . 388

Signed by the President and transmitted to the Governor . . . . . 640

**S.B. 146** — IMPACT FEE AMENDMENTS (*J. Stevenson*)

Read the first time by short title and referred to the Rules Committee. . . . . 202

Assigned to standing committee . . . . . 214

Committee report adopted and placed on calendar . . . . . 248

Read the first and second time . . . . . 410

Amendments . . . . . 410

Read the third time . . . . . 432

Transmitted to the House . . . . . 433

Signed by the President and transmitted to the Governor . . . . . 720

**S.B. 147** — FORGERY LAW AMENDMENTS (*M. Madsen*)

Read the first time by short title and referred to the Rules Committee. . . . . 203

Assigned to standing committee . . . . . 246

Amendments . . . . . 259, 828

Committee report adopted and placed on calendar . . . . . 259

Read the second time . . . . . 413

	Circled .....	413
	Uncircled .....	828
	Read the second and third time .....	830
	Transmitted to the House .....	831
	Signed by the President and returned to the House .....	998
<b>S.B. 148</b>	— UTAH FAIR HOUSING AND EMPLOYMENT ( <i>B. McAdams</i> )	
	Read the first time by short title and referred to the Rules Committee. ....	217
	Enacting Clause Stricken .....	1094
<b>S.B. 149</b>	— QUALIFICATIONS FOR THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH ( <i>D. Liljenquist</i> )	
	Read the first time by short title and referred to the Rules Committee. ....	218
	Assigned to standing committee .....	225
	Amendments .....	277
	Committee report adopted and placed on calendar .....	277
	Read the second time .....	450
	Circled .....	450
	Uncircled .....	492
	Read the third time .....	518
	Transmitted to the House .....	518
	Signed by the President and transmitted to the Governor .....	1071
<b>S.B. 150</b>	— NEGLIGENT CREDENTIALING ( <i>J. S. Adams</i> )	
	Read the first time by short title and referred to the Rules Committee. ....	218
	Assigned to standing committee .....	273
	Amendments .....	359
	Committee report adopted and placed on calendar .....	359
	Read the second time .....	506
	Circled .....	506, 530
	Uncircled .....	511, 568
	Read the third time .....	530
	Amendments .....	568
	Transmitted to the House .....	569
	Signed by the President and transmitted to the Governor .....	927
<b>S.B. 151</b>	— REAL ESTATE TRANSACTIONS AND SECURITIES ( <i>B. McAdams</i> )	
	Read the first time by short title and referred to the Rules Committee. ....	218
	Assigned to standing committee .....	225
	Substituted .....	374
	Committee report adopted and placed on calendar .....	374
	Read the second time .....	508
	Read the third time .....	527
	Transmitted to the House .....	528
	Signed by the President and returned to the House .....	998
<b>S.B. 152</b>	— SEX OFFENDER RESTRICTIONS AMENDMENTS ( <i>D. Hinkins</i> )	
	Read the first time by short title and referred to the Rules Committee. ....	218
	Assigned to standing committee .....	226
	Returned to the Rules Committee .....	324
	Enacting Clause Stricken .....	1094
<b>S.B. 153</b>	— SEX OFFENDER REGISTRATION AMENDMENTS ( <i>D. Hinkins</i> )	
	Read the first time by short title and referred to the Rules Committee. ....	218
	Assigned to standing committee .....	226
	Returned to the Rules Committee .....	325
	Enacting Clause Stricken .....	1094
<b>S.B. 154</b>	— UTAH FIT PREMISES ACT MODIFICATIONS ( <i>B. McAdams</i> )	
	Read the first time by short title and referred to the Rules Committee. ....	218
	Assigned to standing committee .....	563
	Returned to the Rules Committee .....	795
	Enacting Clause Stricken .....	1094
<b>S.B. 155</b>	— POLITICAL SUBDIVISION'S PROCUREMENT PROCESS FOR CONSTRUCTION PROJECTS ( <i>B. McAdams</i> )	
	Read the first time by short title and referred to the Rules Committee. ....	250
	Assigned to standing committee .....	258
	Committee report adopted and placed on calendar .....	277
	Read the second time .....	450
	Substituted .....	450
	Read the third time .....	475
	Amendments .....	475
	Transmitted to the House .....	475
	Placed on Concurrence Calendar .....	1030
	Concurrence .....	1044
	Returned to the House .....	1044
	Signed by the President and transmitted to the Governor .....	1067
<b>S.B. 156</b>	— UNINSURED AND UNDERINSURED MOTORIST COVERAGE AMENDMENTS ( <i>S. Urquhart</i> )	
	Read the first time by short title and referred to the Rules Committee. ....	261
	Assigned to standing committee .....	272

Returned to the Rules Committee	725
Enacting Clause Stricken	1094
<b>S.B. 157 — PROPERTY TAX REVISIONS (C. Bramble)</b>	
Read the first time by short title and referred to the Rules Committee.	261
Assigned to standing committee	273
Amendments	324
Committee report adopted and placed on calendar	324
Read the second time	494
Substituted	494
Read the third time	518
Circled	518
Uncircled	550
Amendments	550
Transmitted to the House	550
Placed on Concurrence Calendar	766
Concurrence	837
Returned to the House	838
Signed by the President and transmitted to the Governor	859
<b>S.B. 158 — LOCAL GOVERNMENT FUNDING AMENDMENTS (C. Bramble)</b>	
Read the first time by short title and referred to the Rules Committee.	261
Assigned to standing committee	272
Returned to the Rules Committee	801
Enacting Clause Stricken	1094
<b>S.B. 159 — SEX OFFENDER REGISTRY REVISIONS (D. Stowell)</b>	
Read the first time by short title and referred to the Rules Committee.	261
Assigned to standing committee	273
Committee report adopted and placed on calendar	338
Read the second time	503
Amendments	503
Read the third time	520
Transmitted to the House	521
Signed by the President and transmitted to the Governor	737
<b>S.B. 160 — FEDERAL FUNDS PROCEDURES ACT AMENDMENTS (L. Hillyard)</b>	
Read the first time by short title and referred to the Rules Committee.	361
Assigned to standing committee	371
Read the second time and placed on Consent Calendar	461
Read the third time	546
Transmitted to the House	547
Signed by the President and transmitted to the Governor	982
<b>S.B. 162 — MILITARY AND OVERSEAS VOTING (L. Hillyard)</b>	
Read the first time by short title and referred to the Rules Committee.	604
Assigned to standing committee	607
Substituted	703, 831
Committee report adopted and placed on calendar	703
Read the second time	831
Amendments	832
Read the second and third time	832
Transmitted to the House	832
Signed by the President and transmitted to the Governor	963
<b>S.B. 164 — ATTORNEY FEES AND COURT COSTS AMENDMENTS (B. McAdams)</b>	
Read the first time by short title and referred to the Rules Committee.	261
Assigned to standing committee	273
Committee report adopted and placed on calendar	338
Read the second time	504
Circled	504
Enacting Clause Stricken	1094
<b>S.B. 165 — ELECTION LAW AMENDMENTS (C. Bramble)</b>	
Read the first time by short title and referred to the Rules Committee.	608
Assigned to standing committee	621
Substituted	705, 893
Amendments	705
Committee report adopted and placed on calendar	705
Read the second time	865
Read the third time	891
Circled	891, 893, 895
Uncircled	893, 895, 905
Transmitted to the House	905
Signed by the President and transmitted to the Governor	945
<b>S.B. 167 — CONDOMINIUM AND COMMUNITY ASSOCIATION REVISIONS (W. Niederhauser)</b>	
Read the first time by short title and referred to the Rules Committee.	546
Assigned to standing committee	563
Committee report adopted and placed on calendar	689

Read the second time	853
Substituted	853
Read the third time	887
Amendments	888
Transmitted to the House	888
Placed on Concurrence Calendar	964
Concurrence	984
Returned to the House	985
Signed by the President and transmitted to the Governor	1014
<b>S.B. 170 — WRONGFUL DEATH AMENDMENTS (<i>B. McAdams</i>)</b>	
Read the first time by short title and referred to the Rules Committee.	361
Enacting Clause Stricken	1094
<b>S.B. 172 — POLITICAL SUBDIVISIONS ADMINISTRATION AMENDMENTS (<i>H. Stephenson</i>)</b>	
Read the first time by short title and referred to the Rules Committee.	361
Assigned to standing committee	371
Read the second time and placed on Consent Calendar	461
Read the third time	547
Transmitted to the House	547
Signed by the President and transmitted to the Governor	764
<b>S.B. 174 — MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS (<i>S. Urquhart</i>)</b>	
Read the first time by short title and referred to the Rules Committee.	693
Assigned to standing committee	697
Read the second time and placed on Consent Calendar	770
Read the third time	883
Transmitted to the House	883
Signed by the President and transmitted to the Governor	1037
<b>S.B. 176 — CANDIDATE PARTY AFFILIATION (<i>B. McAdams</i>)</b>	
Read the first time by short title and referred to the Rules Committee.	485
Assigned to standing committee	495
Committee report adopted and placed on calendar	578
Read the second time	649
Circled	649
Uncircled	854
Read the third time	888
Failed	888
Filed	889
Enacting Clause Stricken	1094
<b>S.B. 177 — SECURITY AGENCY QUALIFICATION AMENDMENTS (<i>M. Dayton</i>)</b>	
Read the first time by short title and referred to the Rules Committee.	325
Assigned to standing committee	325
Committee report adopted and placed on calendar	340
Read the second time	504
Amendments	505
Read the third time	521
Transmitted to the House	521
Placed on Concurrence Calendar	997
Concurrence	1010
Returned to the House	1011
Signed by the President and transmitted to the Governor	1037
<b>S.B. 178 — MUNICIPAL LAND USE AMENDMENTS (<i>C. Bramble</i>)</b>	
Read the first time by short title and referred to the Rules Committee.	303
Assigned to standing committee	337
Substituted	460
Committee report adopted and placed on calendar	460
Read the second time	583
Circled	583
Uncircled	586
Read the third time	599
Transmitted to the House	600
Placed on Concurrence Calendar	766
Concurrence	838
Returned to the House	838
Signed by the President and transmitted to the Governor	859
<b>S.B. 179 — MATH EDUCATION INITIATIVE (<i>H. Stephenson</i>)</b>	
Read the first time by short title and referred to the Rules Committee.	361
Assigned to standing committee	371
Committee report adopted and placed on calendar	483
Read the second time	584
Read the third time	597
Transmitted to the House	598
Enacting Clause Stricken	1093

**S.B. 180 — MEDICAID REFORM (*D. Liljenquist*)**  
 Read the first time by short title and referred to the Rules Committee. . . . . 284  
 Assigned to standing committee . . . . . 298  
 Committee report adopted and placed on calendar . . . . . 319  
 Read the second time . . . . . 454  
 Circled . . . . . 454, 493  
 Uncircled . . . . . 492, 502  
 Substituted . . . . . 492  
 Read the third time . . . . . 520  
 Transmitted to the House . . . . . 520  
 Placed on Concurrence Calendar . . . . . 961  
 Concurrence . . . . . 966  
 Returned to the House . . . . . 966  
 Signed by the President and returned to the House . . . . . 998

**S.B. 181 — LOBBYIST DISCLOSURE AND REGULATION ACT REVISIONS (*C. Bramble*)**  
 Read the first time by short title and referred to the Rules Committee. . . . . 659  
 Assigned to standing committee . . . . . 663  
 Committee report adopted and placed on calendar . . . . . 705  
 Read the second time . . . . . 866  
 Read the third time . . . . . 892  
 Transmitted to the House . . . . . 892  
 Signed by the President and transmitted to the Governor . . . . . 945

**S.B. 182 — CONSTRUCTION TRADES LICENSING AMENDMENTS (*P. Knudson*)**  
 Read the first time by short title and referred to the Rules Committee. . . . . 343  
 Enacting Clause Stricken . . . . . 1094

**S.B. 183 — CUSTODY AMENDMENTS (*L. Robles*)**  
 Read the first time by short title and referred to the Rules Committee. . . . . 343  
 Assigned to standing committee . . . . . 357  
 Returned to the Rules Committee . . . . . 795  
 Enacting Clause Stricken . . . . . 1094

**S.B. 184 — DISPOSAL OF ELECTRONIC WASTE (*S. Urquhart*)**  
 Read the first time by short title and referred to the Rules Committee. . . . . 546  
 Assigned to standing committee . . . . . 563  
 Amendments . . . . . 767  
 Committee report adopted and placed on calendar . . . . . 767  
 Read the second time . . . . . 869  
 Circled . . . . . 869  
 Uncircled . . . . . 870  
 Read the third time . . . . . 895  
 Transmitted to the House . . . . . 895  
 Placed on Concurrence Calendar . . . . . 1009  
 Refuse to Concur . . . . . 1012  
 Signed by the President and transmitted to the Governor . . . . . 1037

**S.B. 186 — UTAH MEDICAL PRACTICE ACT AMENDMENTS (*J. S. Adams*)**  
 Read the first time by short title and referred to the Rules Committee. . . . . 527  
 Assigned to standing committee . . . . . 563  
 Amendments . . . . . 665, 852  
 Committee report adopted and placed on calendar . . . . . 665  
 Read the second time . . . . . 851  
 Read the third time . . . . . 887  
 Transmitted to the House . . . . . 887  
 Signed by the President and transmitted to the Governor . . . . . 1014

**S.B. 187 — COUNTY SERVICES AMENDMENTS (*C. Bramble*)**  
 Read the first time by short title and referred to the Rules Committee. . . . . 367  
 Assigned to standing committee . . . . . 372  
 Returned to the Rules Committee . . . . . 801  
 Enacting Clause Stricken . . . . . 1094

**S.B. 188 — TAX COMMISSION AMENDMENTS (*J. Valentine*)**  
 Read the first time by short title and referred to the Rules Committee. . . . . 362  
 Assigned to standing committee . . . . . 372  
 Amendments . . . . . 460  
 Committee report adopted and placed on calendar . . . . . 460  
 Read the second time . . . . . 583  
 Read the third time . . . . . 596  
 Transmitted to the House . . . . . 597  
 Signed by the President and transmitted to the Governor . . . . . 764

**S.B. 189 — TAX CODE MODIFICATIONS (*B. McAdams*)**  
 Read the first time by short title and referred to the Rules Committee. . . . . 626  
 Assigned to standing committee . . . . . 642  
 Amendments . . . . . 705  
 Committee report adopted and placed on calendar . . . . . 705  
 Read the second time . . . . . 867

Circled .....	867
Enacting Clause Stricken .....	1094
<b>S.B. 191 — WORKERS' COMPENSATION COVERAGE WAIVERS (<i>K. Mayne</i>)</b>	
Read the first time by short title and referred to the Rules Committee .....	303
Assigned to standing committee .....	337
Committee report adopted and placed on calendar .....	357
Read the second time .....	505
Read the third time .....	521
Transmitted to the House .....	522
Signed by the President and transmitted to the Governor .....	737
<b>S.B. 197 — LOCAL HOUSING AUTHORITY AMENDMENTS (<i>B. McAdams</i>)</b>	
Read the first time by short title and referred to the Rules Committee .....	362
Assigned to standing committee .....	371
Committee report adopted and placed on calendar .....	458
Read the second time .....	582
Read the third time .....	595
Transmitted to the House .....	596
Signed by the President and transmitted to the Governor .....	812
<b>S.B. 198 — DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS (<i>S. Jenkins</i>)</b>	
Read the first time by short title and referred to the Rules Committee .....	416
Assigned to standing committee .....	438
Committee report adopted and placed on calendar .....	497
Read the second time .....	610
Read the third time .....	628
Amendments .....	628
Circled .....	630
Uncircled .....	637
Transmitted to the House .....	637
Signed by the President and transmitted to the Governor .....	906
<b>S.B. 199 — UTAH COMMISSION ON UNIFORM STATE LAWS (<i>L. Hillyard</i>)</b>	
Read the first time by short title and referred to the Rules Committee .....	316
Assigned to standing committee .....	337
Committee report adopted and placed on calendar .....	359
Read the second time .....	507
Read the third time .....	527
Circled .....	527
Uncircled .....	551
Transmitted to the House .....	552
Signed by the President and transmitted to the Governor .....	812
<b>S.B. 200 — STATE DEBT COLLECTIONS AMENDMENTS (<i>L. Hillyard</i>)</b>	
Read the first time by short title and referred to the Rules Committee .....	325
Assigned to standing committee .....	337
Amendments .....	359
Committee report adopted and placed on calendar .....	359
Read the second time .....	507
Read the third time .....	527
Circled .....	527
Uncircled .....	552
Transmitted to the House .....	552
Signed by the President and transmitted to the Governor .....	812
<b>S.B. 201 — PROTECTION AGAINST UNFAIR COMPETITION THROUGH MISAPPROPRIATED TECHNOLOGY ACT (<i>C. Bramble</i>)</b>	
Read the first time by short title and referred to the Rules Committee .....	667
Assigned to standing committee .....	697
Committee report adopted and placed on calendar .....	768
Read the second time .....	869
Circled .....	869
Enacting Clause Stricken .....	1094
<b>S.B. 202 — PHARMACEUTICAL COMPETITIVE PRICING (<i>C. Bramble</i>)</b>	
Read the first time by short title and referred to the Rules Committee .....	362
Assigned to standing committee .....	527
Committee report adopted and placed on calendar .....	646
Read the second time .....	698
Circled .....	698, 753
Uncircled .....	733, 850
Read the third time .....	753
Enacting Clause Stricken .....	850, 1094
<b>S.B. 203 — EXECUTIVE RESIDENCE COMMISSION (<i>J. S. Adams</i>)</b>	
Read the first time by short title and referred to the Rules Committee .....	367
Assigned to standing committee .....	371
Read the second time and placed on Consent Calendar .....	461
Read the third time .....	547



Transmitted to the House	548
Signed by the President and transmitted to the Governor	812
<b>S.B. 204 — CAPITAL DEVELOPMENT AND IMPROVEMENT PROCESS APPROVAL REQUIREMENTS</b>	
<b>AMENDMENTS (<i>J. S. Adams</i>)</b>	
Read the first time by short title and referred to the Rules Committee.	416
Assigned to standing committee	437
Committee report adopted and placed on calendar	496
Read the second time	603
Read the third time	627
Transmitted to the House	627
Placed on Concurrence Calendar	814
Concurrence	838
Returned to the House	839
Signed by the President and transmitted to the Governor	859
<b>S.B. 206 — LABOR ORGANIZATION PROVISIONS IN TEACHER CONTRACTS (<i>H. Stephenson</i>)</b>	
Read the first time by short title and referred to the Rules Committee.	295
Assigned to standing committee	299
Committee report adopted and placed on calendar	484
Read the second time	585
Read the third time	598
Transmitted to the House	598
Signed by the President and transmitted to the Governor	945
<b>S.B. 208 — CONSTRUCTION CONTRACT AMENDMENTS (<i>C. Bramble</i>)</b>	
Read the first time by short title and referred to the Rules Committee.	399
Assigned to standing committee	437
Returned to the Rules Committee	725
Enacting Clause Stricken	1094
<b>S.B. 209 — TELECOMMUNICATIONS AMENDMENTS (<i>C. Bramble</i>)</b>	
Read the first time by short title and referred to the Rules Committee.	485
Assigned to standing committee	496
Committee report adopted and placed on calendar	565
Read the second time	617
Circled	617
Uncircled	657
Amendments	657
Read the third time	678
Transmitted to the House	678
Placed on Concurrence Calendar	964
Concurrence	985
Returned to the House	985
Signed by the President and transmitted to the Governor	1014
<b>S.B. 210 — UTAH POSTSECONDARY PROPRIETARY SCHOOL ACT AMENDMENTS (<i>C. Bramble</i>)</b>	
Read the first time by short title and referred to the Rules Committee.	439
Assigned to standing committee	481
Read the second time and placed on Consent Calendar	544
Placed on calendar	676
Read the third time	680
Circled	680
Uncircled	749
Substituted	749
Transmitted to the House	750
Signed by the President and returned to the House	998
<b>S.B. 212 — JUDICIAL EVALUATION AMENDMENTS (<i>D. C. Buttars</i>)</b>	
Read the first time by short title and referred to the Rules Committee.	303
Assigned to standing committee	337
Substituted	397
Placed on Time Certain Calendar	530
Amendments	397
Committee report adopted and placed on calendar	397
Read the second and third time	555
Transmitted to the House	556
Signed by the President and transmitted to the Governor	720, 901
Returned to the House	781
<b>S.B. 214 — MOTOR VEHICLE RENTAL COMPANY FEE DISCLOSURES (<i>J. S. Adams</i>)</b>	
Read the first time by short title and referred to the Rules Committee.	303
Assigned to standing committee	338
Amendments	360, 536
Committee report adopted and placed on calendar	360
Read the second time	507
Circled	507
Uncircled	536
Read the third time	561
Intent Language	561

Transmitted to the House .....	561
Signed by the President and transmitted to the Governor .....	720
<b>S.B. 216 — OVERSIGHT OF PUBLIC FUNDS (<i>M. Madsen</i>)</b>	
Read the first time by short title and referred to the Rules Committee. ....	399
Assigned to standing committee .....	437
Returned to the Rules Committee .....	739
Enacting Clause Stricken .....	1094
<b>S.B. 217 — EDUCATION POLICY AMENDMENTS (<i>C. Bramble</i>)</b>	
Read the first time by short title and referred to the Rules Committee. ....	546
Assigned to standing committee .....	563
Read the second time and placed on Consent Calendar .....	666
Read the third time .....	783
Transmitted to the House .....	783
Placed on Concurrence Calendar .....	1035
Concurrence .....	1046
Returned to the House .....	1047
Signed by the President and transmitted to the Governor .....	1067
<b>S.B. 218 — TRUST DEED AMENDMENTS (<i>C. Bramble</i>)</b>	
Read the first time by short title and referred to the Rules Committee. ....	284
Assigned to standing committee .....	299
Substituted .....	801
Returned to the Rules Committee .....	801
Enacting Clause Stricken .....	1094
<b>S.B. 220 — INTERMOUNTAIN WEATHERIZATION TRAINING FUND (<i>S. Jenkins</i>)</b>	
Read the first time by short title and referred to the Rules Committee. ....	591
Assigned to standing committee .....	607
Substituted .....	646
Committee report adopted and placed on calendar .....	647
Read the second time .....	699
Circled .....	699
Uncircled .....	700
Amendments .....	700
Read the third time .....	716
Transmitted to the House .....	717
Signed by the President and transmitted to the Governor .....	961
<b>S.B. 221 — STATE OF UTAH RESOURCE MANAGEMENT PLAN FOR FEDERAL LANDS (<i>R. Okerlund</i>)</b>	
Read the first time by short title and referred to the Rules Committee. ....	546
Assigned to standing committee .....	564
Substituted .....	644, 644
Read for the first time and referred to the Rules Committee .....	644
Committee report adopted and placed on calendar .....	644
Read the second time .....	718
Read the first, second and third time .....	719
Transmitted to the House .....	719
Signed by the President and transmitted to the Governor .....	945
<b>S.B. 222 — PUBLIC TRANSIT AMENDMENTS (<i>C. Bramble</i>)</b>	
Read the first time by short title and referred to the Rules Committee. ....	304
Assigned to standing committee .....	338
Amendments .....	459
Committee report adopted and placed on calendar .....	459
Read the second time .....	583
Circled .....	583
Uncircled .....	586
Read the third time .....	598
Transmitted to the House .....	599
Signed by the President and transmitted to the Governor .....	927
<b>S.B. 223 — GUARDIANSHIP REVISIONS (<i>B. McAdams</i>)</b>	
Read the first time by short title and referred to the Rules Committee. ....	649
Assigned to standing committee .....	662
Returned to the Rules Committee .....	727
Enacting Clause Stricken .....	1095
<b>S.B. 224 — PARTISAN SCHOOL BOARD ELECTIONS (<i>H. Stephenson</i>)</b>	
Read the first time by short title and referred to the Rules Committee. ....	546
Assigned to standing committee .....	563
Amendments .....	663
Committee report adopted and placed on calendar .....	663
Read the second time .....	815
Circled .....	815
Uncircled .....	865
Read the third time .....	891
Transmitted to the House .....	891
Enacting Clause Stricken .....	1093

<b>S.B. 225</b> — PERSONAL INJURY PROTECTION ARBITRATION ( <i>S. Urquhart</i> )	
Read the first time by short title and referred to the Rules Committee.	566
Assigned to standing committee	607
Committee report adopted and placed on calendar	691
Read the second time	856
Read the third time	889
Circled	889
Uncircled	1002
Circled	1002
Enacting Clause Stricken	1095
<b>S.B. 226</b> — INCOME TAX CREDITS FOR CLEANER BURNING FUELS ( <i>S. Urquhart</i> )	
Read the first time by short title and referred to the Rules Committee.	325
Assigned to standing committee	338
Substituted	461
Read the second time and placed on Consent Calendar	461
Read the third time	549
Transmitted to the House	549
Placed on Concurrence Calendar	980
Concurrence	986
Returned to the House	986
Signed by the President and transmitted to the Governor	963, 1014
<b>S.B. 228</b> — CRIMINAL FORFEITURE AMENDMENTS ( <i>D. Liljenquist</i> )	
Read the first time by short title and referred to the Rules Committee.	735
Assigned to standing committee	735
Committee report adopted and placed on calendar	768
Read the second time	869
Circled	869
Uncircled	870
Returned to the Rules Committee	870
Enacting Clause Stricken	1095
<b>S.B. 229</b> — TRANSPORTATION FUNDING REVISIONS ( <i>J. S. Adams</i> )	
Read the first time by short title and referred to the Rules Committee.	485
Assigned to standing committee	496
Committee report adopted and placed on calendar	625
Read the second time	684
Read the third time	710
Circled	710
Uncircled	729
Transmitted to the House	729
Concurrence	1072
Returned to the House	1072
Signed by the President and transmitted to the Governor	1088
<b>S.B. 230</b> — DNA AMENDMENTS ( <i>J. S. Adams</i> )	
Read the first time by short title and referred to the Rules Committee.	262
Assigned to standing committee	273
Committee report adopted and placed on calendar	338
Read the second time	504
Circled	504
Uncircled	510
Read the third time	529
Transmitted to the House	529
Signed by the President and transmitted to the Governor	764
<b>S.B. 231</b> — FILM ENTERPRISE ZONE ( <i>M. Madsen</i> )	
Read the first time by short title and referred to the Rules Committee.	618
Assigned to standing committee	621
Placed on calendar	760
Returned to the Rules Committee	739
Read the second time	777
Circled	777
Enacting Clause Stricken	1095
<b>S.B. 232</b> — PUBLIC TRANSIT DISTRICT BOARD OF TRUSTEES AMENDMENTS ( <i>K. Mayne</i> )	
Read the first time by short title and referred to the Rules Committee.	581
Assigned to standing committee	607
Substituted	691
Committee report adopted and placed on calendar	691
Read the second time	862
Read the third time	890
Failed	890
Filed	890
Enacting Clause Stricken	1095
<b>S.B. 233</b> — TAX MODIFICATIONS ( <i>C. Bramble</i> )	
Read the first time by short title and referred to the Rules Committee.	659
Assigned to standing committee	663

