STATE OF UTAH

# **SENATE JOURNAL**

## FIRST SPECIAL SESSION OF THE FIFTY–SEVENTH LEGISLATURE

Convened and Adjourned on Wednesday, August 22, 2007

### CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Special Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the First Special Session convening on Wednesday, August 22, 2007, 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-SEVENTH LEGISLATURE

### August 22, 2007

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber of the State Capitol Complex in a Special Session at 10:00 a.m. on Wednesday, August 22, 2007.

The Senate was called to order at 11:05 a.m., with President John Valentine presiding.

Prayer – Senator Chris Buttars Pledge of Allegiance – Senator Ed Mayne Roll Call – All Senators present

\* \* \*

Annette B. Moore read the following Proclamation and Certification:

### PROCLAMATION

WHEREAS, since the adjournment of the 2007 General Session of the Fifty–Seventh Legislature of the State of Utah, matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Fifty–Seventh Legislature of the State of Utah into a First Special Session at the State Capitol Complex in Salt Lake City, Utah, on the 22nd day of August 2007, at 10:00 a.m. for the following purposes:

1. To consider legislation modifying provisions related to creation of a new school district;

2.	To consider legislation regarding equalization of funding
	for school district capital outlay in counties of the first
	class;
3.	To consider legislation providing for enhanced penalties
	for animal cruelty; and ,

**4.** To consider a resolution approving Garfield County expansion of correctional facilities.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol Complex in Salt Lake City, Utah this 16th day of August 2007. Jon M. Huntsman, Jr. Governor Gary R. Herbert Lieutenant Governor

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a proclamation issued on the 16th day of August, 2007, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Fifty–Seventh Legislature of the State of Utah into a First Special Session at the Capitol Complex at Salt Lake City, Utah, on the 22nd day of August, 2007, at 10:00 a.m., for the purposes named in the Proclamation. I FURTHER TESTIFY THAT the membership of the Utah State Senate has not changed from that Certification of 2007 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 20th day of August, 2007. Gary R. Herbert Lieutenant Governor

\* \* \*

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2007 General Session of the Fifty–Seventh Legislature as the rules for the First Special Session.

President Valentine appointed a committee comprised of Senators Scott Jenkins, Jon Greiner and Pat Jones to notify Governor Jon M. Huntsman, Jr. that the Senate is convened in the First Special Session in accordance with his proclamation and is organized and ready to receive any communication from him.

President Valentine appointed a committee comprised of Senators Mark Madsen, Allen Christensen, and Brent Goodfellow to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Madsen reported that the House has been notified.

Senator Jenkins reported that the Governor has been notified.

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

### **INTRODUCTION OF BILLS**

**S.J.R. 101**, **Joint Resolution Supporting Garfield County Jail Expansion** (D. Stowell), read the first time by short title and referred to the Rules Committee.

**S.B. 1001, Animal Torture Offense** (G. Davis), read the first time by short title and referred to the Rules Committee.

**S.B. 1002**, **Animal Cruelty Amendments** (A. Christensen), read the first time by short title and referred to the Rules Committee.

On motion of Senator Bramble, under suspension of the rules, **S.J.R. 101**, **S.B. 1001**, and **S.B. 1002**, were placed on the Second Reading Calendar for immediate consideration.

#### SECOND READING CALENDAR

**S.J.R. 101**, JOINT RESOLUTION SUPPORTING GARFIELD COUNTY JAIL EXPANSION, was read the second time.

On motion of Senator Stowell, the bill was circled.

\* \* \*

**S.B. 1001**, ANIMAL TORTURE OFFENSE, was read the second time. Senator Davis explained the bill.

On motion of Senator Davis, the bill was circled.

\* \* \*

**S.B. 1002**, ANIMAL CRUELTY AMENDMENTS, was read the second time. Senator Christensen explained the bill. Senators McCoy and Greiner commented.

On motion of Senator Greiner the Senate voted to send the bill back to Rules and reassigned it to the Judicial Committee.