Returned to the Rules Committee	801
Enacting Clause Stricken	1095
<b>S.B. 234</b> — ECONOMIC DEVELOPMENT ZONE TAX INCENTIVES ACT ( <i>C. Bramble</i> )	
Read the first time by short title and referred to the Rules Committee	618
Assigned to standing committee	621
Returned to the Rules Committee	801
Enacting Clause Stricken	1095
<b>S.B. 235</b> — CHARTER SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES ( <i>K. Mayne</i> )	
Read the first time by short title and referred to the Rules Committee	284
Assigned to standing committee	298
Committee report adopted and placed on calendar	320
Read the second time	454
Circled	454
Uncircled	491
Substituted	491
Read the third time	517
Transmitted to the House	518
Placed on Concurrence Calendar	1035
Concurrence	1047
Returned to the House	1047
Signed by the President and transmitted to the Governor	1067
<b>S.B. 236</b> — REFERENDUM AMENDMENTS ( <i>K. Van Tassell</i> )	
Read the first time by short title and referred to the Rules Committee	659
Assigned to standing committee	663
Committee report adopted and placed on calendar	769
Read the second time	869
Read the third time	894
Transmitted to the House	895
Placed on Concurrence Calendar	964
Concurrence	985
Returned to the House	986
Signed by the President and transmitted to the Governor	1014
<b>S.B. 237</b> — POLLUTION CONTROL FACILITY AMENDMENTS ( <i>L. Hillyard</i> )	
Read the first time by short title and referred to the Rules Committee	485
Assigned to standing committee	496
Read the second time and placed on Consent Calendar	647
Read the third time	745
Transmitted to the House	745
Signed by the President and transmitted to the Governor	927
<b>S.B. 238</b> — VERIFICATION OF EMPLOYMENT STATUS ( <i>D. Hinkins</i> )	
Read the first time by short title and referred to the Rules Committee	382
Assigned to standing committee	396
Amendments	642
Committee report adopted and placed on calendar	642
Read the second time	684
Read the third time	710
Transmitted to the House	711
Enacting Clause Stricken	1093
<b>S.B. 239</b> — MOTOR AND SPECIAL FUEL TAX AMENDMENTS ( <i>K. Van Tassell</i> )	
Read the first time by short title and referred to the Rules Committee	566
Assigned to standing committee	607
Substituted	691
Amendments	691, 863
Committee report adopted and placed on calendar	691
Read the second time	863
Failed	864
Filed	864
Enacting Clause Stricken	1095
<b>S.B. 240</b> — TRAFFIC CODE MODIFICATIONS ( <i>K. Van Tassell</i> )	
Read the first time by short title and referred to the Rules Committee	709
Enacting Clause Stricken	1095
<b>S.B. 242</b> — ASSESSMENT AREA AMENDMENTS ( <i>W. Niederhauser</i> )	
Read the first time by short title and referred to the Rules Committee	262
Assigned to standing committee	272
Amendments	303
Read the second time and placed on Consent Calendar	303
Read the third time	362
Transmitted to the House	363
Placed on Concurrence Calendar	722
Before the Senate	773
Circled	773
Uncircled	835

Concurrence	835
Returned to the House	835
Signed by the President and transmitted to the Governor	859
<b>S.B. 243 — HISTORIC AREAS OR SITES AMENDMENTS (<i>W. Niederhauser</i>)</b>	
Read the first time by short title and referred to the Rules Committee	262
Assigned to standing committee	273
Committee report adopted and placed on calendar	377
Amendments	532, 558
Read the second time	532
Read the third time	557
Transmitted to the House	559
Placed on Concurrence Calendar	902
Concurrence	929
Returned to the House	930
Signed by the President and transmitted to the Governor	945
<b>S.B. 244 — SALT LAKE COUNTY HIGHWAY PROJECT FUNDING (<i>W. Niederhauser</i>)</b>	
Read the first time by short title and referred to the Rules Committee	667
Assigned to standing committee	697
Committee report adopted and placed on calendar	769
Read the second time	870
Circled	870
Uncircled	878
Substituted	879
Read the third time	898
Transmitted to the House	899
Signed by the President and transmitted to the Governor	945
<b>S.B. 248 — CONTROLLED SUBSTANCE DATABASE AMENDMENTS (<i>C. Bramble</i>)</b>	
Read the first time by short title and referred to the Rules Committee	416
Assigned to standing committee	438
Amendments	578
Committee report adopted and placed on calendar	578
Read the second time	638
Circled	638
Uncircled	658
Read the third time	679
Transmitted to the House	680
Placed on Concurrence Calendar	1030
Concurrence	1043
Returned to the House	1044
Signed by the President and transmitted to the Governor	1067
<b>S.B. 250 — ELECTRONIC TRANSMISSIONS AND DIRECTORS ACTIONS (<i>B. McAdams</i>)</b>	
Read the first time by short title and referred to the Rules Committee	295
Assigned to standing committee	356
Committee report adopted and placed on calendar	374
Read the second time	509
Read the third time	528
Transmitted to the House	528
Signed by the President and transmitted to the Governor	1037
<b>S.B. 251 — LOBBYIST TRAINING (<i>M. Waddoups</i>)</b>	
Read the first time by short title and referred to the Rules Committee	416
Assigned to standing committee	438
Committee report adopted and placed on calendar	497
Read the second time	611
Circled	611
Uncircled	656
Read the third time	677
Transmitted to the House	678
Signed by the President and transmitted to the Governor	982
<b>S.B. 252 — NATIONAL POPULAR VOTE (<i>S. Urquhart</i>)</b>	
Read the first time by short title and referred to the Rules Committee	591
Assigned to standing committee	607
Returned to the Rules Committee	728
Enacting Clause Stricken	1095
<b>S.B. 253 — STATE HOSPITAL AMENDMENTS (<i>J. S. Adams</i>)</b>	
Read the first time by short title and referred to the Rules Committee	367
Assigned to standing committee	372
Amendments	484
Committee report adopted and placed on calendar	484
Read the second time	603
Circled	603
Enacting Clause Stricken	1095

<b>S.B. 256</b> — TEACHER EFFECTIVENESS EVALUATION PROCESS ( <i>J. S. Adams</i> )	
Read the first time by short title and referred to the Rules Committee.	537
Assigned to standing committee	563
Committee report adopted and placed on calendar	664
Read the second time	815
Circled	815
Uncircled	876
Substituted	876
Read the third time	897
Transmitted to the House	897
Placed on Concurrence Calendar	961
Concurrence	967
Returned to the House	967
Signed by the President and returned to the House	998
<b>S.B. 257</b> — LEGISLATIVE COUNSEL RELATING TO UNITED STATES SENATORS ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to the Rules Committee.	566
Assigned to standing committee	606
Committee report adopted and placed on calendar	664
Read the second time	851
Read the third time	887
Transmitted to the House	887
Signed by the President and transmitted to the Governor	1077
<b>S.B. 259</b> — AMENDMENTS TO CERTAIN LOCAL GOVERNMENT TAXES AND FEES ( <i>D. Stowell</i> )	
Read the first time by short title and referred to the Rules Committee.	486
Assigned to standing committee	496
Committee report adopted and placed on calendar	565
Read the second time	617
Read the third time	635
Transmitted to the House	636
Placed on Concurrence Calendar	907
Read the second and third time	930
Concurrence	930
Returned to the House	930
Signed by the President and transmitted to the Governor	946
<b>S.B. 260</b> — VETERANS' NURSING HOME REIMBURSEMENT RESTRICTED ACCOUNT AMENDMENTS ( <i>P. Knudson</i> )	
Read the first time by short title and referred to the Rules Committee.	368
Assigned to standing committee	371
Returned to the Rules Committee	739
Enacting Clause Stricken	1095
<b>S.B. 261</b> — CHANGES TO TRUST DEED FORECLOSURE PROVISIONS ( <i>C. Bramble</i> )	
Read the first time by short title and referred to the Rules Committee.	486
Assigned to standing committee	495
Committee report adopted and placed on calendar	621
Read the second time	680
Circled	680, 754
Uncircled	754, 854
Substituted	854
Read the third time	889
Transmitted to the House	889, 921
Recalled	900
Placed on calendar	907
Before the Senate	921
Amendments	921
Placed on Concurrence Calendar	1009
Concurrence	1012
Returned to the House	1013
Signed by the President and transmitted to the Governor	1037
<b>S.B. 262</b> — TOBACCO PRODUCTS AMENDMENTS ( <i>C. Bramble</i> )	
Read the first time by short title and referred to the Rules Committee.	399
Assigned to standing committee	527
Committee report adopted and placed on calendar	565
Read the second time	618
Circled	618, 709
Uncircled	680, 849
Read the third time	709
Transmitted to the House	849
Signed by the President and returned to the House	998
<b>S.B. 263</b> — STATE BOARD OF EDUCATION POWERS AMENDMENTS ( <i>D. C. Butters</i> )	
Read the first time by short title and referred to the Rules Committee.	591
Assigned to standing committee	606
Committee report adopted and placed on calendar	664
Read the second time	834
Read the third time	851

	Referred to Rules Committee for interim study	851
	Enacting Clause Stricken	1095
<b>S.B. 266</b>	— AMENDMENTS TO ELECTION LAW ( <i>M. Madsen</i> )	
	Read the first time by short title and referred to the Rules Committee	537
	Assigned to standing committee	563
	Returned to the Rules Committee	739
	Enacting Clause Stricken	1095
<b>S.B. 270</b>	— MODIFICATIONS TO SALES AND USE TAX ( <i>J. S. Adams</i> )	
	Read the first time by short title and referred to the Rules Committee	399
	Assigned to standing committee	438
	Committee report adopted and placed on calendar	497
	Read the second time	604
	Circled	604
	Uncircled	616
	Amendments	616, 631
	Read the third time	631
	Transmitted to the House	633
	Enacting Clause Stricken	1093
<b>S.B. 271</b>	— EMINENT DOMAIN REVISIONS ( <i>J. S. Adams</i> )	
	Read the first time by short title and referred to the Rules Committee	284
	Assigned to standing committee	299
	Committee report adopted and placed on calendar	340
	Read the second time	505
	Circled	505
	Uncircled	510
	Read the third time	529
	Transmitted to the House	530
	Signed by the President and transmitted to the Governor	765
<b>S.B. 272</b>	— SECURED CREDITOR AMENDMENTS ( <i>D. Liljenquist</i> )	
	Read the first time by short title and referred to the Rules Committee	368
	Assigned to standing committee	371
	Committee report adopted and placed on calendar	483
	Read the second time	584
	Circled	584
	Uncircled	615
	Amendments	615
	Read the third time	631
	Transmitted to the House	631
	Placed on Concurrence Calendar	964
	Concurrence	983
	Returned to the House	984
	Signed by the President and transmitted to the Governor	1014
<b>S.B. 273</b>	— EMERGENCY RESPONDER FEES ( <i>J. S. Adams</i> )	
	Read for the first time by short title and referred to the Rules Committee	527
	Assigned to standing committee	563
	Committee report adopted and placed on calendar	645
	Read the second time	686
	Circled	686
	Uncircled	816
	Amendments	816
	Read the third time	850
	Transmitted to the House	850
	Placed on Concurrence Calendar	1030
	Concurrence	1044
	Returned to the House	1045
	Signed by the President and transmitted to the Governor	1067
<b>S.B. 274</b>	— COURT BUDGET AMENDMENTS ( <i>J. Valentine</i> )	
	Read the first time by short title and referred to the Rules Committee	735
	Assigned to standing committee	735
	Committee report adopted and placed on calendar	781
	Read the second and third time	871
	Transmitted to the House	872
	Signed by the President and transmitted to the Governor	963
<b>S.B. 276</b>	— PERSONAL PROPERTY AUDITS ( <i>R. Okerlund</i> )	
	Read the first time by short title and referred to the Rules Committee	416
	Assigned to standing committee	438
	Committee report adopted and placed on calendar	497
	Read the second time	609
	Amendments	609
	Read the third time	628
	Transmitted to the House	628
	Enacting Clause Stricken	1093

<b>S.B. 277</b> — CHILD CUSTODY TASK FORCE ( <i>L. Robles</i> )	
Read the first time by short title and referred to the Rules Committee.	626
Assigned to standing committee	662
Committee report adopted and placed on calendar	767
Read the second time	869
Read the third time	893
Amendments	893
Reconsideration	980
Read the second and third time	1006
Failed	894, 1006
Filed	894, 1006
Enacting Clause Stricken	1095
<b>S.B. 278</b> — CHARTER SCHOOL PROPERTY TAX AMENDMENTS ( <i>C. Bramble</i> )	
Read the first time by short title and referred to the Rules Committee.	649
Assigned to standing committee	663
Read the second time and placed on Consent Calendar	709
Read the third time	843
Transmitted to the House	843
Signed by the President and transmitted to the Governor	1088
<b>S.B. 279</b> — GRAND JURY MODIFICATIONS ( <i>M. Dayton</i> )	
Read the first time by short title and referred to the Rules Committee.	515
Assigned to standing committee	526
Amendments	642
Committee report adopted and placed on calendar	642
Read the second time	685
Read the third time	713
Circled	713
Uncircled	942
Transmitted to the House	943
Signed by the President and transmitted to the Governor	1088
<b>S.B. 280</b> — GOVERNMENT OPERATIONS AMENDMENTS ( <i>R. Okerlund</i> )	
Read the first time by short title and referred to the Rules Committee.	649
Assigned to standing committee	662
Substituted	770
Read the second time and placed on Consent Calendar	770
Read the third time	884
Transmitted to the House	884
Signed by the President and transmitted to the Governor	963
<b>S.B. 281</b> — ELECTION REGISTRATION AMENDMENTS ( <i>P. Knudson</i> )	
Read the first time by short title and referred to the Rules Committee.	659
Assigned to standing committee	662
Read the second time and placed on Consent Calendar	708
Read the third time	833
Transmitted to the House	833
Signed by the President and transmitted to the Governor	906
<b>S.B. 282</b> — SMALL MINING OPERATIONS ( <i>D. Hinkins</i> )	
Read the first time by short title and referred to the Rules Committee.	626
Assigned to standing committee	642
Read the second time and placed on Consent Calendar	770
Read the third time	885
Transmitted to the House	885
Placed on Concurrence Calendar	965
Concurrence	984
Returned to the House	984
Signed by the President and transmitted to the Governor	1014
<b>S.B. 284</b> — COUNTY TAX AMENDMENTS ( <i>J. Stevenson</i> )	
Read the first time by short title and referred to the Rules Committee.	362
Assigned to standing committee	372
Returned to the Rules Committee	801
Enacting Clause Stricken	1095
<b>S.B. 285</b> — INDUSTRIAL ASSISTANCE FUND AMENDMENTS ( <i>C. Bramble</i> )	
Read the first time by short title and referred to the Rules Committee.	498
Assigned to standing committee	527
Committee report adopted and placed on calendar	646
Read the second time	698
Circled	698
Uncircled	730
Read the third time	750
Transmitted to the House	751
Signed by the President and transmitted to the Governor	946
<b>S.B. 286</b> — GRANDPARENTS' VISITATION RIGHTS ( <i>D. Hinkins</i> )	
Read the first time by short title and referred to the Rules Committee.	462



Assigned to standing committee ..... 481  
Committee report adopted and placed on calendar ..... 643  
Read the second time ..... 685  
Read the third time ..... 713  
Transmitted to the House ..... 714  
Placed on Concurrence Calendar ..... 1083  
Concurrence ..... 1084  
Returned to the House ..... 1084  
Signed by the President and transmitted to the Governor ..... 1088

**S.B. 287 — SPECIALTY LICENSE PLATE AMENDMENTS (C. Bramble)**  
Read the first time by short title and referred to the Rules Committee. .... 649  
Assigned to standing committee ..... 663  
Committee report adopted and placed on calendar ..... 706  
Read the second time ..... 867  
Circled ..... 867  
Uncircled ..... 868  
Amendments ..... 868  
Read the third time ..... 893  
Transmitted to the House ..... 893  
Placed on Concurrence Calendar ..... 999  
Concurrence ..... 1011  
Returned to the House ..... 1012  
Signed by the President and transmitted to the Governor ..... 1038

**S.B. 288 — UTAH IMMIGRATION ENFORCEMENT AMENDMENTS (C. Bramble)**  
Read the first time by short title and referred to the Rules Committee. .... 626  
Assigned to standing committee ..... 642  
Substituted ..... 706  
Amendments ..... 706  
Committee report adopted and placed on calendar ..... 706  
Read the second time ..... 867  
Circled ..... 867  
Enacting Clause Stricken ..... 1095

**S.B. 290 — ABATEMENT OF WEEDS, GARBAGE, REFUSE, AND UNSIGHTLY OBJECTS (P. Knudson)**  
Read the first time by short title and referred to the Rules Committee. .... 316  
Assigned to standing committee ..... 337  
Substituted ..... 376, 509  
Committee report adopted and placed on calendar ..... 376  
Read the second time ..... 509  
Read the third time ..... 528  
Transmitted to the House ..... 529  
Signed by the President and transmitted to the Governor ..... 765

**S.B. 293 — MILITARY INSTALLATION DEVELOPMENT AUTHORITY AND ANNEXATION AMENDMENTS (J. Stevenson)**  
Read the first time by short title and referred to the Rules Committee. .... 649  
Assigned to standing committee ..... 663  
Committee report adopted and placed on calendar ..... 707  
Read the second time ..... 867  
Read the third time ..... 892  
Transmitted to the House ..... 892  
Signed by the President and transmitted to the Governor ..... 1014

**S.B. 294 — PATIENT ACCESS REFORM (J. S. Adams)**  
Read the first time by short title and referred to the Rules Committee. .... 527  
Placed on calendar ..... 1008  
Read the second time ..... 1013  
Substituted ..... 1013  
Circled ..... 1013  
Uncircled ..... 1018  
Read the second and third time ..... 1018  
Amendments ..... 1018, 1087  
Transmitted to the House ..... 1019  
Placed on Concurrence Calendar ..... 1087  
Concurrence ..... 1087  
Returned to the House ..... 1088  
Signed by the President and transmitted to the Governor ..... 1088

**S.B. 296 — AMENDMENTS TO TAX PROVISIONS (C. Bramble)**  
Read the first time by short title and referred to the Rules Committee. .... 478  
Assigned to standing committee ..... 482  
Committee report adopted and placed on calendar ..... 497  
Read the second time ..... 610  
Circled ..... 610, 710  
Uncircled ..... 683, 849  
Read the third time ..... 710  
Enacting Clause Stricken ..... 849, 1095

<b>S.B. 300</b> — GOVERNMENT BONDING AMENDMENTS ( <i>B. McAdams</i> )	
Read the first time by short title and referred to the Rules Committee.	589
Assigned to standing committee	607
Committee report adopted and placed on calendar	703
Read the second time	864
Read the third time	890
Transmitted to the House	891
Signed by the President and transmitted to the Governor	963
<b>S.B. 301</b> — PUBLIC TRANSIT REVISIONS ( <i>J. Stevenson</i> )	
Read the first time by short title and referred to the Rules Committee.	626
Assigned to standing committee	642
Committee report adopted and placed on calendar	769
Read the second time	871
Read the third time	895
Transmitted to the House	896
Signed by the President and transmitted to the Governor	1015
<b>S.B. 304</b> — PREVENTING BULLYING AND HAZING IN ELEMENTARY AND SECONDARY SCHOOLS ( <i>R. Okerlund</i> )	
Read the first time by short title and referred to the Rules Committee.	735
Assigned to standing committee	735
Committee report adopted and placed on calendar	781
Read the second time	872
Read the third time	896
Transmitted to the House	896
Signed by the President and transmitted to the Governor	1038
<b>S.B. 305</b> — ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to the Rules Committee.	693
Assigned to standing committee	696
Committee report adopted and placed on calendar	722
Read the second time	869
Circled	869
Uncircled	876
Substituted	876
Read the third time	898
Transmitted to the House	898
Placed on Concurrence Calendar	982, 1030
Refuse to Concur	995
Refuse to Recede	1007
Amendments	1045
Joint Conference Committee report	1045
Returned to the House	1046
Signed by the President and transmitted to the Governor	1068
<b>S.B. 307</b> — AMENDMENTS TO OUTDOOR ADVERTISING ( <i>S. Urquhart</i> )	
Read the first time by short title and referred to the Rules Committee.	581
Assigned to standing committee	607
Returned to the Rules Committee	772
Enacting Clause Stricken	1095
<b>S.B. 308</b> — AMENDMENTS TO PUBLIC EMPLOYEE'S BENEFIT AND INSURANCE PROGRAM ( <i>D. Liljenquist</i> )	
Read the first time by short title and referred to the Rules Committee.	262
Assigned to standing committee	273
Amendments	380
Committee report adopted and placed on calendar	380
Read the second time	535
Substituted	535
Read the third time	560
Transmitted to the House	560
Signed by the President and transmitted to the Governor	927
<b>S.B. 309</b> — GOVERNMENT RECORDS ACCESS MANAGEMENT ACT AMENDMENTS ( <i>J. Stevenson</i> )	
Read the first time by short title and referred to the Rules Committee.	515
Assigned to standing committee	526
Amendments	739
Returned to the Rules Committee	739
Enacting Clause Stricken	1095
<b>S.B. 310</b> — MOTOR VEHICLE INSURANCE AMENDMENT ( <i>M. Madsen</i> )	
Read the first time by short title and referred to the Rules Committee.	649
Assigned to standing committee	663
Amendments	769
Committee report adopted and placed on calendar	769
Read the second time	871
Circled	871
Enacting Clause Stricken	1095
<b>S.B. 311</b> — ANESTHESIOLOGIST ASSISTANT ( <i>D. Liljenquist</i> )	
Read the first time by short title and referred to the Rules Committee.	368
Enacting Clause Stricken	1095

<b>S.B. 312</b> — ECONOMIC DEVELOPMENT COORDINATION ( <i>S. Jenkins</i> )	
Read the first time by short title and referred to the Rules Committee.	515
Assigned to standing committee	527
Read the second time and placed on Consent Calendar	648
Read the third time	747
Transmitted to the House	747
Signed by the President and transmitted to the Governor	963
<b>S.B. 313</b> — PROSTATE CANCER SPECIAL GROUP LICENSE PLATE ( <i>B. McAdams</i> )	
Read the first time by short title and referred to the Rules Committee.	439
Assigned to standing committee	482
Amendments	545
Read the second time and placed on Consent Calendar	545
Read the third time	669
Transmitted to the House	669
Signed by the President and transmitted to the Governor	927
<b>S.B. 314</b> — ALCOHOLIC BEVERAGE AMENDMENTS ( <i>J. Valentine</i> )	
Read the first time by short title and referred to the Rules Committee.	462
Assigned to standing committee	481
Read for the first time and referred to the Rules Committee	538
Amendments	538, 611, 822
Committee report adopted and placed on calendar	538
Read the second time	611
Read the third time	630
Circled	630, 728
Uncircled	728, 822
Substituted	728
Transmitted to the House	826
Placed on Concurrence Calendar	944
Concurrence	948
Returned to the House	948
Signed by the President and transmitted to the Governor	982
<b>S.B. 317</b> — STATE PARKS ACCESS HIGHWAY ( <i>K. Van Tassell</i> )	
Read the first time by short title and referred to the Rules Committee.	546
Assigned to standing committee	564
Substituted	626
Read the second time and placed on Consent Calendar	626
Read the third time	743
Transmitted to the House	743
Signed by the President and transmitted to the Governor	946
<b>S.B. 318</b> — JUSTICE COURT MODIFICATIONS ( <i>D. C. Buttars</i> )	
Read the first time by short title and referred to the Rules Committee.	581
Assigned to standing committee	607
Committee report adopted and placed on calendar	691
Read the second time	857
Amendments	857, 889
Read the third time	889
Transmitted to the House	890
Signed by the President and transmitted to the Governor	1015
<b>S.B. 319</b> — TECHNOLOGY COMMERCIALIZATION AND INNOVATION ACT ( <i>C. Bramble</i> )	
Read the first time by short title and referred to the Rules Committee.	709
Assigned to standing committee	735
Committee report adopted and placed on calendar	781
Read the second time	872
Amendments	872
Read the third time	896
Transmitted to the House	897
Signed by the President and transmitted to the Governor	1015
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Circled	232
Uncircled	237
Signed by the President and returned to the House	237
<b>H.B. 30 — ELECTION OFFICIALS' FUNDS (<i>N. Hendrickson</i>)</b>	
Read for the first time and referred to the Rules Committee	113
Assigned to standing committee	136
Committee report adopted and placed on calendar	154
Read the second time	219
Circled	219

Uncircled	220
Read the third time	233
Signed by the President and returned to the House	233
<b>H.B. 31 — RESTORATION OF THE RIGHT TO VOTE AND HOLD ELECTIVE OFFICE (<i>J. Mathis</i>)</b>	
Read for the first time and referred to the Rules Committee	257
Assigned to standing committee	272
Committee report adopted and placed on calendar	340
Read the second time	407
Read the third time	429
Signed by the President and returned to the House	430
<b>H.B. 32 — CAMPAIGN AND FINANCIAL REPORTING AMENDMENTS (<i>K. Grover</i>)</b>	
Read for the first time and referred to the Rules Committee	224
Assigned to standing committee	245
Committee report adopted and placed on calendar	301
Read the second time	405, 971
Circled	405, 971
Uncircled	971
Placed on calendar	968
Amendments	971
Read the second and third time	972
Returned to the House	972
Signed by the President and returned to the House	998
<b>H.B. 33 — ELECTION LAW REVISIONS (<i>R. C. Webb</i>)</b>	
Read for the first time and referred to the Rules Committee	257
Assigned to standing committee	273
Committee report adopted and placed on calendar	340
Read the second time	407
Circled	407
Uncircled	414
Read the third time	439
Signed by the President and returned to the House	439
<b>H.B. 34 — DEPARTMENT OF TRANSPORTATION SETTLEMENT AGREEMENT AMENDMENTS (<i>Julie Fisher</i>)</b>	
Read for the first time and referred to the Rules Committee	168
Assigned to standing committee	183
Committee report adopted and placed on calendar	217
Read the second time	390
Read the third time	421
Signed by the President and returned to the House	421
<b>H.B. 35 — SALES AND USE TAX ACT REVISIONS (<i>W. Harper</i>)</b>	
Read for the first time and referred to the Rules Committee	113
Assigned to standing committee	137
Committee report adopted and placed on calendar	248
Read the second time	401
Circled	401, 790, 996
Uncircled	758, 996, 1063
Read the third time	790
Substituted	996, 1063
Returned to the House	1064
Signed by the President and returned to the House	1085
<b>H.B. 36 — ASSESSMENT, COLLECTIONS, AND REFUNDS ACT AMENDMENTS (<i>T. Kiser</i>)</b>	
Read for the first time and referred to the Rules Committee	113
Assigned to standing committee	137
Committee report adopted and placed on calendar	202
Read the second time	293
Read the third time	313
Signed by the President and returned to the House	313
<b>H.B. 37 — DETERMINATION OF STATE TAXABLE INCOME (<i>E. Vickers</i>)</b>	
Read for the first time and referred to the Rules Committee	135
Assigned to standing committee	153
Committee report adopted and placed on calendar	202
Read the second time	294
Read the third time	313
Signed by the President and returned to the House	314
<b>H.B. 38 — SEVERANCE TAX AMENDMENTS (<i>E. Vickers</i>)</b>	
Read for the first time and referred to the Rules Committee	113
Assigned to standing committee	137
Committee report adopted and placed on calendar	202
Read the second time	294
Read the third time	314
Signed by the President and returned to the House	314
<b>H.B. 39 — WATER RIGHTS AMENDMENTS (<i>J. Draxler</i>)</b>	
Read for the first time and referred to the Rules Committee	113
Assigned to standing committee	137
Amendments	171
Committee report adopted and placed on calendar	171



Read the second time	221
Read the third time	234
Returned to the House	234
Signed by the President and returned to the House	256
<b>H.B. 40</b> — BONDING REQUIREMENTS FOR GOVERNMENT OFFICERS AND EMPLOYEES ( <i>R. Wilcox</i> )	
Read for the first time and referred to the Rules Committee	224
Assigned to standing committee	245
Read the second time and placed on Consent Calendar	342
Read the third time	419
Signed by the President and returned to the House	419
<b>H.B. 41</b> — STATE CAPITOL PRESERVATION BOARD FEE REVISIONS ( <i>N. Hendrickson</i> )	
Read for the first time and referred to the Rules Committee	113
Assigned to standing committee	136
Committee report adopted and placed on calendar	154
Read the second time	219
Read the third time	232
Signed by the President and returned to the House	232
<b>H.B. 42</b> — ALCOHOLIC BEVERAGE CONTROL ACT RETAIL LICENSE QUOTAS ( <i>G. Froerer</i> )	
Read for the first time and referred to the Rules Committee	257
Assigned to standing committee	272
Returned to the Rules Committee	725
Enacting Clause Stricken	1090
<b>H.B. 43</b> — ERRORS AND OMISSIONS COVERAGE FOR INSURANCE PRODUCERS ( <i>J. Bird</i> )	
Read for the first time and referred to the Rules Committee	151
Assigned to standing committee	169
Amendments	183
Committee report adopted and placed on calendar	183
Read the second time	222
Read the third time	236
Returned to the House	236
Signed by the President and returned to the House	256
<b>H.B. 44</b> — ITALIAN-AMERICAN HERITAGE MONTH DESIGNATION ( <i>C. Watkins</i> )	
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	189
Read the third time	230
Signed by the President and returned to the House	231
<b>H.B. 45</b> — VEHICLE IMPOUND AMENDMENTS ( <i>J. Peterson</i> )	
Read for the first time and referred to the Rules Committee	168
Assigned to standing committee	214
Amendments	226
Committee report adopted and placed on calendar	226
Read the second time	390
Read the third time	421
Returned to the House	421
Signed by the President and returned to the House	480
<b>H.B. 46</b> — COUNTY RECORDER AMENDMENTS ( <i>R. C. Webb</i> )	
Read for the first time and referred to the Rules Committee	181
Assigned to standing committee	214
Committee report adopted and placed on calendar	248
Read the second time	400
Read the third time	423
Circled	423
Uncircled	439
Substituted	439
Returned to the House	440
Signed by the President and returned to the House	480
<b>H.B. 48</b> — FINGERPRINTS OF JUVENILES ( <i>J. Peterson</i> )	
Read for the first time and referred to the Rules Committee	514
Assigned to standing committee	526
Committee report adopted and placed on calendar	767
Read the second time	879
Read the third time	899
Circled	899, 1002
Placed on calendar	968
Uncircled	1002, 1005
Amendments	1002, 1005
Signed by the President and returned to the House	1005
<b>H.B. 50</b> — SCHOOL TERMINATION PROCEDURES MODIFICATIONS ( <i>R. Menlove</i> )	
Read for the first time and referred to the Rules Committee	355
Assigned to standing committee	371
Read the second time and placed on Consent Calendar	544
Read the third time	667
Signed by the President and returned to the House	667

<b>H.B. 51</b> — SCHOOL AND INSTITUTIONAL TRUST LANDS ( <i>R. Barrus</i> )	
Read for the first time and referred to the Rules Committee	257
Assigned to standing committee	372
Amendments	644
Committee report adopted and placed on calendar	644
Read the second time	732
Circled	732
Uncircled	761
Read the third time	791
Returned to the House	792
Signed by the President and returned to the House	860
<b>H.B. 52</b> — LIMITATION OF ACTIONS – CRIMINAL OFFENSES ( <i>B. Wilson</i> )	
Read for the first time and referred to the Rules Committee	168
Assigned to standing committee	182
Committee report adopted and placed on calendar	321
Read the second time	405
Circled	405
Uncircled	409
Read the third time	431
Signed by the President and returned to the House	432
<b>H.B. 54</b> — ELECTRONIC COMMUNICATIONS IN PUBLIC MEETINGS ( <i>K. Powell</i> )	
Read for the first time and referred to the Rules Committee	335
Assigned to standing committee	371
Substituted	580
Committee report adopted and placed on calendar	580
Read the second time	699
Read the third time	715
Returned to the House	716
Signed by the President and returned to the House	780
<b>H.B. 55</b> — VOLUNTEER SEARCH AND RESCUE WORKERS' COMPENSATION CLAIMS ( <i>K. Powell</i> )	
Read for the first time and referred to the Rules Committee	355
Assigned to standing committee	371
Read the second time and placed on Consent Calendar	485
Read the third time	591
Signed by the President and returned to the House	592
<b>H.B. 56</b> — EXPUNGEMENT AMENDMENTS ( <i>Julie Fisher</i> )	
Read for the first time and referred to the Rules Committee	168
Assigned to standing committee	214
Committee report adopted and placed on calendar	247
Read the second time	399
Read the third time	423
Signed by the President and returned to the House	423
<b>H.B. 57</b> — JOINT PROFESSIONAL SCHOOL OF VETERINARY MEDICINE ( <i>J. Mathis</i> )	
Read for the first time and referred to the Rules Committee	168
Assigned to standing committee	182
Committee report adopted and placed on calendar	217
Read the second time	314
Tabled on Third Reading Calendar	315
Read the third time	978
Signed by the President and returned to the House	978
<b>H.B. 60</b> — PROHIBITING CONTRIBUTIONS DURING SPECIAL SESSION ( <i>P. Arent</i> )	
Read for the first time and referred to the Rules Committee	244
Assigned to standing committee	258
Committee report adopted and placed on calendar	277
Read the second time	402
Circled	402
Uncircled	405
Read the third time	427
Signed by the President and returned to the House	428
<b>H.B. 61</b> — HOME BUSINESS WORKERS' COMPENSATION AMENDMENTS ( <i>R. Barrus</i> )	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	396
Returned to the Rules Committee	725
Amendments	725
Enacting Clause Stricken	1090
<b>H.B. 64</b> — HUMAN BLOOD PROCUREMENT AND USE ( <i>S. Handy</i> )	
Read for the first time and referred to the Rules Committee	181
Assigned to standing committee	214
Committee report adopted and placed on calendar	247
Read the second time	399
Read the third time	422
Signed by the President and returned to the House	422
<b>H.B. 66</b> — HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES ( <i>B. Last</i> )	
Read for the first time and referred to the Rules Committee	317
Assigned to standing committee	337

Committee report adopted and placed on calendar	375
Read the second time	440
Circled	440
Uncircled	587
Read the third time	602
Signed by the President and returned to the House	602
<b>H.B. 67 — STATE BONDING COMMISSION BONDING AUTHORITY (B. Last)</b>	
Read for the first time and referred to the Rules Committee	224
Assigned to standing committee	245
Read the second time and placed on Consent Calendar	461
Read the third time	548
Signed by the President and returned to the House	549
<b>H.B. 68 — OFF-HIGHWAY VEHICLE OPERATOR RESPONSIBILITIES (M. Noel)</b>	
Read for the first time and referred to the Rules Committee	335
Assigned to standing committee	357
Committee report adopted and placed on calendar	543
Read the second time	651
Circled	651, 710
Uncircled	682, 711
Read the third time	710
Signed by the President and returned to the House	712
<b>H.B. 70 — ILLEGAL IMMIGRATION ENFORCEMENT ACT (S. Sandstrom)</b>	
Read for the first time and referred to the Rules Committee	480
Assigned to standing committee	697
Returned to the Rules Committee	795
Enacting Clause Stricken	1090
<b>H.B. 71 — VICTIM RIGHTS AMENDMENTS (B. Wilson)</b>	
Read for the first time and referred to the Rules Committee	244
Assigned to standing committee	258
Committee report adopted and placed on calendar	339
Read the second time	406
Read the third time	429
Circled	429
Uncircled	472
Amendments	472
Returned to the House	473
Signed by the President and returned to the House	524
<b>H.B. 73 — MOTOR CARRIER TRANSPORTATION CONTRACT INDEMNITY AGREEMENTS (D. Ipson)</b>	
Read for the first time and referred to the Rules Committee	456
Assigned to standing committee	482
Committee report adopted and placed on calendar	543
Read the second time	651
Circled	651
Uncircled	699
Substituted	699
Read the third time	716
Returned to the House	716
Signed by the President and returned to the House	780
<b>H.B. 74 — MUNICIPAL JUSTICE COURT JUDGE ELECTIONS (K. Sumsion)</b>	
Read for the first time and referred to the Rules Committee	415
Assigned to standing committee	438
Committee report adopted and placed on calendar	579
Read the second time	717
Read the third time	748
Signed by the President and returned to the House	748
<b>H.B. 75 — DANGEROUS WEAPON AMENDMENTS (C. Oda)</b>	
Read for the first time and referred to the Rules Committee	436
Assigned to standing committee	482
Committee report adopted and placed on calendar	580
Read the second time	700
Circled	701, 750
Uncircled	729, 788
Read the third time	750
Amendments	788
Signed by the President and returned to the House	789
<b>H.B. 76 — FEDERAL LAW EVALUATION AND RESPONSE (K. Ivory)</b>	
Read for the first time and referred to the Rules Committee	512
Assigned to standing committee	526
Amendments	703, 914
Committee report adopted and placed on calendar	703
Read the second time	757
Circled	757, 937
Placed on calendar	880
Uncircled	914, 967
Read the third time	937

Requested return from the House	942
Returned from the House	946
Returned to the House	968
Signed by the President and returned to the House	999
<b>H.B. 77 — MEDICAL ASSISTANCE ACCOUNTABILITY (D. Clark)</b>	
Read for the first time and referred to the Rules Committee	514
Placed on calendar	962
Read the second time	1053
Amendments	1053
Read the second and third time	1054
Returned to the House	1054
Signed by the President and returned to the House	1085
<b>H.B. 78 — DEVELOPER FEES (M. Morley)</b>	
Read for the first time and referred to the Rules Committee	336
Assigned to standing committee	356
Amendments	374
Committee report adopted and placed on calendar	374
Read the second time	440
Circled	440
Uncircled	446
Read the third time	474
Returned to the House	474
Signed by the President and returned to the House	524, 605
<b>H.B. 79 — PROPERTY AND CASUALTY CERTIFICATE OF INSURANCE ACT (T. Kiser)</b>	
Read for the first time and referred to the Rules Committee	355
Assigned to standing committee	371
Read the second time and placed on Consent Calendar	485
Read the third time	592
Signed by the President and returned to the House	592
<b>H.B. 80 — EMERGENCY MANAGEMENT (C. Oda)</b>	
Read for the first time and referred to the Rules Committee	436
Assigned to standing committee	481
Read the second time and placed on Consent Calendar	580
Read the third time	669
Signed by the President and returned to the House	670
<b>H.B. 81 — TOW TRUCK AMENDMENTS (L. Perry)</b>	
Read for the first time and referred to the Rules Committee	456
Assigned to standing committee	482
Committee report adopted and placed on calendar	543
Read the second time	651
Read the third time	674
Signed by the President and returned to the House	674
<b>H.B. 82 — SALES AND USE TAXES ON CERTAIN LODGING RELATED PURCHASES (T. Kiser)</b>	
Read for the first time and referred to the Rules Committee	538
Assigned to standing committee	564
Committee report adopted and placed on calendar	646
Read the second time	732
Read the third time	752
Signed by the President and returned to the House	752
<b>H.B. 83 — CHARTER SCHOOL REVOLVING ACCOUNT (G. Hughes)</b>	
Read for the first time and referred to the Rules Committee	415
Assigned to standing committee	437
Read the second time and placed on Consent Calendar	544
Read the third time	667
Circled	667
Uncircled	672
Signed by the President and returned to the House	672
<b>H.B. 84 — OFFICE OF INSPECTOR GENERAL OF MEDICAID SERVICES (D. Clark)</b>	
Read for the first time and referred to the Rules Committee	415
Read the second time	1024
Circled	1024
Uncircled	1054
Substituted	1054
Read the second and third time	1054
Returned to the House	1055
Signed by the President and returned to the House	1085
<b>H.B. 85 — ALCOHOLIC BEVERAGE CONTROL ACT – SALES TO MINORS (V. Peterson)</b>	
Read for the first time and referred to the Rules Committee	590
Enacting Clause Stricken	1090
<b>H.B. 86 — VETERAN'S IDENTIFICATION ON DRIVER LICENSE OR IDENTIFICATION CARD (G. Hughes)</b>	
Read for the first time and referred to the Rules Committee	514
Assigned to standing committee	526
Read the second time and placed on Consent Calendar	708
Read the third time	842
Signed by the President and returned to the House	843

<b>H.B. 87</b> — SCHOOL FINANCE AMENDMENTS ( <i>M. Newbold</i> )	
Read for the first time and referred to the Rules Committee	721
Placed on calendar	1030
Read the second time	1042
Amendments	1042
Read the second and third time	1042
Returned to the House	1042
Signed by the President and returned to the House	1067
<b>H.B. 88</b> — AGRICULTURE SUSTAINABILITY TASK FORCE ( <i>J. Draxler</i> )	
Read for the first time and referred to the Rules Committee	436
Assigned to standing committee	482
Committee report adopted and placed on calendar	564
Read the second time	651
Circled	651
Uncircled	761
Tabled on Third Reading Calendar	761
Enacting Clause Stricken	1091
<b>H.B. 89</b> — PROTECTION OF CHILDREN RIDING IN MOTOR VEHICLES ( <i>P. Arent</i> )	
Read for the first time and referred to the Rules Committee	901
Placed on calendar	922
Read the second time	959
Circled	959
Enacting Clause Stricken	1091
<b>H.B. 91</b> — REAL ESTATE RELATED AMENDMENTS ( <i>G. Froerer</i> )	
Read for the first time and referred to the Rules Committee	456
Assigned to standing committee	481
Committee report adopted and placed on calendar	542
Read the second time	650
Circled	650
Uncircled	655
Read the third time	677
Signed by the President and returned to the House	677
<b>H.B. 92</b> — PUBLIC EDUCATION REGIONAL SERVICE CENTERS ( <i>B. Last</i> )	
Read for the first time and referred to the Rules Committee	456
Assigned to standing committee	481
Read the second time and placed on Consent Calendar	544
Read the third time	667
Signed by the President and returned to the House	668
<b>H.B. 93</b> — MORTGAGE AND REAL ESTATE LICENSURE EXEMPTIONS FOR ATTORNEYS ( <i>L. Christensen</i> )	
Read for the first time and referred to the Rules Committee	456
Assigned to standing committee	481
Amendments	689, 899
Committee report adopted and placed on calendar	689
Read the second time	754
Read the third time	786
Returned to the House	786, 847, 900
Reconsideration	817, 848
Placed on calendar	817
Read the third time	847
Circled	848
Uncircled	899
Signed by the President and returned to the House	927
<b>H.B. 94</b> — INCOME TAX CREDIT FOR COMBAT RELATED DEATH ( <i>M. Newbold</i> )	
Read for the first time and referred to the Rules Committee	605
Assigned to standing committee	663
Committee report adopted and placed on calendar	707
Read the second time	758
Read the third time	790
Signed by the President and returned to the House	790
<b>H.B. 95</b> — AMENDMENTS TO TRAFFIC CODE PROVISIONS ( <i>L. Perry</i> )	
Read for the first time and referred to the Rules Committee	688
Placed on calendar	962
Read the second and third time	1065
Failed	1065
Returned to the House for filing	1065
<b>H.B. 98</b> — CAPITAL OUTLAY FUNDING MODIFICATIONS ( <i>C. Watkins</i> )	
Read for the first time and referred to the Rules Committee	524
Assigned to standing committee	564
Returned to the Rules Committee	801
Placed on calendar	922
Read the second time	958
Read the third time	993
Circled	993
Uncircled	1002
Signed by the President and returned to the House	1003

<b>H.B. 99</b> — MOTION PICTURE INCENTIVES AMENDMENTS ( <i>G. Hughes</i> )	
Read for the first time and referred to the Rules Committee	514
Assigned to standing committee	527
Returned to the Rules Committee	728
Placed on calendar	968
Read the second time	972
Circled	972
Uncircled	1008
Amendments	1008
Read the second and third time	1008
Returned to the House	1009
Signed by the President and returned to the House	1035
<b>H.B. 103</b> — ELECTION AMENDMENTS ( <i>D. Brown</i> )	
Read for the first time and referred to the Rules Committee	355
Assigned to standing committee	371
Committee report adopted and placed on calendar	496
Read the second time	531
Read the third time	551
Signed by the President and returned to the House	551
<b>H.B. 104</b> — HOMEOWNER ASSOCIATION AMENDMENTS ( <i>R. C. Webb</i> )	
Read for the first time and referred to the Rules Committee	661
Assigned to standing committee	696
Returned to the Rules Committee	795
Placed on calendar	880
Read the second time	912
Circled	912
Uncircled	917
Substituted	917, 1023
Read the third time	938
Returned to the House	939
Refuse to Concur	965
Read the second and third time	1023
Returned to the House	1024
Signed by the President and returned to the House	1035
<b>H.B. 106</b> — ELECTRONIC MEETINGS REVISIONS ( <i>B. Daw</i> )	
Read for the first time and referred to the Rules Committee	514
Assigned to standing committee	526
Read the second time and placed on Consent Calendar	648
Read the third time	746
Signed by the President and returned to the House	746
<b>H.B. 107</b> — VOLUNTEER FIREFIGHTERS' RETIREMENT AMENDMENTS ( <i>R. Menlove</i> )	
Read for the first time and referred to the Rules Committee	395
Assigned to standing committee	438
Amendments	723
Read the second time and placed on Consent Calendar	723
Read the third time	844
Signed by the President and returned to the House	844, 927
<b>H.B. 110</b> — TEACHER SALARY SUPPLEMENT PROGRAM AMENDMENTS ( <i>M. Poulson</i> )	
Read for the first time and referred to the Rules Committee	702
Placed on calendar	978
Read the second and third time	979
Signed by the President and returned to the House	980
<b>H.B. 115</b> — MECHANICS' LIENS AMENDMENTS ( <i>M. Morley</i> )	
Read for the first time and referred to the Rules Committee	512
Assigned to standing committee	525
Committee report adopted and placed on calendar	622
Read the second time	717
Read the third time	748
Circled	748
Uncircled	773
Signed by the President and returned to the House	773, 881
Reconsideration	806
Placed on calendar	878
Read the first, second and third time	881
<b>H.B. 116</b> — GUEST WORKER PROGRAM ACT ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	573
Placed on calendar	729
Read the second time	734
Circled	734, 815
Uncircled	815, 819
Substituted	815
Read the second and third time	820
Returned to the House	820, 841
Intent Language	820
Refuse to Recede	831
Amendments	815, 819, 839
Signed by the President and returned to the House	842

**H.B. 121 — SEXUAL SOLICITATION AMENDMENTS (*J. Seelig*)**  
 Read for the first time and referred to the Rules Committee ..... 514  
 Assigned to standing committee ..... 526  
 Committee report adopted and placed on calendar ..... 643  
 Read the second time ..... 731  
 Read the third time ..... 751  
 Amendments ..... 751  
 Returned to the House ..... 751  
 Signed by the President and returned to the House ..... 812

**H.B. 122 — FIREARMS AMENDMENTS (*S. Sandstrom*)**  
 Read for the first time and referred to the Rules Committee ..... 826  
 Enacting Clause Stricken ..... 1091

**H.B. 128 — HEALTH REFORM AMENDMENTS (*J. Dunnigan*)**  
 Read for the first time and referred to the Rules Committee ..... 620  
 Assigned to standing committee ..... 641  
 Committee report adopted and placed on calendar ..... 722  
 Read the second time ..... 774  
 Read the third time ..... 804  
 Circled ..... 804  
 Uncircled ..... 810  
 Signed by the President and returned to the House ..... 810

**H.B. 130 — ELECTION DAY VOTING CENTERS (*R. Chavez-Houck*)**  
 Read for the first time and referred to the Rules Committee ..... 721  
 Placed on calendar ..... 922  
 Read the second time ..... 955  
 Amendments ..... 955  
 Read the third time ..... 991  
 Returned to the House ..... 991  
 Signed by the President and returned to the House ..... 1036

**H.B. 131 — CUSTODY AND PARENT-TIME MODIFICATIONS (*R. Edwards*)**  
 Read for the first time and referred to the Rules Committee ..... 877  
 Enacting Clause Stricken ..... 1091

**H.B. 132 — WATER QUALITY AMENDMENTS (*B. Wright*)**  
 Read for the first time and referred to the Rules Committee ..... 827  
 Placed on calendar ..... 880  
 Read the second time ..... 956  
 Read the third time ..... 991  
 Signed by the President and returned to the House ..... 992

**H.B. 134 — COLLECTION OF FRONT-LINE TEACHERS DATA (*J. Nielson*)**  
 Read for the first time and referred to the Rules Committee ..... 702  
 Placed on calendar ..... 962  
 Enacting Clause Stricken ..... 1091

**H.B. 137 — TRANSPORTATION CHANGES (*K. Sumston*)**  
 Read for the first time and referred to the Rules Committee ..... 765  
 Placed on calendar ..... 880  
 Read the second time ..... 912  
 Read the third time ..... 935  
 Signed by the President and returned to the House ..... 936

**H.B. 138 — FEDERAL RECEIPTS REPORTING REQUIREMENTS (*K. Ivory*)**  
 Read for the first time and referred to the Rules Committee ..... 641  
 Assigned to standing committee ..... 696  
 Returned to the Rules Committee ..... 795  
 Placed on calendar ..... 922  
 Read the second time ..... 959  
 Circled ..... 959, 1016  
 Placed on calendar ..... 1016  
 Uncircled ..... 1024  
 Amendments ..... 1025  
 Read the second and third time ..... 1026  
 Returned to the House ..... 1027  
 Signed by the President and returned to the House ..... 1062

**H.B. 140 — DIVORCE WAITING PERIOD AMENDMENTS (*V. Peterson*)**  
 Read for the first time and referred to the Rules Committee ..... 703  
 Enacting Clause Stricken ..... 1091

**H.B. 143 — BALLOT PLACEMENT AMENDMENTS (*S. Eliason*)**  
 Read for the first time and referred to the Rules Committee ..... 605  
 Assigned to standing committee ..... 621  
 Read the second time and placed on Consent Calendar ..... 709  
 Read the third time ..... 843  
 Signed by the President and returned to the House ..... 844

**H.B. 145 — PUBLIC SCHOOL PRIVACY AMENDMENTS (*S. Eliason*)**  
 Read for the first time and referred to the Rules Committee ..... 861  
 Placed on calendar ..... 922  
 Read the second time ..... 957

	Read the third time .....	992
	Signed by the President and returned to the House .....	992
<b>H.B. 148</b> — RAW HONEY AMENDMENTS ( <i>S. Sandstrom</i> )		
	Read for the first time and referred to the Rules Committee .....	738
	Read the second time .....	1020
	Read the third time .....	1055
	Signed by the President and returned to the House .....	1056
<b>H.B. 152</b> — SCHOOL COMMUNITY COUNCILS AMENDMENTS ( <i>B. Wright</i> )		
	Read for the first time and referred to the Rules Committee .....	590
	Assigned to standing committee .....	606
	Committee report adopted and placed on calendar .....	722
	Read the second time .....	775
	Read the third time .....	805
	Signed by the President and returned to the House .....	805
<b>H.B. 153</b> — COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS ( <i>M. Noel</i> )		
	Read for the first time and referred to the Rules Committee .....	738
	Placed on calendar .....	968
	Read the second time .....	972
	Circled .....	972
	Uncircled .....	973
	Read the second and third time .....	973
	Signed by the President and returned to the House .....	973
<b>H.B. 155</b> — CYCLING LAWS ( <i>C. Moss</i> )		
	Read for the first time and referred to the Rules Committee .....	641
	Assigned to standing committee .....	663
	Amendments .....	707
	Committee report adopted and placed on calendar .....	707
	Read the second time .....	760
	Circled .....	760
	Uncircled .....	763
	Failed .....	763
	Returned to the House for filing .....	764
<b>H.B. 156</b> — ASSESSMENT OF PROPERTY WITH CONSERVATION EASEMENT ( <i>D. Pitcher</i> )		
	Read for the first time and referred to the Rules Committee .....	641
	Assigned to standing committee .....	663
	Committee report adopted and placed on calendar .....	707
	Read the second time .....	760
	Circled .....	760, 898
	Uncircled .....	878, 899
	Read the third time .....	898
	Signed by the President and returned to the House .....	899
<b>H.B. 158</b> — COORDINATION BETWEEN STATE AND LOCAL GOVERNMENT ON FEDERAL REGULATIONS ( <i>C. Herrod</i> )		
	Read for the first time and referred to the Rules Committee .....	877
	Enacting Clause Stricken .....	1091
<b>H.B. 161</b> — GUARDIAN AD LITEM RESPONSIBILITIES ( <i>C. Oda</i> )		
	Read for the first time and referred to the Rules Committee .....	515
	Assigned to standing committee .....	526
	Committee report adopted and placed on calendar .....	691
	Read the second time .....	756
	Read the third time .....	787
	Signed by the President and returned to the House .....	787
<b>H.B. 162</b> — PEDESTRIANS ON FREEWAYS ( <i>L. Perry</i> )		
	Read for the first time and referred to the Rules Committee .....	525
	Assigned to standing committee .....	564
	Read the second time and placed on Consent Calendar .....	626
	Read the third time .....	744
	Signed by the President and returned to the House .....	744
<b>H.B. 163</b> — REVISOR'S STATUTE ( <i>B. Dee</i> )		
	Read for the first time and referred to the Rules Committee .....	456
	Assigned to standing committee .....	481
	Read the second time and placed on Consent Calendar .....	581
	Read the third time .....	670
	Signed by the President and returned to the House .....	670
<b>H.B. 167</b> — INCARCERATION AMENDMENTS ( <i>E. Hutchings</i> )		
	Read for the first time and referred to the Rules Committee .....	457
	Assigned to standing committee .....	482
	Committee report adopted and placed on calendar .....	643
	Read the second time .....	732
	Read the third time .....	751
	Signed by the President and returned to the House .....	752
<b>H.B. 168</b> — CHILD IDENTITY THEFT PROTECTION AMENDMENTS ( <i>E. Hutchings</i> )		
	Read for the first time and referred to the Rules Committee .....	738
	Placed on calendar .....	880
	Read the second time .....	916



Read the third time .....	938
Signed by the President and returned to the House .....	938
<b>H.B. 169 — FIREARM LAWS MODIFICATIONS (<i>J. Seelig</i>)</b>	
Read for the first time and referred to the Rules Committee .....	661
Assigned to standing committee .....	696
Returned to the Rules Committee .....	795
Placed on calendar .....	968
Read the second and third time .....	972
Signed by the President and returned to the House .....	973
<b>H.B. 171 — ABORTION CLINIC LICENSING (<i>C. Wimmer</i>)</b>	
Read for the first time and referred to the Rules Committee .....	901
Placed on calendar .....	968
Read the second and third time .....	974
Signed by the President and returned to the House .....	974
<b>H.B. 172 — SERVICE ANIMAL AMENDMENTS (<i>K. Grover</i>)</b>	
Read for the first time and referred to the Rules Committee .....	512
Assigned to standing committee .....	526
Read the second time and placed on Consent Calendar .....	648
Read the third time .....	746
Signed by the President and returned to the House .....	747
<b>H.B. 173 — DEDICATION AND ABANDONMENT OF PUBLIC HIGHWAYS (<i>K. McIlff</i>)</b>	
Read for the first time and referred to the Rules Committee .....	538
Assigned to standing committee .....	564
Committee report adopted and placed on calendar .....	692
Read the second time .....	757
Circled .....	757
Uncircled .....	762
Read the third time .....	802
Signed by the President and returned to the House .....	802
<b>H.B. 174 — CONTRACTING FOR MEDICAID ELIGIBILITY DETERMINATION SERVICES (<i>W. Harper</i>)</b>	
Read for the first time and referred to the Rules Committee .....	515
Assigned to standing committee .....	526
Committee report adopted and placed on calendar .....	625
Read the second time .....	719
Read the third time .....	749
Signed by the President and returned to the House .....	749
<b>H.B. 175 — CONDOMINIUM OWNERSHIP ACT MODIFICATIONS (<i>R. Wilcox</i>)</b>	
Read for the first time and referred to the Rules Committee .....	370
Assigned to standing committee .....	437
Committee report adopted and placed on calendar .....	542
Read the second time .....	650
Circled .....	650
Uncircled .....	654
Read the third time .....	676
Signed by the President and returned to the House .....	677
<b>H.B. 176 — AUDIT OF STATE BUDGETS (<i>L. Christensen</i>)</b>	
Read for the first time and referred to the Rules Committee .....	562
Assigned to standing committee .....	607
Read the second time .....	1021
Circled .....	1021
Uncircled .....	1031
Substituted .....	1031
Amendments .....	1031
Read the second and third time .....	1031
Returned to the House .....	1032
Signed by the President and returned to the House .....	1062
<b>H.B. 177 — CANINE BODY ARMOR RESTRICTED ACCOUNT AND INCOME TAX CONTRIBUTION (<i>R. Greenwood</i>)</b>	
Read for the first time and referred to the Rules Committee .....	457
Assigned to standing committee .....	482
Returned to the Rules Committee .....	795
Placed on calendar .....	922
Read the second time .....	960
Read the third time .....	993
Signed by the President and returned to the House .....	994
<b>H.B. 178 — DISPATCHER SERVICE AMENDMENTS (<i>R. Greenwood</i>)</b>	
Read for the first time and referred to the Rules Committee .....	437
Assigned to standing committee .....	482
Returned to the Rules Committee .....	795
Placed on calendar .....	922
Read the second time .....	952
Read the third time .....	989
Signed by the President and returned to the House .....	990
<b>H.B. 179 — PEACE OFFICER RECERTIFICATION AMENDMENTS (<i>R. Greenwood</i>)</b>	
Read for the first time and referred to the Rules Committee .....	457

Assigned to standing committee	482
Committee report adopted and placed on calendar	643
Read the second time	732
Circled	732
Uncircled	756
Read the third time	787
Signed by the President and returned to the House	787
<b>H.B. 180 — DEBT COLLECTION DATA MATCH WITH WORKER REGISTRY (D. Clark)</b>	
Read for the first time and referred to the Rules Committee	457
Assigned to standing committee	483
Committee report adopted and placed on calendar	565
Read the second time	652
Circled	652, 710
Uncircled	682, 712
Read the third time	710
Signed by the President and returned to the House	712
<b>H.B. 183 — SCHOOL DISTRICT LEAVE POLICIES (K. Grover)</b>	
Read for the first time and referred to the Rules Committee	562
Assigned to standing committee	606
Committee report adopted and placed on calendar	722
Read the second time	775
Read the third time	805
Amendments	805
Returned to the House	808
Refuse to Recede	862
Joint Conference Committee Report	924
Substituted	924
Returned to the House	924
Signed by the President and returned to the House	943
<b>H.B. 184 — MOTOR AND SPECIAL FUEL TAX ACT AMENDMENTS (C. Herrod)</b>	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	438
Read the second time and placed on Consent Calendar	693
Read the third time	784
Signed by the President and returned to the House	785
<b>H.B. 186 — UTAH CODE TECHNICAL AMENDMENTS (B. Galvez)</b>	
Read for the first time and referred to the Rules Committee	135
Assigned to standing committee	152
Read the second time and placed on Consent Calendar	187
Read the third time	230
Signed by the President and returned to the House	230
<b>H.B. 187 — STATE FIRE CODE APPEALS (M. Morley)</b>	
Read for the first time and referred to the Rules Committee	151
Assigned to standing committee	169
Committee report adopted and placed on calendar	186
Read the second time	288
Read the third time	306
Signed by the President and returned to the House	307
<b>H.B. 188 — LABOR COMMISSION RELATED AMENDMENTS (M. Morley)</b>	
Read for the first time and referred to the Rules Committee	151
Assigned to standing committee	169
Amendments	183
Committee report adopted and placed on calendar	183
Read the second time	223
Read the third time	236
Returned to the House	237
Signed by the President and returned to the House	257
<b>H.B. 190 — DELINQUENT PROPERTY TAX AMENDMENTS (G. Froerer)</b>	
Read for the first time and referred to the Rules Committee	257
Assigned to standing committee	273
Read the second time and placed on the Consent Calendar	342
Read the third time	419
Signed by the President and returned to the House	419
<b>H.B. 191 — NONRESIDENT TUITION WAIVER AMENDMENTS (C. Wimmer)</b>	
Read for the first time and referred to the Rules Committee	661
Assigned to standing committee	697
Returned to the Rules Committee	782
Placed on calendar	922
Read the second time	959
Circled	959, 1016
Placed on calendar	1016
Enacting Clause Stricken	1091
<b>H.B. 192 — CONTROLLED SUBSTANCES ADVISORY COMMITTEE AMENDMENTS (P. Ray)</b>	
Read for the first time and referred to the Rules Committee	168
Assigned to standing committee	182

Committee report adopted and placed on calendar	247
Read the second time	400
Circled	400
Uncircled	569
Read the third time	593
Signed by the President and returned to the House	594
<b>H.B. 193 — PUBLIC HIGHWAY DESIGNATION (C. Watkins)</b>	
Read for the first time and referred to the Rules Committee	198
Assigned to standing committee	246
Committee report adopted and placed on calendar	301
Read the second time	404
Circled	404
Enacting Clause Stricken	1091
<b>H.B. 194 — SERVICE CONTRACTS ACT AMENDMENTS (J. Anderson)</b>	
Read for the first time and referred to the Rules Committee	151
Assigned to standing committee	169
Substituted	543
Amendments	543, 673
Committee report adopted and placed on calendar	543
Read the second time	650
Read the third time	673
Returned to the House	674
Signed by the President and returned to the House	737
<b>H.B. 195 — DEBT SERVICE OBLIGATIONS OF A DIVIDED SCHOOL DISTRICT (K. Sumson)</b>	
Read for the first time and referred to the Rules Committee	356
Assigned to standing committee	371
Read the second time and placed on Consent Calendar	544
Read the third time	668
Circled	668
Uncircled	694
Signed by the President and returned to the House	695
<b>H.B. 196 — CONTINUING EDUCATION REQUIREMENTS FOR LANDSCAPE ARCHITECTS (R. C. Webb)</b>	
Read for the first time and referred to the Rules Committee	257
Assigned to standing committee	272
Committee report adopted and placed on calendar	357
Read the second time	407
Read the third time	430
Signed by the President and returned to the House	430
<b>H.B. 198 — TOBACCO RELATED PENALTY AMENDMENTS (P. Ray)</b>	
Read for the first time and referred to the Rules Committee	181
Assigned to standing committee	214
Amendments	300
Committee report adopted and placed on calendar	300
Read the second time	403
Read the third time	426
Returned to the House	427
Signed by the President and returned to the House	480
<b>H.B. 199 — ADVERTISEMENTS ON SCHOOL BUSES (J. Bird)</b>	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	396
Returned to the Rules Committee	727
Placed on calendar	880
Read the second time	913
Circled	913
Read the third time	940
Signed by the President and returned to the House	941
<b>H.B. 201 — TOBACCO LICENSING AMENDMENTS (P. Ray)</b>	
Read for the first time and referred to the Rules Committee	181
Assigned to standing committee	214
Committee report adopted and placed on calendar	301
Read the second time	404
Read the third time	427
Signed by the President and returned to the House	427
<b>H.B. 202 — DEATH PENALTY PROCEDURES AMENDMENTS (K. McIff)</b>	
Read for the first time and referred to the Rules Committee	213
Assigned to standing committee	226
Committee report adopted and placed on calendar	322
Read the second time	405
Read the third time	428
Signed by the President and returned to the House	428
<b>H.B. 203 — CODIFICATION OF STATE CONSTRUCTION AND FIRE CODES (M. Morley)</b>	
Read for the first time and referred to the Rules Committee	271
Assigned to standing committee	298
Amendments	319
Committee report adopted and placed on calendar	319

Read the second time	405
Circled	405
Uncircled	409
Read the third time	432
Returned to the House	432
Signed by the President and returned to the House	480
<b>H.B. 204 — PROTECTION OF ATHLETES WITH HEAD INJURIES (<i>P. Ray</i>)</b>	
Read for the first time and referred to the Rules Committee	318
Assigned to standing committee	337
Amendments	375
Committee report adopted and placed on calendar	375
Read the second time	440
Circled	440, 472, 636
Uncircled	443, 636, 650
Read the third time	472
Substituted	636
Returned to the House	650
Signed by the President and returned to the House	702
<b>H.B. 206 — SPECIAL GROUP LICENSE PLATE AMENDMENTS (<i>W. Harper</i>)</b>	
Read for the first time and referred to the Rules Committee	181
Assigned to standing committee	215
Amendments	227, 391
Committee report adopted and placed on calendar	227
Read the second time	391
Read the third time	422
Returned to the House	422
Signed by the President and returned to the House	480
<b>H.B. 207 — JUVENILE AMENDMENTS (<i>W. Harper</i>)</b>	
Read for the first time and referred to the Rules Committee	245
Assigned to standing committee	258
Read the second time and placed on Consent Calendar	341
Read the third time	417
Signed by the President and returned to the House	417
<b>H.B. 208 — ADMINISTRATIVE SERVICES AMENDMENTS (<i>W. Harper</i>)</b>	
Read for the first time and referred to the Rules Committee	181
Assigned to standing committee	214
Substituted	277
Committee report adopted and placed on calendar	278
Read the second time	402
Read the third time	423
Returned to the House	424
Signed by the President and returned to the House	480
<b>H.B. 209 — WORKERS' COMPENSATION PREMIUM ASSESSMENT (<i>M. Morley</i>)</b>	
Read for the first time and referred to the Rules Committee	151
Assigned to standing committee	169
Committee report adopted and placed on calendar	184
Read the second time	287
Read the third time	306
Circled	306
Uncircled	311
Signed by the President and returned to the House	311
<b>H.B. 210 — ANIMAL CRUELTY AMENDMENTS (<i>C. Oda</i>)</b>	
Read for the first time and referred to the Rules Committee	620
Enacting Clause Stricken	1091
<b>H.B. 211 — COMMUNITY SERVICE MEDICAID PILOT PROGRAM (<i>R. Menlove</i>)</b>	
Read for the first time and referred to the Rules Committee	213
Assigned to standing committee	226
Committee report adopted and placed on calendar	259
Read the second time	401
Circled	401
Uncircled	403
Read the third time	424
Signed by the President and returned to the House	425
<b>H.B. 212 — CHARGES BY HEALTH PROVIDERS FOR MEDICAL RECORDS (<i>F. Gibson</i>)</b>	
Read for the first time and referred to the Rules Committee	225
Assigned to standing committee	396
Substituted	485
Read the second time and placed on Consent Calendar	485
Read the third time	592
Circled	592
Uncircled	618
Returned to the House	619
Signed by the President and returned to the House	688
<b>H.B. 213 — STATUTORY CONSTRUCTION AMENDMENTS (<i>D. Brown</i>)</b>	
Read for the first time and referred to the Rules Committee	152

Assigned to standing committee	169
Amendments	187
Read the second time and placed on Consent Calendar	187
Read the third time	230
Returned to the House	230
Signed by the President and returned to the House	257
<b>H.B. 214</b> — CONCEALED FIREARM PERMIT FEES ( <i>C. Oda</i> )	
Read for the first time and referred to the Rules Committee	225
Assigned to standing committee	246
Committee report adopted and placed on calendar	260
Read the second time	401
Read the third time	423
Circled	423
Uncircled	433
Signed by the President and returned to the House	434
<b>H.B. 215</b> — FATALITY REVIEW ACT AMENDMENTS ( <i>M. Newbold</i> )	
Read for the first time and referred to the Rules Committee	135
Assigned to standing committee	152
Committee report adopted and placed on calendar	200
Read the second time	292
Read the third time	310
Signed by the President and returned to the House	311
<b>H.B. 216</b> — REUNIFICATION SERVICES AMENDMENTS ( <i>M. Newbold</i> )	
Read for the first time and referred to the Rules Committee	356
Assigned to standing committee	372
Committee report adopted and placed on calendar	485
Read the second time	530
Read the third time	550
Signed by the President and returned to the House	551
<b>H.B. 217</b> — APPOINTMENT OF DIRECTOR OF THE DIVISION OF HEALTH CARE FINANCING ( <i>D. Clark</i> )	
Read for the first time and referred to the Rules Committee	152
Assigned to standing committee	170
Committee report adopted and placed on calendar	200
Read the second time	292
Read the third time	312
Circled	312
Uncircled	556
Signed by the President and returned to the House	556
<b>H.B. 218</b> — CLUBS IN PUBLIC SCHOOLS ( <i>S. Sandstrom</i> )	
Read for the first time and referred to the Rules Committee	152
Assigned to standing committee	169
Committee report adopted and placed on calendar	184
Read the second time	287
Read the third time	306
Signed by the President and returned to the House	306
<b>H.B. 219</b> — STATE FIREARM DESIGNATION ( <i>C. Wimmer</i> )	
Read for the first time and referred to the Rules Committee	135
Assigned to standing committee	153
Amendments	187
Committee report adopted and placed on calendar	187
Read the second time	289
Read the third time	308
Intent Language	309
Returned to the House	309, 343
Signed by the President and returned to the House	369
<b>H.B. 220</b> — CIVICS EDUCATION AMENDMENTS ( <i>M. Morley</i> )	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	396
Amendments	624, 848
Committee report adopted and placed on calendar	624
Read the second time	718
Read the third time	749
Circled	749
Uncircled	848
Returned to the House	849
Signed by the President and returned to the House	927
<b>H.B. 221</b> — CLASSIC CAR INSPECTIONS ( <i>F. Cox</i> )	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	396
Read the second time and placed on Consent Calendar	626
Read the third time	743
Signed by the President and returned to the House	744
<b>H.B. 224</b> — RADIO FREQUENCY IDENTIFICATION ( <i>W. Harper</i> )	
Read for the first time and referred to the Rules Committee	703
Placed on calendar	962

	Read the second and third time . . . . .	1064
	Signed by the President and returned to the House . . . . .	1064
<b>H.B. 226</b>	— LOCAL GOVERNMENT FEE AUTHORITY ( <i>W. Harper</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	272
	Assigned to standing committee . . . . .	299
	Amendments . . . . .	646
	Committee report adopted and placed on calendar . . . . .	646
	Read the second time . . . . .	753
	Read the third time . . . . .	785
	Returned to the House . . . . .	785
	Signed by the President and returned to the House . . . . .	860
<b>H.B. 228</b>	— ADMINISTRATIVE RULES REAUTHORIZATION ( <i>C. Oda</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	457
	Assigned to standing committee . . . . .	481
	Read the second time and placed on Consent Calendar . . . . .	581
	Placed on Third Reading Calendar . . . . .	670
	Read the third time . . . . .	680
	Circled . . . . .	680
	Uncircled . . . . .	1063
	Substituted . . . . .	1063
	Returned to the House . . . . .	1063
	Signed by the President and returned to the House . . . . .	1085
<b>H.B. 230</b>	— DISABILITY AMENDMENTS ( <i>P. Ray</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	257
	Assigned to standing committee . . . . .	273
	Read the second time and placed on Consent Calendar . . . . .	360
	Read the third time . . . . .	462
	Signed by the President and returned to the House . . . . .	463
<b>H.B. 232</b>	— DRUG PARAPHERNALIA DEFINITION AMENDMENTS ( <i>E. Vickers</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	457
	Assigned to standing committee . . . . .	482
	Returned to the Rules Committee . . . . .	796
	Placed on calendar . . . . .	962
	Read the second time . . . . .	970
	Read the third time . . . . .	1004
	Signed by the President and returned to the House . . . . .	1004
<b>H.B. 233</b>	— INSURANCE COVERAGE FOR AMINO ACID–BASED FORMULA ( <i>C. Moss</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	661
	Assigned to standing committee . . . . .	697
	Returned to the Rules Committee . . . . .	782
	Enacting Clause Stricken . . . . .	1091
<b>H.B. 234</b>	— ASSERTIVE COMMUNITY MENTAL HEALTH TREATMENT PILOT PROGRAM ( <i>C. Moss</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	827
	Enacting Clause Stricken . . . . .	1091
<b>H.B. 235</b>	— TECHNOLOGY TECHNICAL AMENDMENTS ( <i>P. Arent</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	272
	Assigned to standing committee . . . . .	299
	Read the second time and placed on Consent Calendar . . . . .	361
	Read the third time . . . . .	464
	Signed by the President and returned to the House . . . . .	464
<b>H.B. 237</b>	— ENFORCEMENT OF LIENS ( <i>Julie Fisher</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	272
	Assigned to standing committee . . . . .	298
	Amendments . . . . .	357, 430
	Committee report adopted and placed on calendar . . . . .	357
	Read the second time . . . . .	408
	Read the third time . . . . .	430
	Returned to the House . . . . .	431
	Signed by the President and returned to the House . . . . .	480
<b>H.B. 238</b>	— RADIOLOGIC TECHNOLOGIST AND RADIOLOGY PRACTICAL TECHNICIAN LICENSING ACT ( <i>D. Ipson</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	318
	Assigned to standing committee . . . . .	337
	Committee report adopted and placed on calendar . . . . .	376
	Read the second time . . . . .	441
	Read the third time . . . . .	464
	Circled . . . . .	464
	Uncircled . . . . .	501
	Signed by the President and returned to the House . . . . .	502
<b>H.B. 240</b>	— SOCIAL SERVICES – EMPLOYMENT FIRST PRIORITY ( <i>R. Menlove</i> )	
	Read for the first time and referred to the Rules Committee . . . . .	336
	Assigned to standing committee . . . . .	357
	Committee report adopted and placed on calendar . . . . .	376
	Read the second time . . . . .	440
	Circled . . . . .	440

Uncircled	442
Read the third time	471
Signed by the President and returned to the House	472
<b>H.B. 241 — CLEAN OUT THE CABINETS MONTH DESIGNATION (M. Morley)</b>	
Read for the first time and referred to the Rules Committee	258
Assigned to standing committee	273
Read the second time and placed on Consent Calendar	360
Read the third time	463
Signed by the President and returned to the House	463
<b>H.B. 243 — OCCUPATIONS AND PROFESSIONS AMENDMENTS (M. Morley)</b>	
Read for the first time and referred to the Rules Committee	336
Assigned to standing committee	356
Committee report adopted and placed on calendar	375
Read the second time	440
Circled	440
Uncircled	441
Read the third time	466
Amendments	466
Returned to the House	471
Signed by the President and returned to the House	524
<b>H.B. 247 — WATER DEVELOPMENT AMENDMENTS (M. Noel)</b>	
Read for the first time and referred to the Rules Committee	272
Assigned to standing committee	299
Read the second time and placed on Consent Calendar	341
Read the third time	417
Signed by the President and returned to the House	417
<b>H.B. 248 — COUNTY OFFICE VACANCIES (C. Wimmer)</b>	
Read for the first time and referred to the Rules Committee	272
Assigned to standing committee	299
Committee report adopted and placed on calendar	340
Read the second time	407
Circled	407, 602
Uncircled	588, 630
Read the third time	602
Signed by the President and returned to the House	631
Requested recall	699
Recall request refused	739
<b>H.B. 249 — GROWING OF FOOD (C. Herrod)</b>	
Read for the first time and referred to the Rules Committee	861
Placed on calendar	962
Enacting Clause Stricken	1091
<b>H.B. 250 — STATE EMBLEM OF SERVICE AND SACRIFICE (M. Newbold)</b>	
Read for the first time and referred to the Rules Committee	606
Assigned to standing committee	621
Read the second time and placed on Consent Calendar	709
Read the third time	844
Circled	844
Uncircled	846
Signed by the President and returned to the House	846
<b>H.B. 251 — ALARM SYSTEM AMENDMENTS (L. Hemingway)</b>	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	396
Read the second time and placed on Consent Calendar	544
Read the third time	668
Signed by the President and returned to the House	668
<b>H.B. 252 — RAILROAD AND RAILROAD CROSSING AMENDMENTS (R. Greenwood)</b>	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	397
Committee report adopted and placed on calendar	625
Circled	731, 734
Read the second time	731
Uncircled	734
Amendments	734
Enacting Clause Stricken	1091
<b>H.B. 253 — EMPLOYMENT OF UNAUTHORIZED ALIENS (C. Herrod)</b>	
Read for the first time and referred to the Rules Committee	538
Assigned to standing committee	564
Returned to the Rules Committee	801
Enacting Clause Stricken	1091
<b>H.B. 254 — EMERGENCY PROCEDURES AMENDMENTS (R. Greenwood)</b>	
Read for the first time and referred to the Rules Committee	356
Assigned to standing committee	371
Read the second time and placed on Consent Calendar	581
Read the third time	671
Signed by the President and returned to the House	671

<b>H.B. 256</b> — CHILDREN'S HEALTH INSURANCE AND MEDICAID ADMINISTRATIVE SIMPLIFICATION ( <i>J. Dunnigan</i> )	
Read for the first time and referred to the Rules Committee	515
Assigned to standing committee	526
Committee report adopted and placed on calendar	625
Read the second time	731
Circled	731
Uncircled	733
Read the third time	752
Tabled on Third Reading Calendar	752
Read the third time	979
Signed by the President and returned to the House	979
<b>H.B. 257</b> — CONCEALED FIREARM ACT MODIFICATIONS ( <i>R. Menlove</i> )	
Read for the first time and referred to the Rules Committee	318
Assigned to standing committee	337
Amendments	361
Read the second time and placed on Consent Calendar	360
Read the third time	463
Returned to the House	464
Signed by the President and returned to the House	524
<b>H.B. 259</b> — COUNTY RECORDER REVISIONS ( <i>R. C. Webb</i> )	
Read for the first time and referred to the Rules Committee	591
Assigned to standing committee	607
Committee report adopted and placed on calendar	708
Read the second time	760
Read the third time	791
Signed by the President and returned to the House	791
<b>H.B. 260</b> — MECHANICS' LIENS REVISIONS ( <i>D. Clark</i> )	
Read for the first time and referred to the Rules Committee	901
Placed on calendar	962
Read the second time	1048
Substituted	1048
Amendments	1048
Read the second and third time	1050
Returned to the House	1050
Signed by the President and returned to the House	1085
<b>H.B. 261</b> — AMENDMENTS TO TRANSPORTATION PROVISIONS ( <i>D. Brown</i> )	
Read for the first time and referred to the Rules Committee	457
Assigned to standing committee	482
Committee report adopted and placed on calendar	692
Read the second time	757
Circled	757
Uncircled	763
Read the third time	803
Signed by the President and returned to the House	804
<b>H.B. 262</b> — DIVIDED SCHOOL DISTRICT ASSETS AND LIABILITIES ( <i>K. Samsion</i> )	
Read for the first time and referred to the Rules Committee	415
Assigned to standing committee	437
Committee report adopted and placed on calendar	496
Read the second time	531
Circled	531
Uncircled	695
Read the third time	715
Signed by the President and returned to the House	715
<b>H.B. 263</b> — LOCAL DISTRICT SERVICES AMENDMENTS ( <i>D. Clark</i> )	
Read for the first time and referred to the Rules Committee	457
Assigned to standing committee	481
Committee report adopted and placed on calendar	580
Read the second time	652
Circled	652, 710
Uncircled	683, 713
Amendments	683
Read the third time	710
Returned to the House	713
Signed by the President and returned to the House	780
<b>H.B. 265</b> — MOTOR VEHICLE EMISSIONS AMENDMENTS ( <i>F. Gibson</i> )	
Read for the first time and referred to the Rules Committee	356
Assigned to standing committee	372
Amendments	497
Read the second time and placed on Consent Calendar	497
Read the third time	592
Returned to the House	593
Signed by the President and returned to the House	661
<b>H.B. 266</b> — RESTITUTION AMENDMENTS ( <i>D. Clark</i> )	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	396



	Read the second time and placed on Consent Calendar	647
	Read the third time	744
	Signed by the President and returned to the House	745
<b>H.B. 267</b>	— PUBLIC BODY RULES OF PROCEDURE ( <i>M. Brown</i> )	
	Read for the first time and referred to the Rules Committee	562
	Assigned to standing committee	608
	Committee report adopted and placed on calendar	708
	Read the second time	760
	Read the third time	791
	Circled	791
	Uncircled	847
	Signed by the President and returned to the House	848
<b>H.B. 268</b>	— MUNICIPAL ENFORCEMENT REGARDING PROPERTY MAINTENANCE ( <i>M. Morley</i> )	
	Read for the first time and referred to the Rules Committee	457
	Assigned to standing committee	481
	Read the second time and placed on Consent Calendar	581
	Read the third time	671
	Signed by the President and returned to the House	671
<b>H.B. 269</b>	— COMMISSION ON CIVIC AND CHARACTER EDUCATION ( <i>L. Christensen</i> )	
	Read for the first time and referred to the Rules Committee	661
	Assigned to standing committee	697
	Returned to the Rules Committee	782
	Placed on calendar	922
	Read the second time	951
	Read the third time	988
	Signed by the President and returned to the House	989
<b>H.B. 271</b>	— RESTRICTIONS ON POLITICAL SUBDIVISIONS REGARDING THE REGULATION OF KNIVES ( <i>R. Wilcox</i> )	
	Read for the first time and referred to the Rules Committee	480
	Assigned to standing committee	495
	Committee report adopted and placed on calendar	580
	Read the second time	654
	Read the third time	675
	Amendments	675
	Returned to the House	676
	Signed by the President and returned to the House	737
<b>H.B. 272</b>	— INDIGENT DEFENSE ACT AMENDMENTS ( <i>K. McIff</i> )	
	Read for the first time and referred to the Rules Committee	515
	Assigned to standing committee	526
	Returned to the Rules Committee	796
	Placed on calendar	880
	Read the second time	914
	Read the third time	937
	Signed by the President and returned to the House	937
<b>H.B. 273</b>	— ANIMAL CONTROL AMENDMENTS ( <i>J. Seelig</i> )	
	Read for the first time and referred to the Rules Committee	827
	Placed on calendar	880
	Read the second time	912
	Circled	912
	Enacting Clause Stricken	1091
<b>H.B. 274</b>	— LOBBYIST DISCLOSURE AND REGULATION ACT AMENDMENTS ( <i>P. Arent</i> )	
	Read for the first time and referred to the Rules Committee	515
	Assigned to standing committee	526
	Amendments	741
	Returned to the Rules Committee	741
	Enacting Clause Stricken	1091
<b>H.B. 275</b>	— SCHOOL DISTRICT DIVISION AMENDMENTS ( <i>K. Sumson</i> )	
	Read for the first time and referred to the Rules Committee	515
	Assigned to standing committee	526
	Read the second time and placed on Consent Calendar	648
	Read the third time	695
	Signed by the President and returned to the House	695
<b>H.B. 277</b>	— SALES AND USE TAX REVISIONS ( <i>W. Harper</i> )	
	Read for the first time and referred to the Rules Committee	827
	Enacting Clause Stricken	1091
<b>H.B. 280</b>	— STATE AGENCY REALIGNMENT ( <i>W. Harper</i> )	
	Read for the first time and referred to the Rules Committee	688
	Placed on calendar	880
	Read the second and third time	907
	Signed by the President and returned to the House	908
<b>H.B. 281</b>	— SEX OFFENDER AND KIDNAPPING AMENDMENTS ( <i>F. Cox</i> )	
	Read for the first time and referred to the Rules Committee	861
	Placed on calendar	922
	Read the second time	959
	Failed	959
	Returned to the House for filing	959

<b>H.B. 285</b> — ASBESTOS REQUIREMENTS ( <i>L. Wiley</i> )	
Read for the first time and referred to the Rules Committee	813
Placed on calendar	962
Read the second and third time	1082
Signed by the President and returned to the House	1083
<b>H.B. 287</b> — RESTRUCTURING OF THE DEPARTMENT OF COMMUNITY AND CULTURE ( <i>W. Harper</i> )	
Read for the first time and referred to the Rules Committee	703
Placed on calendar	968
Read the second time	974
Amendments	974
Read the second and third time	976
Returned to the House	976
Signed by the President and returned to the House	999
<b>H.B. 288</b> — CONCURRENT ENROLLMENT TRANSCRIPTS ( <i>R. Menlove</i> )	
Read for the first time and referred to the Rules Committee	861
Placed on calendar	880
Read the second time	909
Circled	909
Uncircled	918
Read the third time	940
Signed by the President and returned to the House	940
<b>H.B. 293</b> — UNDERGROUND STORAGE TANK ACT AMENDMENTS ( <i>K. McIff</i> )	
Read for the first time and referred to the Rules Committee	813
Placed on calendar	962
Enacting Clause Stricken	1091
<b>H.B. 295</b> — OUTDOOR ADVERTISING AMENDMENTS ( <i>M. Noel</i> )	
Read for the first time and referred to the Rules Committee	813
Placed on calendar	880
Read the second time	903
Amendments	903
Read the third time	931
Amendments	931
Returned to the House	931
Signed by the President and returned to the House	964
<b>H.B. 296</b> — HIGHWAY CONSTRUCTION CONTRACT AMENDMENTS ( <i>C. Oda</i> )	
Read for the first time and referred to the Rules Committee	738
Read the second and third time	1043
Signed by the President and returned to the House	1043
<b>H.B. 301</b> — SCHOOL DISTRICT PROPERTY TAX REVISIONS ( <i>M. Newbold</i> )	
Read for the first time and referred to the Rules Committee	780
Placed on calendar	968
Read the second and third time	1028
Signed by the President and returned to the House	1028
<b>H.B. 302</b> — READING PROGRAM AMENDMENTS ( <i>M. Newbold</i> )	
Read for the first time and referred to the Rules Committee	901
Placed on calendar	968
Read the second and third time	977
Signed by the President and returned to the House	977
<b>H.B. 303</b> — PREPAID WIRELESS 911 SERVICE CHARGE ( <i>B. Dee</i> )	
Read for the first time and referred to the Rules Committee	721
Placed on calendar	922
Read the second time	950
Read the third time	987
Signed by the President and returned to the House	987
<b>H.B. 304</b> — CAMPAIGN FINANCE REVISIONS ( <i>G. Hughes</i> )	
Read for the first time and referred to the Rules Committee	901
Placed on calendar	962
Read the second and third time	1073
Amendments	1073
Returned to the House	1074
Signed by the President and returned to the House	1088
<b>H.B. 305</b> — MIDTERM VACANCIES IN MUNICIPAL OFFICES ( <i>K. Powell</i> )	
Read for the first time and referred to the Rules Committee	574
Assigned to standing committee	608
Committee report adopted and placed on calendar	708
Read the second time	762
Read the third time	802
Signed by the President and returned to the House	803
<b>H.B. 314</b> — INSURANCE REQUIREMENTS FOR CHILD CARE BUSES ( <i>J. Anderson</i> )	
Read for the first time and referred to the Rules Committee	765
Placed on calendar	880
Read the second time	916
Read the third time	937
Signed by the President and returned to the House	938

**H.B. 316** — TAXATION OF SURPLUS LINES OF INSURANCE (*T. Kiser*)

Read for the first time and referred to the Rules Committee ..... 641

Assigned to standing committee ..... 696

Returned to the Rules Committee ..... 796

Placed on calendar ..... 922

Read the second time ..... 949

Amendments ..... 949

Read the third time ..... 986

Circled ..... 986

Uncircled ..... 987

Returned to the House ..... 988

Signed by the President and returned to the House ..... 1036

**H.B. 317** — CURRENCY AMENDMENTS (*B. Galvez*)

Read for the first time and referred to the Rules Committee ..... 827

Placed on calendar ..... 922

Read the second time ..... 958

Circled ..... 958

Uncircled ..... 968

Read the third time ..... 996

Signed by the President and returned to the House ..... 997

**H.B. 318** — MONEY MANAGEMENT ACT AMENDMENTS (*J. Bird*)

Read for the first time and referred to the Rules Committee ..... 562

Assigned to standing committee ..... 607

Read the second time and placed on Consent Calendar ..... 709

Read the third time ..... 834

Signed by the President and returned to the House ..... 834

**H.B. 320** — 4-H SPECIAL GROUP LICENSE PLATE (*K. Powell*)

Read for the first time and referred to the Rules Committee ..... 901

Enacting Clause Stricken ..... 1091

**H.B. 323** — MULTICOUNTY APPRAISAL TRUST AMENDMENTS (*G. Froerer*)

Read for the first time and referred to the Rules Committee ..... 661

Assigned to standing committee ..... 696

Returned to the Rules Committee ..... 796

Enacting Clause Stricken ..... 1091

**H.B. 324** — HIV TESTING OF ALLEGED SEX OFFENDERS (*R. Greenwood*)

Read for the first time and referred to the Rules Committee ..... 606

Assigned to standing committee ..... 621

Committee report adopted and placed on calendar ..... 722

Read the second time ..... 776

Amendments ..... 776, 808

Read the third time ..... 808

Returned to the House ..... 809

Signed by the President and returned to the House ..... 860

**H.B. 327** — PUBLIC EDUCATION ANNUAL REPORT AMENDMENTS (*L. Christensen*)

Read for the first time and referred to the Rules Committee ..... 661

Assigned to standing committee ..... 697

Returned to the Rules Committee ..... 782

Placed on calendar ..... 922

Read the second time ..... 951

Circled ..... 951

Uncircled ..... 952

Read the third time ..... 989

Signed by the President and returned to the House ..... 989

**H.B. 328** — STATE GOVERNMENT WORK WEEK (*M. Noel*)

Read for the first time and referred to the Rules Committee ..... 688

Placed on calendar ..... 962, 1016

Read the second time ..... 970

Circled ..... 970, 1016

Uncircled ..... 1027

Amendments ..... 1027

Read the second and third time ..... 1027

Returned to the House ..... 1028

Signed by the President and returned to the House ..... 1062

**H.B. 330** — BUDGETARY PROCEDURE AMENDMENTS (*M. Brown*)

Read for the first time and referred to the Rules Committee ..... 813

Placed on calendar ..... 922, 1016

Read the second time ..... 958

Circled ..... 958, 1016

Uncircled ..... 1022

Read the second and third time ..... 1022

Signed by the President and returned to the House ..... 1022

**H.B. 331** — POST-EMPLOYMENT BENEFITS AMENDMENTS (*J. Dougall*)

Read for the first time and referred to the Rules Committee ..... 574

Assigned to standing committee ..... 607

Returned to the Rules Committee ..... 741

Enacting Clause Stricken ..... 1091

<b>H.B. 333</b> — UNFAIR INDUCEMENTS RELATED TO INSURANCE PRODUCTS ( <i>J. Dunnigan</i> )	
Read for the first time and referred to the Rules Committee	591
Assigned to standing committee	606
Committee report adopted and placed on calendar	691
Read the second time	755
Amendments	755
Read the third time	786
Circled	786
Uncircled	803
Returned to the House	803
Signed by the President and returned to the House	861
<b>H.B. 334</b> — FAMILY EXPENSE AMENDMENTS ( <i>S. Sandstrom</i> )	
Read for the first time and referred to the Rules Committee	591
Assigned to standing committee	607
Committee report adopted and placed on calendar	691
Read the second time	757
Read the third time	789
Circled	789
Uncircled	881
Amendments	881
Returned to the House	882
Signed by the President and returned to the House	928
<b>H.B. 335</b> — MILITARY SURVIVORS – TUITION WAIVER AMENDMENTS ( <i>M. Morley</i> )	
Read for the first time and referred to the Rules Committee	606
Assigned to standing committee	621
Committee report adopted and placed on calendar	708
Read the second time	773
Circled	773
Uncircled	774
Read the third time	804
Signed by the President and returned to the House	804
<b>H.B. 336</b> — MEDICAL PROFESSIONAL LICENSING DURING A DECLARED EMERGENCY ( <i>E. Vickers</i> )	
Read for the first time and referred to the Rules Committee	620
Assigned to standing committee	641
Committee report adopted and placed on calendar	722
Read the second time	777
Read the third time	809
Signed by the President and returned to the House	810
<b>H.B. 337</b> — PAWNSHOP AND SECONDHAND MERCHANDISE TRANSACTION INFORMATION ACT AMENDMENTS ( <i>J. Seelig</i> )	
Read for the first time and referred to the Rules Committee	827
Placed on calendar	962
Read the second and third time	1086
Signed by the President and returned to the House	1086
<b>H.B. 339</b> — CHARTER SCHOOL ENROLLMENT AMENDMENTS ( <i>E. Hutchings</i> )	
Read for the first time and referred to the Rules Committee	901
Enacting Clause Stricken	1091
<b>H.B. 349</b> — EXPEDITED JURY TRIALS ( <i>B. King</i> )	
Read for the first time and referred to the Rules Committee	620
Assigned to standing committee	642
Returned to the Rules Committee	796
Placed on calendar	880
Placed on calendar	962
Read the second and third time	1066
Signed by the President and returned to the House	1067
<b>H.B. 351</b> — HOMELESS COORDINATING COMMITTEE MODIFICATIONS ( <i>V. Peterson</i> )	
Read for the first time and referred to the Rules Committee	661
Assigned to standing committee	697
Read the second time and placed on Consent Calendar	771
Read the third time	885
Signed by the President and returned to the House	885
<b>H.B. 353</b> — ABORTION FREEDOM OF CONSCIENCE ( <i>C. Wimmer</i> )	
Read for the first time and referred to the Rules Committee	861
Placed on calendar	962
Read the second and third time	1069
Amendments	1069
Signed by the President and returned to the House	1070
<b>H.B. 354</b> — INSURANCE AMENDMENTS RELATING TO ABORTION ( <i>C. Wimmer</i> )	
Read for the first time and referred to the Rules Committee	877
Placed on calendar	962
Read the second time	1065
Amendments	1065
Read the second and third time	1066
Returned to the House	1066
Signed by the President and returned to the House	1089

<b>H.B. 357</b> — LONG-TERM CARE AMENDMENTS ( <i>P. Ray</i> )	
Read for the first time and referred to the Rules Committee	877
Enacting Clause Stricken	1091
<b>H.B. 358</b> — ACCESS TO CONTROLLED SUBSTANCE DATABASE REVISIONS ( <i>S. Eliason</i> )	
Read for the first time and referred to the Rules Committee	662
Assigned to standing committee	696
Returned to the Rules Committee	796
Placed on calendar	881
Read the second time	917
Read the third time	939
Circled	939
Uncircled	942
Signed by the President and returned to the House	942
<b>H.B. 359</b> — BUSINESS RESOURCE CENTER ADVISORY BOARD MODIFICATION ( <i>V. Peterson</i> )	
Read for the first time and referred to the Rules Committee	688
Read the second and third time	1082
Signed by the President and returned to the House	1082
<b>H.B. 368</b> — ADOPTION OF CHILDREN ( <i>S. Sandstrom</i> )	
Read for the first time and referred to the Rules Committee	861
Enacting Clause Stricken	1091
<b>H.B. 370</b> — BAIL BOND AMENDMENTS ( <i>G. Hughes</i> )	
Read for the first time and referred to the Rules Committee	906
Placed on calendar	962
Read the second time	1056
Amendments	1056
Read the second and third time	1056
Returned to the House	1057
Signed by the President and returned to the House	1085
<b>H.B. 371</b> — MOTOR HOME TAXES AND FEES ( <i>D. Ipson</i> )	
Read for the first time and referred to the Rules Committee	662
Assigned to standing committee	697
Read the second time and placed on Consent Calendar	772
Read the third time	886
Signed by the President and returned to the House	886
<b>H.B. 374</b> — DOMESTIC VIOLENCE AMENDMENTS ( <i>B. Last</i> )	
Read for the first time and referred to the Rules Committee	827
Placed on calendar	880
Read the second time	908
Read the third time	933
Signed by the President and returned to the House	934
<b>H.B. 375</b> — SECURITY PERSONNEL LICENSING ACT AMENDMENTS ( <i>K. Ivory</i> )	
Read for the first time and referred to the Rules Committee	606
Assigned to standing committee	621
Committee report adopted and placed on calendar	708
Read the second time and placed on Consent Calendar	719
Read the third time	844
Circled	844
Uncircled	845
Signed by the President and returned to the House	845
<b>H.B. 376</b> — SMALL CLAIMS COURT JURISDICTION ( <i>R. Edwards</i> )	
Read for the first time and referred to the Rules Committee	859
Placed on calendar	922
Read the second time	958
Read the third time	993
Circled	993
Uncircled	1004
Signed by the President and returned to the House	1005
<b>H.B. 379</b> — NONJUDICIAL FORECLOSURE OF TRUST DEEDS ( <i>R. C. Webb</i> )	
Read for the first time and referred to the Rules Committee	591
Assigned to standing committee	607
Returned to the Rules Committee	796
Placed on calendar	962
Enacting Clause Stricken	1091
<b>H.B. 384</b> — VETERANS PREFERENCE AMENDMENTS ( <i>T. Cosgrove</i> )	
Read for the first time and referred to the Rules Committee	765
Placed on calendar	880
Read the second time	902
Read the third time	930
Signed by the President and returned to the House	931
<b>H.B. 385</b> — COUNTY JAIL MEDICAL EXPENSES ( <i>B. Daw</i> )	
Read for the first time and referred to the Rules Committee	813
Placed on calendar	880
Read the second time	903
Read the third time	931
Signed by the President and returned to the House	932

<b>H.B. 388</b> — OPERATION AND MANAGEMENT OF CHARTER SCHOOLS ( <i>C. Herrod</i> )	
Read for the first time and referred to the Rules Committee	859
Placed on calendar	922
Read the second time	951
Read the third time	988
Circled	988
Uncircled	994
Amendments	994
Returned to the House	995
Signed by the President and returned to the House	1036
<b>H.B. 391</b> — NATIONAL GUARD JOINT FORCES HEADQUARTERS MODIFICATIONS ( <i>V. Peterson</i> )	
Read for the first time and referred to the Rules Committee	765
Placed on calendar	881
Read the second time	919
Read the third time	941
Signed by the President and returned to the House	941
<b>H.B. 392</b> — RETENTION ELECTIONS FOR JUSTICE COURT JUDGES ( <i>C. Oda</i> )	
Read for the first time and referred to the Rules Committee	641
Assigned to standing committee	663
Returned to the Rules Committee	796
Placed on calendar	962
Enacting Clause Stricken	1091
<b>H.B. 398</b> — UTAH STATE INSTRUCTIONAL MATERIALS ACCESS CENTER FUNDING ( <i>S. Handy</i> )	
Read for the first time and referred to the Rules Committee	688
Placed on calendar	962
Enacting Clause Stricken	1092
<b>H.B. 399</b> — ENVIRONMENTAL LITIGATION BOND ( <i>M. Noel</i> )	
Read for the first time and referred to the Rules Committee	606
Assigned to standing committee	621
Committee report adopted and placed on calendar	705
Read the second time	757
Read the third time	789
Signed by the President and returned to the House	790
<b>H.B. 400</b> — REGULATION OF MINING OPERATIONS ( <i>M. Noel</i> )	
Read for the first time and referred to the Rules Committee	813
Placed on calendar	922
Read the second time	953
Read the third time	990
Signed by the President and returned to the House	990
<b>H.B. 403</b> — CHANGES TO FIT PREMISES ACT ( <i>J. Seelig</i> )	
Read for the first time and referred to the Rules Committee	641
Assigned to standing committee	663
Returned to the Rules Committee	796
Placed on calendar	922
Read the second time	958
Circled	958, 1016
Placed on calendar	1016
Uncircled	1024
Read the second and third time	1024
Signed by the President and returned to the House	1024
<b>H.B. 404</b> — STATE HEALTH INSURANCE AMENDMENTS ( <i>D. Ipson</i> )	
Read for the first time and referred to the Rules Committee	901
Placed on calendar	1016
Read the second and third time	1072
Amendments	1072
Returned to the House	1073
Signed by the President and returned to the House	1089
<b>H.B. 405</b> — CHARGES FOR MEDICAL RECORDS ( <i>F. Gibson</i> )	
Read for the first time and referred to the Rules Committee	859
Placed on calendar	880
Read the second time	904
Read the third time	933
Signed by the President and returned to the House	933
<b>H.B. 411</b> — APPROACHING STATIONARY EMERGENCY VEHICLE AMENDMENTS ( <i>D. Ipson</i> )	
Read for the first time and referred to the Rules Committee	662
Assigned to standing committee	696
Returned to the Rules Committee	796
Placed on calendar	880
Read the second time	913
Amendments	913
Read the third time	936
Returned to the House	937
Signed by the President and returned to the House	964

**H.B. 412** — LAND USE REVISIONS (*G. Froerer*)

    Read for the first time and referred to the Rules Committee ..... 827

    Placed on calendar ..... 922

    Read the second time ..... 953

    Circled ..... 953

    Uncircled ..... 953

    Read the third time ..... 990

    Signed by the President and returned to the House ..... 991

**H.B. 415** — SCHOOLS FOR THE DEAF AND BLIND FOUNDATION (*S. Handy*)

    Read for the first time and referred to the Rules Committee ..... 688

    Placed on calendar ..... 881

    Read the second time ..... 918

    Read the third time ..... 939

    Signed by the President and returned to the House ..... 939

**H.B. 420** — WATER QUALITY BOARD POWERS AND DUTIES (*Julie Fisher*)

    Read for the first time and referred to the Rules Committee ..... 860

    Placed on calendar ..... 880

    Read the second time ..... 904

    Read the third time ..... 932

    Amendments ..... 932

    Returned to the House ..... 933

    Signed by the President and returned to the House ..... 964

**H.B. 421** — USE OF PUBLIC BUILDINGS FOR POLITICAL CAUCUS MEETINGS (*D. Brown*)

    Read for the first time and referred to the Rules Committee ..... 827

    Placed on calendar ..... 962

    Read the second time ..... 1078

    Substituted ..... 1078

    Read the second and third time ..... 1078

    Returned to the House ..... 1079

    Signed by the President and returned to the House ..... 1089

**H.B. 427** — HIGHER EDUCATION COMPENSATION APPROPRIATION REALLOCATIONS (*M. Newbold*)

    Read for the first time and referred to the Rules Committee ..... 1075

    Placed on calendar ..... 1075

    Read the second time ..... 1076

    Circled ..... 1076

    Uncircled ..... 1077

    Read the second and third time ..... 1077

    Signed by the President and returned to the House ..... 1077

**H.B. 428** — WATER ISSUES TASK FORCE (*P. Painter*)

    Read for the first time and referred to the Rules Committee ..... 907

    Placed on calendar ..... 922

    Read the second time ..... 956

    Circled ..... 956

    Uncircled ..... 1007

    Amendments ..... 1007

    Read the second and third time ..... 1007

    Returned to the House ..... 1008

    Signed by the President and returned to the House ..... 1036

**H.B. 432** — NUISANCE AMENDMENTS (*G. Froerer*)

    Read for the first time and referred to the Rules Committee ..... 721

    Placed on calendar ..... 962

    Read the second and third time ..... 1078

    Signed by the President and returned to the House ..... 1078

**H.B. 434** — COUNTY AMENDMENTS (*M. Brown*)

    Read for the first time and referred to the Rules Committee ..... 703

    Placed on calendar ..... 962

    Read the second and third time ..... 1055

    Signed by the President and returned to the House ..... 1055

**H.B. 438** — WATER QUALITY BOARD AMENDMENTS (*B. Wright*)

    Read for the first time and referred to the Rules Committee ..... 703

    Placed on calendar ..... 968

    Read the second time ..... 1038

    Circled ..... 1038

    Enacting Clause Stricken ..... 1092

**H.B. 440** — BEER TAX AMENDMENTS (*V. Peterson*)

    Read for the first time and referred to the Rules Committee ..... 591

    Assigned to standing committee ..... 607

    Committee report adopted and placed on calendar ..... 646

    Read the second time ..... 754

    Read the third time ..... 785

    Signed by the President and returned to the House ..... 786

**H.B. 444** — OPERATION AND MAINTENANCE NEEDS REPORT FOR UTAH HIGHWAYS (*Julie Fisher*)

    Read for the first time and referred to the Rules Committee ..... 662

    Assigned to standing committee ..... 697

	Read the second time and placed on Consent Calendar . . . . .	772
	Read the third time . . . . .	886
	Signed by the President and returned to the House . . . . .	886
<b>H.B. 445</b>	<b>— PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT (<i>G. Hughes</i>)</b>	
	Read for the first time and referred to the Rules Committee . . . . .	902
	Placed on calendar . . . . .	880
	Placed on calendar . . . . .	1030
	Read the second time . . . . .	1032
	Amendments . . . . .	1032, 1050
	Read the second and third time . . . . .	1034
	Returned to the House . . . . .	1034, 1051
	Recalled . . . . .	1043
	Before the Senate . . . . .	1050
	Signed by the President and returned to the House . . . . .	1062
<b>H.B. 446</b>	<b>— LOCAL DISTRICT TAX AMENDMENTS (<i>D. Brown</i>)</b>	
	Read for the first time and referred to the Rules Committee . . . . .	813
	Placed on calendar . . . . .	880
	Read the second time . . . . .	908
	Circled . . . . .	908
	Uncircled . . . . .	911
	Read the third time . . . . .	934
	Signed by the President and returned to the House . . . . .	935
<b>H.B. 450</b>	<b>— HOSPITAL PROVIDER TAX AMENDMENTS (<i>D. Clark</i>)</b>	
	Read for the first time and referred to the Rules Committee . . . . .	999
	Read the second and third time . . . . .	1019
	Signed by the President and returned to the House . . . . .	1019
<b>H.B. 451</b>	<b>— TOBACCO SETTLEMENT FUNDS AMENDMENT (<i>D. Litvack</i>)</b>	
	Read for the first time and referred to the Rules Committee . . . . .	827
	Placed on calendar . . . . .	880
	Read the second time . . . . .	908
	Circled . . . . .	908
	Uncircled . . . . .	911
	Read the third time . . . . .	935
	Signed by the President and returned to the House . . . . .	935
<b>H.B. 453</b>	<b>— DOMESTIC VIOLENCE SERVICES (<i>D. Clark</i>)</b>	
	Read for the first time and referred to the Rules Committee . . . . .	999
	Read the second time . . . . .	1019
	Substituted . . . . .	1019
	Read the second and third time . . . . .	1019
	Returned to the House . . . . .	1020
	Signed by the President and returned to the House . . . . .	1036
<b>H.B. 454</b>	<b>— STATE HOSPITAL REVISIONS (<i>B. Last</i>)</b>	
	Read for the first time and referred to the Rules Committee . . . . .	999
	Read the second and third time . . . . .	1021
	Signed by the President and returned to the House . . . . .	1021
<b>H.B. 461</b>	<b>— ENERGY PRODUCER STATES' AGREEMENT (<i>R. Barrus</i>)</b>	
	Read for the first time and referred to the Rules Committee . . . . .	688
	Placed on calendar . . . . .	968
	Read the second and third time . . . . .	976
	Signed by the President and returned to the House . . . . .	977
<b>H.B. 465</b>	<b>— RESPECTING OUR FALLEN HEROES ACT (<i>E. Hutchings</i>)</b>	
	Read for the first time and referred to the Rules Committee . . . . .	827
	Placed on calendar . . . . .	962
	Enacting Clause Stricken . . . . .	1092
<b>H.B. 466</b>	<b>— MIGRANT WORKERS AND RELATED COMMISSION AMENDMENTS (<i>S. Sandstrom</i>)</b>	
	Read for the first time and referred to the Rules Committee . . . . .	813
	Placed on calendar . . . . .	818
	Read the second time . . . . .	819
	Circled . . . . .	819
	Uncircled . . . . .	821
	Read the second and third time . . . . .	821
	Signed by the President and returned to the House . . . . .	821
<b>H.B. 469</b>	<b>— IMMIGRATION RELATED AMENDMENTS (<i>J. Dougall</i>)</b>	
	Read for the first time and referred to the Rules Committee . . . . .	827
	Placed on calendar . . . . .	880
	Read the second time . . . . .	909
	Circled . . . . .	909
	Uncircled . . . . .	909
	Read the second and third time . . . . .	910
	Amendments . . . . .	909
	Returned to the House . . . . .	911
	Signed by the President and returned to the House . . . . .	924
<b>H.B. 470</b>	<b>— AUTHORIZED USE OF A BUSINESS NAME (<i>R. Edwards</i>)</b>	
	Read for the first time and referred to the Rules Committee . . . . .	860
	Enacting Clause Stricken . . . . .	1092



<b>H.B. 475</b> — STATE ENERGY AMENDMENTS ( <i>R. Barrus</i> )	
Read for the first time and referred to the Rules Committee	813
Placed on calendar	962
Read the second and third time	1076
Signed by the President and returned to the House	1076
<b>H.B. 476</b> — PROCUREMENT CODE AMENDMENTS ( <i>B. Last</i> )	
Read for the first time and referred to the Rules Committee	861
Placed on calendar	962
Read the second and third time	1074
Amendments	1074
Returned to the House	1075
Signed by the President and returned to the House	1089
<b>H.B. 477</b> — GOVERNMENT RECORDS AMENDMENTS ( <i>J. Dougall</i> )	
Read for the first time and referred to the Rules Committee	779
Committee report adopted and placed on calendar	817
Read the second and third time	818
Signed by the President and returned to the House	819, 882
Recalled	863
Placed on calendar	866
Circled	866
Uncircled	874
Amendments	875
Read the second and third time	875
Returned to the House	875
<b>H.B. 481</b> — TRANSPORTATION OF MENTAL ILLNESS PATIENTS ( <i>P. Ray</i> )	
Read for the first time and referred to the Rules Committee	721
Placed on calendar	880
Read the second time	913
Read the third time	936
Signed by the President and returned to the House	936
<b>H.B. 482</b> — LONG-TERM CARE FACILITY – MEDICAID CERTIFICATION FOR BED CAPACITY AMENDMENTS ( <i>E. Hutchings</i> )	
Read for the first time and referred to the Rules Committee	828
Placed on calendar	963
Read the second and third time	1022
Signed by the President and returned to the House	1023
<b>H.B. 487</b> — COUNTY USE OF LAND USE ORDINANCE ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	765
Placed on calendar	968
Read the second and third time	1028
Signed by the President and returned to the House	1029
<b>H.B. 488</b> — BUDGETING PROCEDURES AMENDMENTS ( <i>J. Dougall</i> )	
Read for the first time and referred to the Rules Committee	1000
Read the second and third time	1015
Returned to the House	1052
Reconsideration	1020
Circled	1020
Uncircled	1051
Amendments	1051
Signed by the President and returned to the House	1015, 1085
<b>H.B. 489</b> — HOUSING AUTHORITY APPLICATION PROCESS ( <i>G. Froerer</i> )	
Read for the first time and referred to the Rules Committee	574
Assigned to standing committee	608
Committee report adopted and placed on calendar	708
Read the second time	774
Circled	774
Uncircled	775
Read the third time	804
Signed by the President and returned to the House	805
<b>H.B. 490</b> — UTAH STATE FLAG DAY COMMEMORATION ( <i>Julie Fisher</i> )	
Read for the first time and referred to the Rules Committee	662
Assigned to standing committee	697
Returned to the Rules Committee	782
Placed on calendar	954
Read the second and third time	954
Signed by the President and returned to the House	954
<b>H.B. 491</b> — ALIMONY MODIFICATIONS ( <i>S. Sandstrom</i> )	
Read for the first time and referred to the Rules Committee	928
Enacting Clause Stricken	1092
<b>H.B. 492</b> — WASHINGTON COUNTY VETERANS' HOME ( <i>D. Ipson</i> )	
Read for the first time and referred to the Rules Committee	765
Placed on calendar	922
Read the second time	960
Circled	960

	Uncircled	969
	Read the third time	1003
	Signed by the President and returned to the House	1003
<b>H.B. 493</b>	— UTAH COUNTY VETERANS' HOMES ( <i>D. Ipson</i> )	
	Read for the first time and referred to the Rules Committee	766
	Placed on calendar	922
	Read the second time	960
	Read the third time	994
	Signed by the President and returned to the House	994
<b>H.B. 494</b>	— JUSTICE COURTS ( <i>C. Herrod</i> )	
	Read for the first time and referred to the Rules Committee	862
	Enacting Clause Stricken	1092
<b>H.B. 495</b>	— ANIMAL CONTROL MODIFICATIONS ( <i>J. Mathis</i> )	
	Read for the first time and referred to the Rules Committee	814
	Placed on calendar	962
	Read the second time	969
	Read the third time	1003
	Signed by the President and returned to the House	1004
<b>H.B. 496</b>	— TECHNOLOGY AND LIFE SCIENCE ECONOMIC DEVELOPMENT ACT AND RELATED TAX CREDITS ( <i>D. Clark</i> )	
	Read for the first time and referred to the Rules Committee	828
	Placed on calendar	968
	Read the second time	977
	Circled	977, 1032
	Uncircled	1029, 1038
	Substituted	1029
	Reconsideration	1032
	Read the second and third time	1030, 1039
	Amendments	1038
	Returned to the House	1030, 1039
	Signed by the President and returned to the House	1067
<b>H.B. 497</b>	— UTAH ILLEGAL IMMIGRATION ENFORCEMENT ACT ( <i>S. Sandstrom</i> )	
	Read for the first time and referred to the Rules Committee	814
	Placed on calendar	814
	Read the second time	814
	Circled	814
	Uncircled	821
	Read the second and third time	821
	Signed by the President and returned to the House	822

<b>H.C.R. 1</b> — CONCURRENT RESOLUTION URGING CONGRESS TO ADDRESS EMPLOYMENT RELATED CHILD IDENTITY THEFT ( <i>S. Duckworth</i> )	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	396
Read the second time and placed on Consent Calendar	693
Read the third time	784
Circled	784
Uncircled	793
Signed by the President and returned to the House	794
<b>H.C.R. 2</b> — UTAH STATE FLAG CONCURRENT RESOLUTION ( <i>Julie Fisher</i> )	
Read for the first time and referred to the Rules Committee	387
Placed on calendar	387
Read the second and third time	387
Signed by the President and returned to the House	387
<b>H.C.R. 3</b> — CONCURRENT RESOLUTION URGING CONGRESS TO PASS BALANCED BUDGET AMENDMENT TO U.S. CONSTITUTION ( <i>C. Wimmer</i> )	
Read for the first time and referred to the Rules Committee	415
Assigned to standing committee	437
Committee report adopted and placed on calendar	580
Read the second time	652
Circled	652
Uncircled	759
Read the third time	790
Signed by the President and returned to the House	791
<b>H.C.R. 4</b> — WILD HORSE AND BURRO ADVISORY BOARD CONCURRENT RESOLUTION ( <i>M. Brown</i> )	
Read for the first time and referred to the Rules Committee	272
Assigned to standing committee	299
Read the second time and placed on Consent Calendar	341
Read the third time	418
Signed by the President and returned to the House	418
<b>H.C.R. 5</b> — PATIENT AND SAFETY-CENTERED PRESCRIPTION LABELS CONCURRENT RESOLUTION ( <i>M. Poulson</i> )	
Read for the first time and referred to the Rules Committee	415
Assigned to standing committee	438
Read the second time and placed on Consent Calendar	625
Read the third time	742
Signed by the President and returned to the House	742
<b>H.C.R. 7</b> — CONCURRENT RESOLUTION SUPPORTING PUBLIC POLICIES THAT PROMOTE OUTDOOR ACTIVITIES FOR CHILDREN ( <i>J. Draxler</i> )	
Read for the first time and referred to the Rules Committee	525
Assigned to standing committee	563
Amendments	692
Read the second time and placed on Consent Calendar	692
Read the third time	783
Transmitted to the House	784
Signed by the President and returned to the House	861
<b>H.C.R. 8</b> — CONCURRENT RESOLUTION ON PROVIDING CONTINUING FEDERAL FINANCIAL ASSISTANCE FOR THE DELIVERY OF BASIC SERVICES TO DUTCH JOHN, UTAH ( <i>M. Brown</i> )	
Read for the first time and referred to the Rules Committee	512
Assigned to standing committee	526
Amendments	647
Read the second time and placed on Consent Calendar	647
Read the third time	745
Returned to the House	746
Signed by the President and returned to the House	813
<b>H.C.R. 9</b> — LUPUS AWARENESS MONTH CONCURRENT RESOLUTION ( <i>T. Cosgrove</i> )	
Read for the first time and referred to the Rules Committee	620
Assigned to standing committee	642
Read the second time and placed on Consent Calendar	724
Read the third time	845
Signed by the President and returned to the House	845
<b>H.C.R. 11</b> — CONCURRENT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF SALT LAKE ROTARY ( <i>P. Arent</i> )	
Read for the first time and referred to the Rules Committee	425
Placed on calendar	426
Read the second and third time	426
Signed by the President and returned to the House	426
<b>H.C.R. 12</b> — CONCURRENT RESOLUTION OPPOSING UNITED STATES SECRETARY OF INTERIOR'S WILDERNESS RE-INVENTORY ( <i>M. Noel</i> )	
Read for the first time and referred to the Rules Committee	781
Placed on calendar	962
Read the second and third time	1075
Signed by the President and returned to the House	1076
<b>H.C.R. 13</b> — SECURE RURAL SCHOOLS CONCURRENT RESOLUTION ( <i>M. Noel</i> )	
Read for the first time and referred to the Rules Committee	662
Assigned to standing committee	697

Returned to the Rules Committee .....	782
Read the second and third time .....	1086
Signed by the President and returned to the House .....	1087
<b>H.C.R. 14</b> — WILD LANDS CONCURRENT RESOLUTION ( <i>C. Watkins</i> )	
Read for the first time and referred to the Rules Committee .....	703
Enacting Clause Stricken .....	1092
<b>H.C.R. 15</b> — NAVAJO ELECTRIFICATION DEMONSTRATION PROJECT CONCURRENT RESOLUTION ( <i>C. Watkins</i> )	
Read for the first time and referred to the Rules Committee .....	689
Enacting Clause Stricken .....	1092
<b>H.C.R. 16</b> — RESOLUTION SUPPORTING UTAH HIGHWAY PATROL USE OF WHITE CROSSES AS ROADSIDE MEMORIAL ( <i>L. Perry</i> )	
Read for the first time and referred to the Rules Committee .....	525
Assigned to standing committee .....	564
Read the second time and placed on Consent Calendar .....	648
Read the third time .....	747
Signed by the President and returned to the House .....	748
<b>H.C.R. 17</b> — CONCURRENT RESOLUTION HONORING JERRY SLOAN AND PHIL JOHNSON ( <i>P. Ray</i> )	
Read for the first time and referred to the Rules Committee .....	855
Placed on calendar .....	855
Read the second and third time .....	855
Signed by the President and returned to the House .....	856
<b>H.C.R. 18</b> — CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY CLASSIFICATION CHANGE ( <i>B. Dee</i> )	
Read for the first time and referred to the Rules Committee .....	738
Placed on calendar .....	880
Read the second time .....	909
Read the third time .....	934
Signed by the President and returned to the House .....	934

**H.J.R. 4** — JOINT RULES RESOLUTION PROVIDING ETHICS REQUIREMENTS FOR LEGISLATORS ELECT (*P. Arent*)

- Read for the first time and referred to the Rules Committee ..... 515
- Assigned to standing committee ..... 526
- Returned to the Rules Committee ..... 741
- Enacting Clause Stricken ..... 1092

**H.J.R. 9** — NAVAJO CODE TALKERS' JOINT RESOLUTION (*C. Watkins*)

- Read for the first time and referred to the Rules Committee ..... 135
- Assigned to standing committee ..... 153
- Committee report adopted and placed on calendar ..... 186
- Placed on Time Certain Calendar ..... 190
- Read the second and third time ..... 290
- Signed by the President and returned to the House ..... 291

**H.J.R. 10** — RULES RESOLUTION ON ELECTRONIC MEETINGS (*R. Menlove*)

- Read for the first time and referred to the Rules Committee ..... 318
- Assigned to standing committee ..... 337
- Committee report adopted and placed on calendar ..... 377
- Read the second time ..... 442
- Read the third time ..... 471
- Signed by the President and returned to the House ..... 471

**H.J.R. 11** — JOINT RESOLUTION HONORING LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF FIRE (*L. Perry*)

- Read for the first time and referred to the Rules Committee ..... 641
- Assigned to standing committee ..... 663
- Returned to the Rules Committee ..... 742
- Enacting Clause Stricken ..... 1092

**H.J.R. 12** — JOINT RESOLUTION ON JOINT RULES CHANGES (*W. Harper*)

- Read for the first time and referred to the Rules Committee ..... 416
- Assigned to standing committee ..... 437
- Committee report adopted and placed on calendar ..... 497
- Read the second time ..... 531
- Circled ..... 531, 557
- Uncircled ..... 531, 581
- Read the third time ..... 557
- Signed by the President and returned to the House ..... 582

**H.J.R. 13** — JOINT RESOLUTION TO IMPLEMENT LEGISLATIVE COMPENSATION JOINT RULES CHANGES (*W. Harper*)

- Read for the first time and referred to the Rules Committee ..... 902
- Enacting Clause Stricken ..... 1092

**H.J.R. 17** — JOINT RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES (*B. Dee*)

- Read for the first time and referred to the Rules Committee ..... 213
- Placed on calendar ..... 246
- Read the second and third time ..... 254
- Signed by the President and returned to the House ..... 254

**H.J.R. 19** — JOINT RESOLUTION OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY'S REGULATION OF GREENHOUSE GASES (*R. Barrus*)

- Read for the first time and referred to the Rules Committee ..... 437
- Assigned to standing committee ..... 482
- Committee report adopted and placed on calendar ..... 564
- Read the second time ..... 652
- Circled ..... 652, 677
- Uncircled ..... 655, 678
- Read the third time ..... 677
- Amendments ..... 678
- Returned to the House ..... 679
- Signed by the President and returned to the House ..... 738

**H.J.R. 21** — SELECTIONS OF UNAPPROPRIATED FEDERAL LANDS JOINT RESOLUTION (*R. Barrus*)

- Read for the first time and referred to the Rules Committee ..... 457
- Assigned to standing committee ..... 482
- Committee report adopted and placed on calendar ..... 565
- Read the second time ..... 652
- Circled ..... 652, 750
- Uncircled ..... 730, 753
- Read the third time ..... 750
- Signed by the President and returned to the House ..... 753

**H.J.R. 24** — MASTER STUDY RESOLUTION (*B. Dee*)

- Read for the first time and referred to the Rules Committee ..... 1062
- Read the second and third time ..... 1084
- Signed by the President and returned to the House ..... 1084

**H.J.R. 26** — SCOFIELD LAND TRANSFER JOINT RESOLUTION (*P. Painter*)

- Read for the first time and referred to the Rules Committee ..... 721
- Enacting Clause Stricken ..... 1092

**H.J.R. 28** — VETERANS DAY JOINT RESOLUTION (*J. Anderson*)

- Read for the first time and referred to the Rules Committee ..... 457
- Assigned to standing committee ..... 483
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- S.B. 168 **Subdivision Amendments** M. Dayton  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 169 **Prohibiting Private Entities from Determining Public Sector Benefits** M. Madsen  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 170 **Wrongful Death Amendments** B. McAdams  
Senate/ strike enacting clause on 3/10/2011
- S.B. 171 **Service of Process Amendments** M. Madsen  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 172 **Political Subdivisions Administration Amendments** H. Stephenson  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 173 **Unemployment Insurance Amendments** S. Urquhart  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 174 **Motor Vehicle Insurance Coverage Amendments** S. Urquhart  
Governor Signed on 3/30/2011  
Effective Date: 5/10/2011
- S.B. 175 **Department of Environmental Quality Boards Amendments** M. Dayton  
Bill Numbered by Title Without any Substance on 2/5/2011



- S.B. 176 **Candidate Party Affiliation** B. McAdams  
Senate/ filed on 3/8/2011
- S.B. 177 **Security Agency Qualification Amendments** M. Dayton  
Governor Signed on 3/30/2011  
Effective Date: 5/10/2011
- S.B. 178 **Municipal Land Use Amendments** C. Bramble  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 179 **Math Education Initiative** H. Stephenson  
Senate/ filed on 3/9/2011
- S.B. 180 **Medicaid Reform** D. Liljenquist  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 181 **Lobbyist Disclosure and Regulation Act Revisions** C. Bramble  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 182 **Construction Trades Licensing Amendments** P. Knudson  
Senate/ strike enacting clause on 3/10/2011
- S.B. 183 **Custody Amendments** L. Robles  
Senate/ strike enacting clause on 3/10/2011
- S.B. 184 **Disposal of Electronic Waste** S. Urquhart  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 185 **Disclosure of Medical Records in  
Criminal Offenses** J. Valentine  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 186 **Utah Medical Practice Act Amendments** J. Adams  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 187 **County Services Amendments** C. Bramble  
Senate/ strike enacting clause on 3/10/2011

- S.B. 188 **Tax Commission Amendments** J. Valentine  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 189 **Tax Code Modifications** B. McAdams  
Senate/ strike enacting clause on 3/10/2011
- S.B. 190 **Energy Cost Recovery and Renewable Energy Provisions** D. Hinkins  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 191 **Workers' Compensation Coverage Waivers** K. Mayne  
Governor Signed on 3/25/2011  
Effective Date: 7/1/2011
- S.B. 192 **Interagency Coordinating Advisory Committee on Health Disparities and Economic Self-Sufficiency** L. Robles  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 193 **State Food Stamps Program for Farmers' Market** L. Robles  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 194 **Public Employees Health Program Amendments** D. Liljenquist  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 195 **State Employees Grievance Procedures Amendment** D. Liljenquist  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 196 **Utah Retirement Systems Modifications** D. Liljenquist  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 197 **Local Housing Authority Amendments** B. McAdams  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 198 **Division of Housing and Community Development Amendments** S. Jenkins  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 199 **Utah Commission on Uniform State Laws** L. Hillyard  
Governor Signed on 3/28/2011  
Effective Date: 5/10/2011

- S.B. 200 **State Debt Collections Amendments** L. Hillyard  
Governor Signed on 3/18/2011  
Effective Date: 5/10/2011
- S.B. 201 **Protection Against Unfair Competition  
Through Misappropriated Technology Act** C. Bramble  
Senate/ strike enacting clause on 3/10/2011
- S.B. 202 **Pharmaceutical Competitive Pricing** C. Bramble  
Senate/ filed on 3/7/2011
- S.B. 203 **Executive Residence Commission** J. Adams  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 204 **Capital Development and Improvement  
Process Approval Requirements Amendments** J. Adams  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 205 **County Emergency Funding** D. Hinkins  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 206 **Labor Organization Provisions in Teacher  
Contracts** H. Stephenson  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 207 **Utah Health Cooperative and Health  
System Commission** B. McAdams  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 208 **Construction Contract Amendments** C. Bramble  
Senate/ strike enacting clause on 3/10/2011
- S.B. 209 **Telecommunications Amendments** C. Bramble  
Governor Signed on 3/25/2011 Effective Date: 5/10/2011
- S.B. 210 **Utah Postsecondary Proprietary School  
Act Amendments** C. Bramble  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011

- S.B. 211 **Utility Revisions** K. Van Tassell  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 212 **Judicial Evaluation Amendments** D. Buttars  
Governor Signed on 3/18/2011  
Effective Date: 5/10/2011
- S.B. 213 **Legislative Auditor Responsibilities** H. Stephenson  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 214 **Motor Vehicle Rental Company Fee Disclosures** J. Adams  
Governor Signed on 3/28/2011  
Effective Date: 5/10/2011
- S.B. 215 **Bail Process Amendments** D. Stowell  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 216 **Oversight of Public Funds** M. Madsen  
Senate/ strike enacting clause on 3/10/2011
- S.B. 217 **Education Policy Amendments** C. Bramble  
Governor Signed on 3/25/2011  
Effective Date: 5/10/2011
- S.B. 218 **Trust Deed Amendments** C. Bramble  
Senate/ strike enacting clause on 3/10/2011
- S.B. 219 **Budgetary Procedure Revisions** L. Hillyard  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 220 **Intermountain Weatherization Training Fund** S. Jenkins  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 221 **State of Utah Resource Management Plan  
for Federal Lands** R. Okerlund  
Governor Signed on 3/16/2011  
Effective Date: 3/16/2011
- S.B. 222 **Public Transit Amendments** C. Bramble  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011

- S.B. 223 **Guardianship Revisions** B. McAdams  
Senate/ strike enacting clause on 3/10/2011
- S.B. 224 **Partisan School Board Elections** H. Stephenson  
Senate/ filed on 3/10/2011
- S.B. 225 **Personal Injury Protection Arbitration** S. Urquhart  
Senate/ strike enacting clause on 3/10/2011
- S.B. 226 **Income Tax Credits for Cleaner Burning Fuels** S. Urquhart  
Governor Signed on 3/28/2011  
Effective Date: 5/10/2011
- S.B. 227 **Student Based Funding for Public Education** D. Liljenquist  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 228 **Criminal Forfeiture Amendments** D. Liljenquist  
Senate/ strike enacting clause on 3/10/2011
- S.B. 229 **Transportation Funding Revisions** J. Adams  
Governor Vetoed on 3/30/2011
- S.B. 230 **Dna Amendments** J. Adams  
Governor Signed on 3/18/2011  
Effective Date: 5/10/2011
- S.B. 231 **Film Enterprise Zone** M. Madsen  
Senate/ strike enacting clause on 3/10/2011
- S.B. 232 **Public Transit District Board of Trustees Amendments** K. Mayne  
Senate/ filed on 3/8/2011
- S.B. 233 **Tax Modifications** C. Bramble  
Senate/ strike enacting clause on 3/10/2011
- S.B. 234 **Economic Development Zone Tax Incentives Act** C. Bramble  
Senate/ strike enacting clause on 3/10/2011
- S.B. 235 **Charter School Students' Participation in Extracurricular Activities** K. Mayne  
Governor Signed on 3/30/2011  
Effective Date: 3/30/2011

- S.B. 236 **Referendum Amendments** K. Van Tassell  
Governor Signed on 3/25/2011  
Effective Date: 3/25/2011
- S.B. 237 **Pollution Control Facility Amendments** L. Hillyard  
Governor Signed on 3/21/2011  
Effective Date: 5/10/2011
- S.B. 238 **Verification of Employment Status** D. Hinkins  
Senate/ filed on 3/10/2011
- S.B. 239 **Motor and Special Fuel Tax Amendments** K. Van Tassell  
Senate/ filed on 3/7/2011
- S.B. 240 **Traffic Code Modifications** K. Van Tassell  
Senate/ strike enacting clause on 3/10/2011
- S.B. 241 **Tuition Waiver Amendments** D. Hinkins  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 242 **Assessment Area Amendments** W. Niederhauser  
Governor Signed on 3/29/2011  
Effective Date: 5/10/2011
- S.B. 243 **Historic Areas or Sites Amendments** W. Niederhauser  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 244 **Salt Lake County Highway Project Funding** W. Niederhauser  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 245 **Higher Education Tuition Revisions** J. Valentine  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 246 **Sales and Use Tax Changes** J. Valentine  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 247 **Immigration Enforcement** J. Valentine  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 248 **Controlled Substance Database Amendments** C. Bramble  
Governor Signed on 3/22/2011  
Effective Date: 1/1/2012

- S.B. 249 **Recreational Vehicles Purchases** K. Mayne  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 250 **Electronic Transmissions and Directors Actions** B. McAdams  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 251 **Lobbyist Training** M. Waddoups  
Governor Signed on 3/29/2011  
Effective Date: 5/10/2011
- S.B. 252 **National Popular Vote** S. Urquhart  
Senate/ strike enacting clause on 3/10/2011
- S.B. 253 **State Hospital Amendments** J. Adams  
Senate/ strike enacting clause on 3/10/2011
- S.B. 254 **Open and Public Meetings – Political Caucuses** R. Romero  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 255 **Federal Agencies – Registration With  
County Sheriff** D. Hinkins  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 256 **Teacher Effectiveness Evaluation Process** J. Adams  
Governor Signed on 3/30/2011  
Effective Date: 7/1/2011
- S.B. 257 **Legislative Counsel Relating to  
United States Senators** H. Stephenson  
Governor Signed on 3/29/2011  
Effective Date: 5/10/2011
- S.B. 258 **Consolidation of County Services** P. Knudson  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 259 **Amendments to Certain Local Government  
Taxes and Fees** D. Stowell  
Governor Signed on 3/29/2011  
Effective Date: 7/1/2011
- S.B. 260 **Veterans’ Nursing Home Reimbursement  
Restricted Account Amendments** P. Knudson  
Senate/ strike enacting clause on 3/10/2011

- S.B. 261 **Changes to Trust Deed Foreclosure Provisions** C. Bramble  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 262 **Tobacco Products Amendments** C. Bramble  
Governor Signed on 3/22/2011  
Effective Date: 7/1/2011
- S.B. 263 **State Board of Education Powers Amendments** D. Buttars  
Senate/ strike enacting clause on 3/10/2011
- S.B. 264 **Classification of Counties** K. Van Tassell  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 265 **State Charter School Board Modifications** M. Madsen  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 266 **Amendments to Election Law** M. Madsen  
Senate/ strike enacting clause on 3/10/2011
- S.B. 267 **Permanent Community Impact  
Fund Amendments** K. Van Tassell  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 268 **Internal Service Fund – Medicaid** D. Liljenquist  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 269 **Municipal Animal Shelter Amendments** G. Davis  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 270 **Modifications to Sales and Use Tax** J. Adams  
Senate/ filed on 3/10/2011
- S.B. 271 **Eminent Domain Revisions** J. Adams  
Governor Signed on 3/18/2011  
Effective Date: 5/10/2011
- S.B. 272 **Secured Creditor Amendments** D. Liljenquist  
Governor Signed on 3/30/2011  
Effective Date: 5/10/2011
- S.B. 273 **Emergency Responder Fees** J. Adams  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011



- S.B. 274 **Court Budget Amendments** J. Valentine  
Governor Signed on 3/21/2011  
Effective Date: 5/10/2011
- S.B. 275 **Effective Date of Change in Form of Government** L. Hillyard  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 276 **Personal Property Audits** R. Okerlund  
Senate/ filed on 3/10/2011
- S.B. 277 **Child Custody Task Force** L. Robles  
Senate/ filed on 3/8/2011
- S.B. 278 **Charter School Property Tax Amendments** C. Bramble  
Governor Signed on 3/30/2011  
Effective Date: 3/30/2011
- S.B. 279 **Grand Jury Modifications** M. Dayton  
Governor Signed on 3/30/2011  
Effective Date: 5/10/2011
- S.B. 280 **Government Operations Amendments** R. Okerlund  
Governor Signed on 3/25/2011  
Effective Date: 5/10/2011
- S.B. 281 **Election Registration Amendments** P. Knudson  
Governor Signed on 3/25/2011  
Effective Date: 5/10/2011
- S.B. 282 **Small Mining Operations** D. Hinkins  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 283 **Adult Protective Services Amendments** A. Christensen  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 284 **County Tax Amendments** J. Stevenson  
Senate/ strike enacting clause on 3/10/2011
- S.B. 285 **Industrial Assistance Fund Amendments** C. Bramble  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011

- S.B. 286 **Grandparents' Visitation Rights** D. Hinkins  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 287 **Specialty License Plate Amendments** C. Bramble  
Governor Signed on 3/30/2011  
Effective Date: 1/1/2012
- S.B. 288 **Utah Immigration Enforcement Amendments** C. Bramble  
Senate/ strike enacting clause on 3/10/2011
- S.B. 289 **Economic Development Incentives Amendments** C. Bramble  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 290 **Abatement of Weeds, Garbage, Refuse, and Unsightly Objects** P. Knudson  
Governor Signed on 3/21/2011  
Effective Date: 5/10/2011
- S.B. 291 **Life Science Development Provisions** J. Adams  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 292 **Private Institutions of Higher Education** J. Valentine  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 293 **Military Installation Development Authority and Annexation Amendments** J. Stevenson  
Governor Signed on 3/22/2011  
Effective Date: 3/22/2011
- S.B. 294 **Patient Access Reform** J. Adams  
Governor Vetoed on 3/30/2011
- S.B. 295 **Income Tax Changes** J. Valentine  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 296 **Amendments to Tax Provisions** C. Bramble  
Senate/ filed on 3/7/2011
- S.B. 297 **Use and Disposal of Deep Water** K. Van Tassell  
Bill Numbered by Title Without any Substance on 2/5/2011

- S.B. 298 **Local Government Development Agreements on Foreclosed Property** J. Adams  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 299 **Land Use Approval Process Amendments** W. Niederhauser  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 300 **Government Bonding Amendments** B. McAdams  
Governor Signed on 3/21/2011  
Effective Date: 3/21/2011
- S.B. 301 **Public Transit Revisions** J. Stevenson  
Governor Signed on 3/21/2011  
Effective Date: 5/10/2011
- S.B. 302 **General Government Changes** L. Robles  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 303 **Mineral Development Amendments** R. Okerlund  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 304 **Preventing Bullying and Hazing in Elementary and Secondary Schools** R. Okerlund  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 305 **Economic Development Through Education / Career Alignment** H. Stephenson  
Governor Vetoed on 3/30/2011
- S.B. 306 **Municipal Annexation and Incorporation Amendments** J. Adams  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 307 **Amendments to Outdoor Advertising** S. Urquhart  
Senate/ strike enacting clause on 3/10/2011
- S.B. 308 **Amendments to Public Employee's Benefit and Insurance Program** D. Liljenquist  
Governor Signed on 3/30/2011  
Effective Date: 5/10/2011

- S.B. 309 **Government Records Access Management Act Amendments** J. Stevenson  
Senate/ strike enacting clause on 3/10/2011
- S.B. 310 **Motor Vehicle Insurance Amendment** M. Madsen  
Senate/ strike enacting clause on 3/10/2011
- S.B. 311 **Anesthesiologist Assistant** D. Liljenquist  
Senate/ strike enacting clause on 3/10/2011
- S.B. 312 **Economic Development Coordination** S. Jenkins  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 313 **Prostate Cancer Special Group License Plate** B. McAdams  
Governor Signed on 3/30/2011  
Effective Date: 10/1/2011
- S.B. 314 **Alcoholic Beverage Amendments** J. Valentine  
Governor Signed on 3/25/2011  
Effective Date: 7/1/2011
- S.B. 315 **Amendments to Government** G. Davis  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 316 **Disclosure of State and Institutional Trust Lands Information** W. Niederhauser  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.B. 317 **State Parks Access Highway** K. Van Tassell  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 318 **Justice Court Modifications** D. Buttars  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.B. 319 **Technology Commercialization and Innovation Act** C. Bramble  
Governor Signed on 3/29/2011  
Effective Date: 5/10/2011

- S.B. 320 **Deposit of Severance Tax Revenues into Permanent State Trust Fund** L. Hillyard  
Governor Signed on 3/22/2011  
Effective Date: 5/10/2011
- S.C.R. 1 **Crisis Intervention Team Program Concurrent Resolution** P. Jones  
Governor Signed on 3/7/2011  
Effective Date: 3/7/2011
- S.C.R. 2 **Financial Responsibility Concurrent Resolution** P. Jones  
Governor Signed on 3/7/2011  
Effective Date: 3/7/2011
- S.C.R. 3 **Concurrent Resolution Supporting Continued Federal Funding of the Central Utah Project** R. Okerlund  
Governor Declined to Sign on 3/7/2011
- S.C.R. 4 **Communications Spectrum Translator System Concurrent Resolution** R. Okerlund  
Governor Signed on 3/7/2011  
Effective Date: 3/7/2011
- S.C.R. 5 **Bear Lake Concurrent Resolution** P. Knudson  
Senate/ filed on 3/10/2011
- S.C.R. 6 **Concurrent Resolution Honoring the Sorenson Legacy Foundation** C. Bramble  
Governor Signed on 3/22/2011  
Effective Date: 3/22/2011
- S.C.R. 7 **Concurrent Resolution Opposing the Federal Restoring Our American Mustangs Act** D. Hinkins  
Senate/ strike enacting clause on 3/10/2011
- S.C.R. 8 **Concurrent Resolution Approving a Commercial Nonhazardous Solid Waste Landfill** W. Niederhauser  
Governor Signed on 3/22/2011  
Effective Date: 3/22/2011
- S.C.R. 9 **Philo T. Farnsworth Concurrent Resolution** D. Stowell  
Governor Signed on 3/10/2011  
Effective Date: 3/10/2011

- S.C.R. 10 **Transportation Concurrent Resolution** B. McAdams  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.C.R. 11 **Dixie State College Concurrent Resolution** S. Urquhart  
Governor Signed on 3/16/2011  
Effective Date: 3/16/2011
- S.C.R. 12 **Wear Red Month Concurrent Resolution** K. Mayne  
Governor Signed on 3/10/2011  
Effective Date: 3/10/2011
- S.C.R. 13 **Rotary Club Concurrent Resolution** G. Davis  
Governor Signed on 3/10/2011  
Effective Date: 3/10/2011
- S.C.R. 14 **Concurrent Resolution Honoring Providers  
of Health Care Services to Military Personnel and  
Their Dependents** J. Adams  
Governor Signed on 3/10/2011  
Effective Date: 3/10/2011
- S.C.R. 15 **Delisting of Wolves Concurrent Resolution** A. Christensen  
Governor Signed on 3/16/2011  
Effective Date: 3/16/2011
- S.C.R. 16 **Bonds of Friendship with Iran Concurrent  
Resolution** P. Knudson  
Governor Signed on 3/18/2011  
Effective Date: 3/18/2011
- S.J.R. 1 **Joint Resolution on State Board of Education  
Authority** D. Buttars  
Senate/ strike enacting clause on 3/10/2011
- S.J.R. 2 **Joint Resolution on Equal Treatment by  
Government** M. Dayton  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.J.R. 3 **Adult Immunization Awareness Month  
Joint Resolution** K. Mayne  
Senate/ to Lieutenant Governor on 2/25/2011  
Effective Date: 2/22/2011

- S.J.R. 4 **Joint Resolution Approving Scenic Byway Corridor Management Plan** D. Stowell  
Senate/ to Lieutenant Governor on 2/23/2011  
Effective Date: 2/16/2011
- S.J.R. 5 **Joint Rules Resolution on Fiscal Note Process** W. Niederhauser  
Senate/ to Lieutenant Governor on 2/23/2011  
Effective Date: 2/11/2011
- S.J.R. 6 **Joint Resolution Urging Congress to Limit the Freeze on Longer Combination Vehicle Use in the Western States** S. Jenkins  
Senate/ to Lieutenant Governor on 2/15/2011  
Effective Date: 2/10/2011
- S.J.R. 7 **Fibromyalgia Awareness Day Joint Resolution** P. Knudson  
Senate/ to Lieutenant Governor on 2/15/2011  
Effective Date: 2/9/2011
- S.J.R. 8 **Ronald Reagan Day Joint Resolution** D. Liljenquist  
Senate/ to Lieutenant Governor on 2/10/2011  
Effective Date: 2/7/2011
- S.J.R. 9 **Joint Resolution – Governance of Public and Higher Education** S. Reid  
Senate/ filed on 3/10/2011
- S.J.R. 10 **Joint Resolution Closing Orem Court Facility** J. Valentine  
Senate/ to Lieutenant Governor on 2/25/2011  
Effective Date: 2/18/2011
- S.J.R. 11 **Joint Resolution Expressing Opposition to Federal Restoring Our American Mustangs Act** D. Hinkins  
Senate/ strike enacting clause on 3/10/2011
- S.J.R. 12 **Joint Resolution – Immigration** S. Reid  
Senate/ to Lieutenant Governor on 3/3/2011  
Effective Date: 2/25/2011
- S.J.R. 13 **Joint Resolution – Request for Proposals** H. Stephenson  
Senate/ to Governor on 3/3/2011  
Effective Date: 2/28/2011

- S.J.R. 14 **Communications Device Usage Joint Resolution** C. Bramble  
Senate/ to Lieutenant Governor on 3/3/2011  
Effective Date: 2/28/2011
- S.J.R. 15 **Alternative Careers and Skills for Women  
Joint Resolution** K. Mayne  
Senate/ strike enacting clause on 3/10/2011
- S.J.R. 16 **Utah Heritage Arts and Culture Joint Resolution** P. Jones  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.J.R. 17 **Joint Resolution Regarding Rules Promulgated by  
New Bureau of Consumer Financial Protection** C. Bramble  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.J.R. 18 **Immigration Joint Resolution** R. Romero  
Senate/ strike enacting clause on 3/10/2011
- S.J.R. 19 **Joint Resolution Approving the Houghton Case  
Final Settlement Agreement** L. Hillyard  
Senate/ to Governor on 3/14/2011  
Effective Date: 3/9/2011
- S.J.R. 20 **Joint Resolution Supporting Sanpete County  
Increasing the Number of Contract Beds  
at its Correctional Facilities** R. Okerlund  
Senate/ to Governor on 3/16/2011  
Effective Date: 3/10/2011
- S.J.R. 21 **Relations with the Republic of Turkey Joint  
Resolution** P. Knudson  
Senate/ to Governor on 3/8/2011  
Effective Date: 3/4/2011
- S.J.R. 22 **Joint Resolution Opposing United States  
Secretary of Interior's Wilderness Re-Inventory** D. Hinkins  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.J.R. 23 **Joint Resolution on Security Services at the  
Salt Lake International Airport** M. Madsen  
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- S.J.R. 24 **Joint Resolution Supporting Expansion of Correctional Facilities in San Juan County** D. Hinkins  
Senate/ to Governor on 3/17/2011  
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- S.J.R. 25 **Federal Law Joint Resolution** J. Valentine  
Senate/ to Governor on 3/14/2011  
Effective Date: 3/4/2011
- S.J.R. 26 **Joint Resolution Recognizing the Contributions of the Sundance Institute and the Sundance Film Festival** J. Stevenson  
Senate/ filed on 3/10/2011
- S.J.R. 27 **Bullying and Cyber Bullying Standards for School Districts Joint Resolution** R. Okerlund  
Senate/ strike enacting clause on 3/10/2011
- S.J.R. 28 **Balanced Budget Amendment to the United States Constitution Joint Resolution** W. Niederhauser  
Bill Numbered by Title Without any Substance on 2/5/2011
- S.R. 1 **Senate Rules Resolution – Senate Rules Recodification** M. Dayton  
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STATE OF UTAH

# **SENATE JOURNAL**

**FIRST SPECIAL SESSION  
OF THE  
FIFTY-NINTH LEGISLATURE**

Convened and Adjourned on Friday, March 18, 2011

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Special Session of the Fifty–Ninth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the First Special Session convening on Friday, March 18, 2011, and adjourning sine die the same day.

**Annette B. Moore**  
Secretary of the Senate

**Leslie McLean**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

**SENATE JOURNAL**

**FIRST SPECIAL SESSION**  
**of the**  
**FIFTY–NINTH LEGISLATURE**

**March 25, 2011**

*Pursuant to the proclamation of His Excellency, Governor Gary R. Herbert, the Senate of the Fifty–Ninth Legislature of the State of Utah met in the Senate Chamber of the State Capitol in a Special Session at 12:00 p.m. on Friday, March 25, 2011.*

The Senate was called to order at 1:25 p.m., with President Michael Waddoups presiding.

**Prayer** – Senator Howard Stephenson

**Pledge of Allegiance** – Senator Jerry Stevenson

**Roll Call** – All Senators present except Senators Adams, Christensen, Okerlund, and Stowell excused.

Annette Moore read the following Proclamation and Certification:

**PROCLAMATION**

WHEREAS, since the adjournment of the 2011 General Session of the Fifty–Ninth Legislature of the State of Utah, a matter has arisen that requires immediate legislative attention; and,

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do by this Proclamation call the Fifty–Ninth Legislature of the State of Utah into a First Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 25th day of March 2011, at 12:00 p.m., for a single purpose:

(1) to repeal H.B. 477 – Government Records  
Amendment – which passed during the 2011 Regular  
Session of the Fifty–Ninth Legislature.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the Utah State Capitol in Salt  
Lake City, Utah, this 21st day of  
March, 2011.

Gary R. Herbert  
Governor

Greg Bell  
Lieutenant Governor

#### **CERTIFICATION**

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH,  
DO HEREBY CERTIFY THAT the attached copy of a proclamation issued on the  
date of March 21st, 2011, and signed by Governor Gary R. Herbert, is a true and  
correct copy of the original Proclamations calling the Fifty–Ninth Legislature of  
the State of Utah into a First Special Session at the State Capitol Complex at Salt  
Lake City, Utah, on the 25th day of March, 2011, at 12:00 noon., for the purpose  
named in the Proclamations.

I FURTHER TESTIFY THAT the membership of the Utah State Senate has  
not changed from that Certification of the 2011 General Session, with the  
following exception:

**TENTH DISTRICT: County of Salt Lake  
Vacant**

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah at Salt  
Lake City, this 21st day of  
March, 2011.  
Greg Bell  
Lieutenant Governor

\* \* \*

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2011 General Session of the Fifty–Ninth Legislature as the rules for the First Special Session.

President Waddoups appointed a committee comprised of Senators John Valentine, Daniel Thatcher, and Gene Davis to notify Governor Gary R. Herbert’s representative that the Senate is convened in the First Special Session in accordance with his proclamation and is organized and ready to receive any communication from him.

President Waddoups appointed a committee comprised of Senators Stuart Reid, Mark Madsen, and Karen Mayne to notify the House of Representatives that the Senate is organized and ready to do business.

Representatives Julie Fisher, Derek Brown, and Tim Cosgrove reported that the House of Representatives is organized and ready to do business.

Senator Reid reported that the House has been notified.

Senator Valentine reported that the Governor has been notified.

On motion of Senator Dayton, and as provided by the Utah State Constitution and the Joint Rules of the Legislature, the Senate voted to suspend the reading of the titles of bills and resolutions on the Senate calendar as they are read for the first time and introduced and considered on Second Reading, Third Reading, and Consent Calendars. This suspension applies to all bills and resolutions introduced during this special legislative session, except that any senator may request the reading of the long title, short title, or both of any House or Senate bill or resolution.

On motion of Senator Jenkins, and at 1:50 p.m., the Senate sauntered.

The Senate was called to order at 2:05 p.m., with President Waddoups presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 25, 2011

The House passed **H.B. 1001**, REPEAL OF H.B. 477, 2011 ANNUAL GENERAL SESSION, by Representative J. Dougall, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communication filed. The bill was read the first time by short title and referred to the Rules Committee.

On motions of Senator Jenkins, the Senate voted to lift **H.B. 1001**, REPEAL OF H.B. 477, 2011 ANNUAL GENERAL SESSION, from Rules and place it on the top of the Second Reading Calendar.

### SECOND READING CALENDAR

**H.B. 1001**, REPEAL OF H.B. 477, 2011 ANNUAL GENERAL SESSION, was read the second time. Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 1, Lines 9 through 14

9 General Description:

10 This bill repeals H.B. 477, Laws of Utah 2011, Chapter 16 and  
expresses legislative intent .

11 Highlighted Provisions:

12 This bill:

13 ► repeals H.B. 477, Laws of Utah 2011, Chapter 16 : and  
 ► expresses legislative intent .

14 Money Appropriated in this Bill:

2. Page 2, Line 28:

28 the date of veto override.

Section 3. Legislative Intent

The Legislature intends and requests that the governor convene the Legislature into a special session no later than June 24, 2011, to consider changes to government records provisions.



Senator Romero asked for a point of order regarding amending the bill. Senator Dayton ruled that an amendment was in order. Senator Romero made a motion to overturn the ruling of the Chair. The motion failed on the following roll call vote:

**Yeas, 17; Nays, 7; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Dayton	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Niederhauser	Reid	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Davis	Jones	Mayne	McAdams
Morgan	Robles	Romero	

**Absent or not voting were:** Senators

Adams	Christensen	Okerlund	Stowell
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Senator Jenkins' motion to amend passed on the following roll call vote:

**Yeas, 16; Nays, 8; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Dayton	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Niederhauser	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Voting in the negative were:** Senators

Davis	Jones	Mayne	McAdams
Morgan	Reid	Robles	Romero

**Absent or not voting were:** Senators

Adams	Christensen	Okerlund	Stowell
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~ ~ ~

Senator Bramble proposed the following amendment:

1. Page 1, Lines 8 through 14

## 9 General Description:

10 This bill repeals H.B. 477, Laws of Utah 2011, Chapter 16 and  
expresses legislative intent .

## 11 Highlighted Provisions:

12 This bill:

13 ► repeals H.B. 477, Laws of Utah 2011, Chapter 16 ; and  
 ► expresses legislative intent .

## 14 Money Appropriated in this Bill:

## 2. Page 2, Line 28:

28 the date of veto override.

Section 3. Legislative Intent

The Legislature intends and requests that:

(1) the Legislature refer government records issues to one or more  
interim committees for review; and

(2) those interim committees hold at least two meetings, both of which  
include opportunities for public comment.

Senator Romero asked for a point of order regarding amending the bill. President Waddoups ruled that the motion to amend was in order. Senator Romero made a motion to overturn the ruling of the President. The motion failed on the following roll call vote:

**Yeas, 17; Nays, 7; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Dayton	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Niederhauser	Reid	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Davis	Jones	Mayne	McAdams
Morgan	Robles	Romero	

**Absent or not voting were:** Senators

Adams	Christensen	Okerlund	Stowell
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Senator Bramble's motion to amend passed on a voice vote.

Senators Valentine, Jones, McAdams, Urquhart, Bramble, Robles, and Knudson commented.

On motion of Senator Jenkins, under suspension of the rules, **H.B. 1001**, REPEAL OF H.B. 477, 2011 ANNUAL GENERAL SESSION, was considered read the second and third times and passed on the following roll call:

**Yeas, 19; Nays, 5; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Davis	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Robles	Romero	H. Stephenson	J. Stevenson
Urquhart	Valentine	Van Tassell	

**Voting in the negative were:** Senators

Dayton	Madsen	Reid	Thatcher
Waddoups			

**Absent or not voting were:** Senators

Adams	Christensen	Okerlund	Stowell
-------	-------------	----------	---------

**H.B. 1001**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Jenkins, and at 3:25 p.m., the Senate sauntered.

The Senate was called to order at 4:05 p.m., with President Waddoups presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 25, 2011

the House refused to concur with the Senate amendments to **H.B. 1001**, REPEAL OF H.B. 477, 2011 GENERAL SESSION, by Representative J. Dougall, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Jenkins, the Senate voted to recede from its amendments to **H.B. 1001**. The bill passed on the following roll call vote:

**Yeas, 19; Nays, 5; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble	Davis	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Robles	Romero	H. Stephenson	J. Stevenson
Urquhart	Valentine	Van Tassell	

**Voting in the negative were:** Senators

Dayton	Madsen	Reid	Thatcher
Waddoups			

**Absent or not voting were:** Senators

Adams	Christensen	Okerlund	Stowell
-------	-------------	----------	---------

**H.B. 1001** was signed by the President in open session and returned to the House for the signature of the Speaker.

**INTENT LANGUAGE**

On motion of Senator Jenkins, the Senate voted to include the following intent language in the Senate Journal:

The Senate intends that the governor reconvene the Legislature into a special session sometime after the conclusion of the work of the Legislative working groups.

\* \* \*

On motion of Senator Bramble, the Senate voted to include the following intent language in the Senate Journal:

The Senate intends that the Legislative Management Committee refer government records issues to one or more interim committees for review during the 2011 interim; and those interim committees hold at least two meetings, both of which include opportunities for public comment.

\* \* \*

President Waddoups appointed Senators John Valentine, Daniel Thatcher, and Gene Davis to join with a like committee from the House to wait upon the Governor's representative and ask if he has any further business to bring before the Senate.

President Waddoups appointed Senators Stuart Reid, Mark Madsen, and Karen Mayne to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Valentine reported that his committee, with a like committee from the House notified the Governor's representative that the Legislature has concluded its business and is ready to adjourn sine die.

Senator Reid reported the House has been notified that the Senate has concluded its business and is ready to adjourn sine die.

Representatives Brad Wilcox, Joel Briscoe, and Ronda Menlove reported that the House of Representatives has its business and is ready to adjourn sine die.

On motion of Senator Niederhauser and at 4:25 p.m., the Senate adjourned sine die.



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SENATE AND HOUSE BILLS AND RESOLUTIONS

FIFTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

Convened and Adjourned on Friday, March 18, 2011

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STATE OF UTAH

# **SENATE JOURNAL**

**VETO OVERRIDE SESSION  
OF THE  
FIFTY-NINTH LEGISLATURE**

Convened on Friday, May 6, 2011  
Adjourned on Saturday, May 7, 2011

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Veto Override Session of the Fifty–Ninth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the First Veto Override Session convening on Friday, May 6, 2011, and adjourning on Saturday, May 7, 2011.

**Annette B. Moore**  
Secretary of the Senate

**Leslie McLean**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

## SENATE JOURNAL

### FIRST VETO OVERRIDE SESSION OF THE FIFTY–NINTH LEGISLATURE

*In accordance with a joint proclamation of the members of the Fifty–Ninth Legislature of the State of Utah, the Senate met in the Senate Chamber at the State Capitol in the First Veto Override Session at 8:00 a.m. on Friday, May 6, 2011.*

**Prayer** –Senator Dan Liljenquist

**Pledge of Allegiance** – Senator Ben McAdams

The Senate was called to order at 8:20 a.m., with President Michael Waddoups presiding.

**Roll Call** – All Senators present, except Senators Hillyard, Bramble, and Morgan, excused.

Annette B. Moore, Secretary of the Senate, read the following Proclamation and Certification:

#### CERTIFICATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Call for Legislative Veto Override Session issued on the 26th day of April, 2011 and signed by Michael G. Waddoups, President of the Senate and Rebecca D. Lockhart, Speaker of the Utah House of Representatives, is a true and correct copy of the original Call for Legislative Veto Override Session calling the Fifty–Ninth Legislature of the State of Utah into a Legislative Veto Override Session at the State Capitol at Salt Lake City, Utah, on the 6th day of May, 2011, at 8:00 a.m., for the purposes named in the Proclamation.

I further certify that the membership of the Utah State Senate has not changed from that of the 2011 1st Special Session with the following exception(s):

**TENTH DISTRICT: County of Salt Lake**

Aaron Osmond

**TWENTY-EIGHTH DISTRICT: Counties of Beaver, Garfield, Iron, Kane, Millard, Washington**

Vacant

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
affixed the Great Seal of the  
State of Utah at Salt Lake City  
this 27th day of April, 2011.

**Greg Bell**  
Lieutenant Governor

**STATE OF UTAH**

**LEGISLATIVE DEPARTMENT**

**CALL OF LEGISLATIVE VETO OVERRIDE SESSION**

Pursuant to Article VII, Section 8 of the Utah Constitution and Utah State Legislative Joint Rule JR2-2-201 (4), the Legislature's presiding officers, the Honorable Michael G. Waddoups, President of the Utah State Senate, and the Honorable Rebecca D. Lockhart, Speaker of the Utah House of Representatives, have polled the members of the Senate and the House of Representatives, and do hereby call the Utah State Legislature into a Legislative Veto Override Session to convene at 8:00 a.m. on Friday, May 6, 2011.

Two-thirds of each house voted in favor of convening a Veto Override Session to consider overriding the disapproval by Governor Gary R. Herbert of the following bills passed by the Legislature which adjourned on March 10, 2011, but which were disapproved by the Governor after adjournment, viz:

**S.B. 229**                      **TRANSPORTATION FUNDING REVISIONS**  
(Sen. J. S. Adams)

**S.B. 294** PATIENT ACCESS REFORM (Sen. J. S. Adams)  
**S.B. 305** ECONOMIC DEVELOPMENT THROUGH  
EDUCATION/CAREER ALIGNMENT  
(Sen. H. Stephenson)  
**H.B. 328** STATE GOVERNMENT WORK WEEK (Rep. M. Noel)

Michael G. Waddoups, President  
Utah State Senate  
Rebecca D. Lockhart, Speaker  
House of Representatives

\* \* \*

On motion of Senator Jenkins, the Senate voted that the President of the Senate and the Officers of the Senate for the First Veto Override Session be the same as for the 2011 General Session of the Fifty–Ninth Legislature.

On motion of Senator Dayton, the Senate voted that the Senate Rules and the Joint Rules of the 2011 General Session of the Fifty–Ninth Legislature be adopted for the First Veto Override Session.

\* \* \*

President Waddoups appointed Senators Jerry Stevenson, Stephen Urquhart, and Karen Mayne as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Waddoups appointed a committee comprised of Senators John Valentine, Dan Liljenquist, and Pat Jones to notify the Governor that the Senate is convened in the First Veto Override Session.

Senator Stevenson reported that the House has been notified that the Senate is organized and ready to do business.

Senator Valentine reported that the Governor has been notified.

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to suspend the reading of **S.B. 229**, **S.B. 294**, and **S.B. 305** with their accompanying veto messages, place them immediately on the Third Reading Calendar for reconsideration, and spread the governor’s veto messages for **S.B. 229**, **S.B. 294**, **S.B. 305**, and **H.B. 328** upon the pages of the Senate Journal.

**COMMUNICATIONS FROM THE GOVERNOR**

Dear President Waddoups and Speaker Lockhart: March 30, 2011

The Utah Senate has presented me with S.B. 229, TRANSPORTATION FUNDING REVISIONS. I have vetoed this bill because it would unduly restrict the State's budget flexibility in future years.

S.B. 229 would earmark a growing percentage of certain sales tax proceeds for transportation projects. Although I agree that a modern and effective transportation system is vital to Utah's economic success, I am concerned that S.B. 229's automatic earmark will translate into decreased ability to fund other budget priorities, such as higher education, human services and economic development, in future years. The recent past has taught us that economic tides can turn quickly. To maintain our position as the best managed state in the nation, Utah must be able to react quickly to changed financial circumstances.

For these reasons, I have vetoed S.B. 229

Gary R. Herbert  
Governor

\* \* \*

Dear President Waddoups and Speaker Lockhart: March 30, 2011

The Utah Senate has presented me with S.B. 294, Second Substitute, PATIENT ACCESS REFORM. I have vetoed this bill because its provisions would negatively impact the State's health reform efforts.

As you know, the Utah Health Exchange is a nationally recognized effort to expand access to, and reduce the cost of, health care. S.B. 294, which was publicly released in the waning hours of the 44th day of the session, would hurt the Exchange's ability to operate effectively. It would likely lead to a redistribution of premiums in a fashion that would negatively impact older Utahns. S.B. 294 also carried a fiscal note that the Utah Legislature did not fund. At a time when we are challenging the federal government's unconstitutional attempt to regulate health care and asking that this be left to the states, it is imperative that Utah have the tools it needs to provide an example to the nation of how reform should occur.

For these reasons, I have vetoed S.B. 294.

Gary R. Herbert  
Governor

\* \* \*

Dear President Waddoups and Speaker Lockhart: March 30, 2011

The Utah Senate has presented me with S.B. 305, Second Substitute, ECONOMIC DEVELOPMENT THROUGH EDUCATION/CAREER ALIGNMENT. I have vetoed this bill.

UtahFutures.org is a web-based advisement tool that has been launched by a number of State agencies, including the State Office of Education, the State Board of Regents, the Utah State Library and the Division of Workforce Services. I applaud the efforts of S.B. 305 to better align education with the business community. Indeed, my Education Excellence Commission has recommended that we align education with economic development and workforce needs.

S.B. 305, however, raises the possibility of legislators performing executive branch functions in violation of Article V, Section 1 of the Utah Constitution. While this prevents me from signing S.B. 305, I will work with our state agencies to implement the intent of the bill by strengthening the education/career alignment in UtahFutures.org.

For this reason, I have vetoed S.B. 305.

Gary R. Herbert  
Governor

\* \* \*

Dear President Waddoups and Speaker Lockhart: March 30, 2011

The Utah House of Representatives has presented me with H.B. 328, STATE GOVERNMENT WORK WEEK. I have decided to veto this bill for a number of reasons.

First, there would be costs involved with moving the state back to a five day work week. My office, as well as the Department of Human Resource Management, alerted the Legislature that any bill proposing changes to the state work week would have to come with the monies attached to facilitate the change. Despite this, the bill passed without funding.

Second, the bill constitutes an unwarranted intrusion on the power granted to the Governor in Article VII, Section 5 of the Utah Constitution to faithfully

execute the law. As such H.B. 328 violates Article V, Section of the Utah Constitution.

Third, the people of Utah have grown accustomed to extended Monday through Thursday hours. Although H.B. 328 purports to permit those hours to continue, as a practical matter, the aforementioned lack of funding would require the State to abandon those extended hours. Surveys have shown that the public, as well as state employees, overwhelmingly support extended hours. It would be too disruptive, and simply bad policy, to change them now.

We have been searching for ways to keep extended hours on Monday through Thursday while making critical services available on Fridays. The State has made great strides providing services on-line and has opened physical offices on Fridays where we have seen a need. To better ensure that the people of Utah can obtain such critical services on Fridays, I am today issuing an Executive Order mandating that by October 1, 2011, all state agencies will ensure that critical, public-facing services will be available on Fridays in one of three manners: (1) in-person; (2) on-line; or (3) with telephone support.

For these reasons, I have vetoed H.B. 328.

Gary R. Herbert  
Governor

\* \* \*

On motion of Senator Adams, the Senate voted to override the Governor's veto of **S.B. 229**, TRANSPORTATION FUNDING REVISIONS. Senator Adams explained the bill. Senators Stephenson, Reid, Okerlund, Valentine, Romero, Jones, Mayne, and Liljenquist commented. The veto override passed on the following roll call:

**Yeas, 21; Nays, 3; Absent, 4.**

**Voting in the affirmative were:** Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Osmond	Reid	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Jones	Romero	Valentine
-------	--------	-----------



**Absent or not voting were:** Senators

Bramble                      Hillyard                      Morgan                      Robles

**S.B. 229** was transmitted to the House for further consideration.

\* \* \*

**S.B. 294**, PATIENT ACCESS REFORM, was before the Senate.

On motion of Senator Adams, the bill was circled.

\* \* \*

**S.B. 305**, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, was before the Senate.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

On motion of Senator Knudson, and at 9:30 a.m., the Senate sauntered.

The Senate was called to order at 11:10 a.m., with President Waddoups presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: May 6, 2011

On March 30, 2011, the Governor vetoed **H.B. 328**, STATE GOVERNMENT WORK WEEK, by Representative M. Noel, and by a vote of 50 ayes, 18 nays, 7 absent, the House overrode the Governor’s veto and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed.

**H.B. 328** was placed on the Third Reading Calendar.

\* \* \*

Mr. President: May 6, 2011

The House, by a vote of 50 yeas, 18 nays, 7 absent, overrode the Governor’s veto of **S.B. 229**, TRANSPORTATION FUNDING REVISIONS, by Senator J. S. Adams, and it is returned to the Senate for transmission to the Lt. Governor.

Sandy D. Tenney, Chief Clerk

Communications filed.

**S.B. 229** was sent to the Lt. Governor's office for filing.

### **THIRD READING CALENDAR**

**H.B. 328**, STATE GOVERNMENT WORK WEEK, was before the Senate and explained by Senator Jenkins. Senators Jones, Romero, Valentine, Robles, Dayton, Davis, Urquhart, and Liljenquist commented.

On motion of Senator Jenkins, the bill was circled.

\* \* \*

On motion of Senator Jenkins, and at 11:40 a.m., the Senate adjourned until 7:30 p.m., Saturday, May 7, 2011.

**SECOND DAY**

**VETO OVERRIDE SESSION**

The Senate was called to order at 7:45 p.m., with President Michael Waddoups presiding.

**Prayer** – Senator Stuart Reid

**Pledge of Allegiance** – Senator Peter Knudson

**Roll Call** – All Senators present except Senator Hillyard, excused.

**THIRD READING CALENDAR**

On motion of Senator Jenkins, the circle was removed from **H.B. 328**, STATE GOVERNMENT WORK WEEK, and it was before the Senate. Senator Jenkins explained the bill.

On motion of Senator Jenkins, the Senate voted to override the Governor’s veto of **H.B. 328**, STATE GOVERNMENT WORK WEEK. Senators Dayton, Adams, Bramble, Christensen, McAdams, and Valentine commented. The veto override passed on the following roll call:

**Yeas, 21; Nays, 6; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Morgan	Niederhauser	Okerlund
Osmond	Reid	H. Stephenson	J. Stevenson
Thatcher	Urquhart	Valentine	Van Tassell
Waddoups			

**Voting in the negative were:** Senators

Davis	Jones	Mayne	McAdams
Robles	Romero		

**Absent or not voting were:** Senators

Hillyard

**H.B. 328** was transmitted to the Lt. Governor for filing.

\* \* \*

On motion of Senator Waddoups and at 8:17 p.m., the Senate adjourned.



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SENATE AND HOUSE BILLS

FIFTY-NINTH LEGISLATURE

VETO OVERRIDE SESSION

Convened on Friday, May 6, 2011

Adjourned on Saturday May 7, 2011

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STATE OF UTAH

# **SENATE JOURNAL**

**FIRST EXTRAORDINARY SESSION  
OF THE  
FIFTY-NINTH LEGISLATURE**

Convened and Adjourned on  
Wednesday, May 18, 2011

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Extraordinary Session of the Fifty–Ninth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the First Extraordinary Session convening on Wednesday, May 18, 2011, and adjourning sine die on the same day.

**Annette B. Moore**  
Secretary of the Senate

**Leslie McLean**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk



**STATE OF UTAH**

**SENATE JOURNAL**

**FIRST EXTRAORDINARY SESSION**  
**of the**  
**FIFTY-NINTH LEGISLATURE**

*The Senate of the Fifty-Ninth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the First Extraordinary Session at 1:15 p.m. on Wednesday, May 18, 2011.*

The Senate was called to order at 1:45 p.m. with President Michael G. Waddoups presiding.

Prayer – Senator Steve Urquhart

Pledge – Senator Ross Romero

President Waddoups administered the oath of office to Casey Owen Anderson, newly appointed by Governor Herbert to fill the vacancy in District 28.

Annette Moore, Secretary of the Senate, read the following communication:

**PROCLAMATION**

WHEREAS, since the close of the 2011 General Session of the 59th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Senate in Extraordinary Session;

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 59th Legislature into the First Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of May, 2011 at 1:15 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2011 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand  
and caused to be affixed the  
Great Seal of the State of Utah.  
Done at the Utah State Capitol  
in Salt Lake City, Utah, this  
11th day of May, 2011.

Gary R. Herbert  
Governor

Greg Bell  
Lieutenant Governor

#### **CERTIFICATION**

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of May 11, 2011, is a true and correct copy of the original Proclamation calling the Senate only into a First Extraordinary Session at the State Capitol Complex, in Salt Lake City, Utah, on the 18th day of May, 2011, at 1:15 p.m., for the purpose named in the Proclamation.

IN WITNESS WHEREOF, I  
have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah at Salt  
Lake City, Utah, this 16th day  
of May 2011.

Greg Bell  
Lieutenant Governor

Roll call – All Senators present except Senator Bramble, excused.

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2011 General Session of the Fifty–Ninth Legislature as the rules for the First Extraordinary Session.

President Waddoups appointed a committee comprised of Senators Ralph Okerlund, Daniel Thatcher, and Gene Davis to notify the Governor’s representative that the Senate is convened in the First Extraordinary Session in accordance with his proclamation.

Senator Okerlund advised the Senate that the Governor’s representative has been notified of the convening of the First Extraordinary Session.

\* \* \*

Mr. President: March 24, 2011

Pursuant to Utah Code section 59–1–206(1)(a), the four Tax Commissioners, having previously consulted with Governor Gary R. Herbert, voted unanimously in today’s Commission Meeting to appoint Barry C. Conover as Executive Director of the Utah State Tax Commission. We propose and transmit this appointment for consideration and confirmation by the Utah State Senate. Thank you for your timely action on this matter.

R. Bruce Johnson, Chair  
Utah State Tax Commission

\* \* \*

Mr. President: May 10, 2011

At its meeting today, the Senate Revenue and Taxation Confirmation Committee voted unanimously to recommend that the Utah Senate approve the nomination of the following as the Executive Director of the Utah State Tax Commission:

Mr. Barry C. Conover

Curtis S. Bramble, Chair

Senator Hillyard moved to consent to the above appointment. The motion passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

- |          |               |              |              |
|----------|---------------|--------------|--------------|
| Adams    | Anderson      | Christensen  | Davis        |
| Dayton   | Hillyard      | Hinkins      | Jenkins      |
| Jones    | Knudson       | Liljenquist  | Madsen       |
| Mayne    | McAdams       | Morgan       | Niederhauser |
| Okerlund | Osmond        | Reid         | Robles       |
| Romero   | H. Stephenson | J. Stevenson | Thatcher     |
| Urquhart | Valentine     | Van Tassell  | Waddoups     |

**Absent or not voting was:** Senator  
Bramble

### COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, Mr. Barry Conover spoke in Committee of the Whole. Senators commented.

On motion of Senator Jenkins, the Committee of the Whole was dissolved.

### ADVISE AND CONSENT

Mr. President: May 2, 2011

In accordance with Utah Code Annotated 67-1-1 and 67-1-2, I propose and transmit the following appointments:

#### **Drinking Water Board:**

Tage I. Flint is appointed to replace Ronald Thompson as the water district representative of the Drinking Water Board, a term to expire May 8, 2015. See Utah Code Annotated 19-4-103.

James William Webb is appointed to replace Petra Rust as the industry representative of the Drinking Water Board, a term to expire May 8, 2015. See Utah Code Annotated 19-4-103.

Daniel Allen Fleming is reappointed as a member of the Drinking Water Board, a term to expire May 8, 2015. See Utah Code Annotated 19-4-103.

David King Stevens is reappointed as a member of the Drinking Water Board, a term to expire May 8, 2015. See Utah Code Annotated 19-4-103.

#### **Radiation Control Board:**

Ulrich Andreas Rassner is appointed to replace John Thomson as the radiation physician of the Radiation Control Board, a term to expire July 1, 2015. See Utah Code Annotated 19-3-103.

#### **Interstate Commission On Educational Opportunity For Military Children:**

Larry K. Shumway is appointed Compact Commissioner of the Interstate Commission on Educational Opportunity for Military Children. See Utah Code Annotated 53A-1-1003.

#### **Board of State History:**

Gregory C. Thompson is reappointed as a member of the Board of State History, a term to expire April 1, 2015. See Utah Code Annotated 9-8-204.

Robert McPherson is reappointed as a member of the Board of State History, a term to expire April 1, 2015. See Utah Code Annotated 9–8–204.

Maria J. Garciaz is reappointed as a member of the Board of State History, a term to expire April 1, 2015. See Utah Code Annotated 9–8–204.

**Transportation Commission:**

J. Kent Millington is reappointed as a member of the Transportation Commission, a term to expire April 1, 2017. See Utah Code Annotated 72–1–301.

Eddie Lee Cox is appointed to replace Bevan Wilson as a member of the Transportation Commission, a term to expire April 1, 2017. See Utah Code Annotated 72–1–301.

**Board of Juvenile Justice Services:**

David B. Harper is appointed to replace Jody Valentine as a member of the Board of Juvenile Justice Services, a term to expire April 1, 2015. See Utah Code Annotated 62A–1–107 (3).

Karen G. Crompton is appointed as a member of the Board of Juvenile Justice Services, a term to expire April 1, 2015. See Utah Code Annotated 62A–1–107 (3).

Robert Lynn Flores is reappointed as a member of the Board of Juvenile Justice Services, a term to expire April 1, 2015. See Utah Code Annotated 62A–1–107 (3).

**Board of Water Resources:**

Steve B. Farrell is appointed to replace Paul McPherson as the Provo River District Representative of the Board of Water Resources, a term to expire January 1, 2015. See Utah Code Annotated 73–10–2.

James Arnold Lemmon is reappointed as a member of the Board of Water Resources, a term to expire January 1, 2015. See Utah Code Annotated 73–10–2.

Robert Bessey is reappointed as a member of the Board of Water Resources, a term to expire January 1, 2015. See Utah Code Annotated 73–10–2.

Craig Eugene Johansen is reappointed as a member of the Board of Water Resources, a term to expire January 1, 2015. See Utah Code Annotated 73–10–2.

**State Money Management Council:**

Mark Orson McRae is reappointed as a member of the State Money Management Council, a term to expire March 1, 2015. See Utah Code Annotated 51–7–16.

Mark David Watkins is reappointed as a member of the State Money Management Council, a term to expire March 1, 2015. See Utah Code Annotated 51-7-16.

**Board of Oil, Gas and Mining**

Chris David Hansen is appointed to replace Douglas E. Johnson as a member of the Board of Oil, Gas and Mining, a term to expire March 1, 2015. See Utah Code Annotated 40-6-4.

Carl Frederick Kendell is appointed to replace Samuel C. Quigley as a member of the Board of Oil, Gas and Mining, a term to expire March 1, 2015. See Utah Code Annotated 40-6-4.

Ruland J. Gill is reappointed as a member of the Board of Oil, Gas and Mining, a term to expire March 1, 2015. See Utah Code Annotated 40-6-4.

**Utah Horse Racing Commission:**

Gary D. Allred is reappointed as a member of the Utah Horse Racing Commission, a term to expire December 31, 2014. See Utah Code Annotated 4-38-3.

Stuart J. Sprouse is reappointed as a member of the Utah Horse Racing Commission, a term to expire December 31, 2014. See Utah Code Annotated 4-38-3.

**Utah Arts Council Board of Directors:**

John T. Neilsen is appointed to replace Carol Smith as a member of the Utah Arts Council Board of Directors, a term to expire July 1, 2015. See Utah Code Annotated 9-6-204.

Andrew Yarosh is reappointed as a member of the Utah Arts Council Board of Directors, a term to expire July 1, 2015. See Utah Code Annotated 9-6-204.

Hal Cannon is reappointed as a member of the Utah Arts Council Board of Directors, a term to expire July 1, 2015. See Utah Code Annotated 9-6-204.

R. Scott Phillips is reappointed as a member and Chair of the Utah Arts Council Board of Directors, a term to expire July 1, 2015. See Utah Code Annotated 9-6-204.

**Air Quality Board:**

H. Craig Peterson is reappointed as a member of the Air Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19-2-103.

Stephen Clare Sands II is reappointed as a member of the Air Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19–2–103.

Kathy Van Dame is reappointed as a member of the Air Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19–2–103.

Darrell H. Smith is reappointed as a member of the Air Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19–2–103.

**Board of Business and Economic Development:**

Kate Rossiter Riggs is appointed to replace Mary Draper as a member of the Board of Business and Economic Development, a term to expire March 15, 2015. See Utah Code Annotated 63M–1–302.

Mike Dowse is reappointed as a member of the Board of Business and Economic Development, a term to expire March 15, 2015. See Utah Code Annotated 63M–1–302.

**Quality Growth Commission:**

Roger Wynn is appointed to replace Charles Rob Duboc Jr. as a member of the Utah Quality Growth Commission, a term to expire April 30, 2015. See Utah Code Annotated 11–38–201.

Holly Hubbard Daines is appointed to replace Laraine Swenson as a member of the Utah Quality Growth Commission, a term to expire April 30, 2015. See Utah Code Annotated 11–38–201.

Reed R. Erickson is reappointed as a member of the Utah Quality Growth Commission, a term to expire April 30, 2015. See Utah Code Annotated 11–38–201.

Sally Elliott is reappointed as a member of the Utah Quality Growth Commission, a term to expire April 30, 2015. See Utah Code Annotated 11–38–201.

Brent Tanner is reappointed as a member of the Utah Quality Growth Commission, a term to expire April 30, 2015. See Utah Code Annotated 11–38–201.

**Utah Comprehensive Health Insurance Pool Board of Directors:**

Steven B. Bateman is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2015. See Utah Code Annotated 31A–29–104.

Steven Madsen Canfield is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2015. See Utah Code Annotated 31A-29-104.

Robert “Chet” Loftis is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2015. See Utah Code Annotated 31A-29-104.

Stephen Dale Neeleman is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2015. See Utah Code Annotated 31A-29-104.

Randall R. Smart is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2015. See Utah Code Annotated 31A-29-104.

**Securities Commission:**

Tim Bangerter is reappointed as a member of the Securities Commission, a term to expire May 12, 2015. See Utah Code Annotated 61-1-18.5.

**Utah Housing Corporation Board of Trustees:**

Mark B. Cohen is appointed to replace Mark Cornelius as a member of the Utah Housing Corporation Board of Trustees, a term to expire June 1, 2015. See Utah Code Annotated 9-4-904.

Douglas L. DeFries is reappointed as a member of the Utah Housing Corporation Board of Trustees, a term to expire June 1, 2015. See Utah Code Annotated 9-4-904.

Robert M. Whatcott is reappointed as a member of the Utah Housing Corporation Board of Trustees, a term to expire June 1, 2015. See Utah Code Annotated 9-4-904.

**Health Facility Committee:**

F. Robert Reeder is reappointed as a member of the Health Facility Committee, a term to expire July 1, 2014. See Utah Code Annotated 26-1-3.

**Utah Conservation Commission:**

S. Bruce Karren is appointed to replace Paul Leishman as a member of the Utah Conservation Commission, a term to expire May 8, 2015. See Utah Code Annotated 4-18-4.

Alan Dean Brown is appointed to replace Wendell Stembridge as a member of the Utah Conservation Commission, a term to expire May 8, 2015. See Utah Code Annotated 4-18-4.



**Wildlife Board:**

Michael M. King is appointed to replace Keele Johnson as a member of the Wildlife Board, a term to expire August 15, 2017. See Utah Code Annotated 23-14-2.

John Glen Bair is appointed to replace Vaughn “Rick” Woodard as a member of the Wildlife Board, a term to expire August 15, 2017. See Utah Code Annotated 23-14-2.

**Water Quality Board:**

Clyde L. Bunker is appointed to replace Jay Olsen as a member of the Water Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19-5-103.

Jeffrey L. Tucker is appointed to replace David Echols as a member of the Water Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19-5-103.

Steven Phillip Simpson is reappointed as a member of the Water Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19-5-103

**Great Salt Lake Advisory Council:**

Todd Bingham is appointed to replace Nicol Gagstetter as a member of the Great Salt Lake Advisory Council, the remaining portion of the term to expire June 1, 2012. See Utah Code Annotated 73-29-201.

Thank you for your timely consideration and confirmation of the above appointments.

Gary R. Herbert  
Governor

Mr. President:

May 17, 2011

The Senate Transportation and Public Utilities and Technology Confirmation Committee met on May 17, 2011, and reports favorable recommendations for the reappointment of Mr. Kent Millington and the appointment of Mr. Eddie Lee Cox as members of the Utah Transportation Commission.

Kevin Van Tassell, Chair

Senator Hillyard moved to consent to the appointments as read by Leslie McLean. The motion passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Anderson	Christensen	Davis
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Osmond	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator

Bramble

President Waddoups directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Okerlund reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Jenkins, and at 2:15 p.m., the Senate adjourned sine die.

STATE OF UTAH

# **SENATE JOURNAL**

SECOND EXTRAORDINARY SESSION  
OF THE  
FIFTY-NINTH LEGISLATURE

Convened and Adjourned on  
Wednesday, June 15, 2011

## **CERTIFICATION**

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Second Extraordinary Session of the Fifty–Ninth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Second Extraordinary Session convening on Wednesday, June 15, 2011, and adjourning sine die on the same day.

**Annette B. Moore**  
Secretary of the Senate

**Leslie McLean**  
Manager, Senate Services

**Mary B. Andrus**  
Journal Clerk

**STATE OF UTAH**

**SENATE JOURNAL**

**SECOND EXTRAORDINARY SESSION  
of the  
FIFTY-NINTH LEGISLATURE**

*The Senate of the Fifty-Ninth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Second Extraordinary Session at 1:15 p.m. on Wednesday, June 15, 2011.*

The Senate was called to order at 2:00 p.m. with President Michael G. Waddoups presiding.

Prayer – Senator Mark Madsen

Pledge – Senator Scott Jenkins

Annette Moore, Secretary of the Senate, read the following communication:

**PROCLAMATION**

WHEREAS, since the close of the 2011 General Session of the 59th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Senate in Extraordinary Session;

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 59th Legislature into the Second Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of June, 2011 at 1:15 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2011 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand  
and caused to be affixed the  
Great Seal of the State of Utah.  
Done at the Utah State Capitol  
in Salt Lake City, Utah, this  
13th day of June, 2011.

Gary R. Herbert  
Governor

Greg Bell  
Lieutenant Governor

#### **CERTIFICATION**

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of June 13, 2011, is a true and correct copy of the original Proclamation calling the Senate only into a Second Extraordinary Session at the State Capitol Complex, in Salt Lake City, Utah, on the 15th day of June, 2011, at 1:15 p.m., for the purpose named in the Proclamation.

IN WITNESS WHEREOF, I  
have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah at Salt  
Lake City, Utah, this 13th day  
of June 2011.

Greg Bell  
Lieutenant Governor

Roll call – All Senators present except Senator Jones, excused.

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2011 General Session of the Fifty–Ninth Legislature as the rules for the Second Extraordinary Session.

President Waddoups appointed a committee comprised of Senators David Hinkins, Stuart Reid, and Karen Mayne to notify the Governor’s representative that the Senate is convened in the Second Extraordinary Session in accordance with his proclamation.

Senator Hinkins advised the Senate that the Governor’s representative has been notified of the convening of the Second Extraordinary Session.

\* \* \*

Mr. President: May 2, 2011

In accordance with Utah Code Annotated 67–1–1 and 67–1–2, I propose and transmit the following appointment:

Sam Granato is appointed to replace Nikos Linardakis as a member of the Board of Business and Economic Development, a term to start July 1, 2011, and then expire March 15, 2011. See Utah Annotated 63M–1–302.

Thank you for your timely consideration and confirmation of the above appointment.

Gary R. Herbert  
Governor

\* \* \*

Mr. President: June 15, 2011

At its meeting today, the Senate Business and Labor Confirmation Committee voted unanimously to recommend that the Utah Senate approve the nomination of Sam Granato to the board of Business and Economic Development.

John L. Valentine, Chair

Senator Hillyard moved to consent to the appointments as read by Leslie McLean. The motion passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Adams	Anderson	Bramble	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Mayne	McAdams	Niederhauser	Okerlund
Osmond	Reid	Robles	Romero
H. Stephenson	J. Stevenson	Thatcher	Urquhart
Valentine	Van Tassell	Waddoups	





**Air Quality Board:**

Dale L. Ipson is appointed to replace Brent Bradford as a member of the Air Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19-2-103.

Michael William Smith is appointed to replace Ernest Wessman as a member of the Air Quality Board, a term to expire March 1, 2015. See Utah Code Annotated 19-2-103.

**Wildlife Board:**

Calvin V. Crandall is appointed to replace Thomas Hatch as a member of the Wildlife Board, a term to expire August 15, 2017. See Utah Code Annotated 23-14-2.

**Solid and Hazardous Waste Control Board:**

Brett Douglas Mickelson is appointed to replace Michael Brehm as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2015. See Utah Code Annotated 19-6-103.

Brian E. Brower is appointed to replace Carlton Christensen as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2015. See Utah Code Annotated 19-6-103.

Dwayne Jex Woolley is appointed to replace John Newman as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2015. See Utah Code Annotated 19-6-103.

Robert Ryan Dupont is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2015. See Utah Code Annotated 19-6-103.

Jeffrey R. Coombs is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2015. See Utah Code Annotated 19-6-103.

Brad Mertz is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2015. See Utah Code Annotated 19-6-103.

**Utah Department of Health:**

W. David Patton is appointed as the Executive Director of the Utah Department of Health. See Utah Code Annotated 26-1-8.

**Utah State University Board of Trustees:**

Suzanne Pierce–Moore is reappointed as a member of the Utah State University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–18–1201(3)(b).

Scott R. Watterson is reappointed as a member of the Utah State University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–18–1201(3)(b).

**Weber State University Board of Trustees:**

Bryan Bowles is reappointed as a member of the Weber State University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.

Camille Cain is reappointed as a member of the Weber State University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.

**Salt Lake Community College Board of Trustees:**

Richard Tranter is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.

Stan Parrish is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.

Ashok Joshi is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.

Clint Ensign is appointed to replace Jeffrey Edwards as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.

**Utah Valley University Board of Trustees:**

Ronald K. Hawkins is reappointed as a member of the Utah Valley University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.

Steven Jay Lund is reappointed as a member of the Utah Valley University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B–2–104.

**Southern Utah University Board of Trustees:**

Sherrie Hansen is appointed to replace Lee Fife as a member of the Southern Utah University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B-2-104.

Nathan B. Esplin is appointed to replace Anne Judd as a member of the Southern Utah University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B-2-104.

Marshall Erb is appointed to replace Dwayne Nielson as a member of the Southern Utah University Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B-2-104.

**Snow College Board of Trustees:**

Dan Charles Jorgensen is reappointed as a member of the Snow College Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B-2-104.

Sam Cardon is appointed to replace Tim Barney as a member of the Snow College Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B-2-104.

James C. Shank is appointed to replace Jessie Pace as a member of the Snow College Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B-2-104.

**Dixie State College Board of Trustees:**

Max Henry Rose is reappointed as a member of the Dixie State College Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B-2-104.

Thank you for your timely consideration and confirmation of the above appointments.

Gary R. Herbert  
Governor

\* \* \*

Mr. President:

June 6, 2011

At its meeting today, the Senate Revenue and Taxation Confirmation Committee voted unanimously to recommend that the Utah Senate approve the

nomination of the following as Tax Commissioner of the Utah State Tax Commission:

Ms. D'Arcy Dixon Pignanelli

Curtis S. Bramble, Chair

Senator Hillyard moved to consent to the appointments as read by Leslie McLean. The motion passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Anderson	Bramble	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Osmond	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator  
Jones

\* \* \*

Mr. President:

June 14, 2011

In accordance with Utah Code Annotated 67-1-1 and 67-1-2, I propose and transmit the following appointment:

**University of Utah Board of Trustees:**

Clark Ivory is reappointed as a member of the University of Utah Board of Trustees, a term to expire June 30, 2015. See Utah Code Annotated 53B-2-104.

Thank you for your timely consideration and confirmation of the above appointments.

Gary R. Herbert  
Governor

On motion of Senator Jenkins, the Senate voted to waive the 15-day requirement on the communication received June 14, 2011, for purposes of acting on gubernatorial nominees.

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. The motion passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

Adams	Anderson	Bramble	Christensen
Davis	Dayton	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Osmond	Reid	Robles
Romero	H. Stephenson	J. Stevenson	Thatcher
Urquhart	Valentine	Van Tassell	Waddoups

**Absent or not voting was:** Senator

Jones

President Waddoups directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Hinkins reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Jenkins, and at 2:25 p.m., the Senate adjourned sine die.



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