\* \* \*

On motion of Senator Davis, the circle was removed from **S.B. 1001**, ANIMAL TORTURE OFFENSE, and it was before the Senate. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

1. Page 1, Lines 23 through 25

23  $\{\rightarrow$  provides that the court shall state on the record the reasons a person convicted of

24 animal cruelty is not required to receive treatment, pay restitution, or to not have

25 possession of animals for a specified period; -}

2. Page 4, Lines 100 through 102:

100 (D) {<u>protected and unprotected</u> -} <u>wildlife</u> <u>as</u> defined in Section 23-13-2 <u>, including protected and unprotected</u> <u>wildlife</u> <u>; and</u>

 101
 (E) animals kept or owned for the purpose of training hunting dogs or {-falcons }

 <u>raptors</u>
 and

102 cared for in accordance with accepted husbandry practices.

3. Page 6, Line 180 through Page 7, Line 186:

180 [(9)] (11) (a)  $\{-(i)\}$  Upon conviction under this section, the court [may in its discretion, in

181 addition to other] {-shall } may:

(i) order that the defendant comply with the requirements in <u>Subsections</u>

182 (11)(b) and (c) {- unless the court states on the record the reasons the court finds imposition of

183 <u>any of the provisions to be inappropriate.</u> } : and

 184 (ii) { The court may } impose any additional penalties[:]

 as the court finds appropriate to

185 the case before it.

186 [(a)] (b) The court { <u>shall</u> } <u>may</u> order the defendant:
4. Page 7, Lines 198 through 199:

(c) The court may enter an order disposing of an animal subjected to a violation of this section.

199 followingorderofpriority,withSubsection(11)  $\{-(c)\}$ (d)(i) being the first priority:

5. Page 10, Lines 282 through 292:

282 { (4) (a) The prosecuting attorney, or grand jury if an indictment is returned, shall

283 provide written notice upon the information or indictment that the defendant is subject to an

284 enhanced degree of offense or penalty under Subsection (3). The notice shall be served upon

285 the defendant or his attorney not later than ten days prior to trial.

286 (b) If the notice is not included initially, the court may subsequently allow the

287 prosecutor to amend the charging document to include the notice if the court finds:

288 (i) that the amended charging documents, including any statement of probable cause,

289 provide notice that the defendant is subject to an enhanced penalty provided under this section;

290 and

291 (ii) that the defendant has not otherwise been substantially prejudiced by the

292 amendment.}

Senator Davis' motion to amend passed on a voice vote. Senators Greiner, McCoy, Hillyard, Romero, and Christensen commented.

On motion of Senator Greiner the Senate voted to send the bill back to Rules and reassigned it to the Judicial Committee on the following roll call vote:

#### Yeas, 18; Nays, 11; Absent, 0.

### Voting in the affirmative were: Senators

,		interorio	
Bell	Bramble	Buttars	Dayton
Eastman	Greiner	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Niederhauser	Peterson	Stephenson	Stowell
Waddoups	Valentine		
Voting in the ne	egative were: Senate	ors	
Christensen	Davis	Dmitrich	Fife
Goodfellow	Jones	Mayne	McCoy
Romero	Van Tassell	Walker	

S.B. 1001 was returned to the Rules Committee.

\* \* \*

On motion of Senator Stowell, the circle was removed from **S.J.R. 101**, JOINT RESOLUTION SUPPORTING GARFIELD COUNTY JAIL EXPANSION, and it was before the Senate. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 1, Line 25 through Page 2, Line 34

25 {-WHEREAS, in accordance with Utah Code Annotated, Subsection 64–13c–401(1), "the

26 department [of Corrections] may enter into a contract with a county government to house

27 inmates only if the Legislature has previously passed a joint resolution" containing the

28 approximate number of beds contracted, the county's average daily rate the department will pay

29 the county per inmate, and the approximate amount of the county's long-term debt and the

30 length of that debt for the facility where the inmates are to be housed;-} <u>WHEREAS</u>, in accordance with Utah Code Annotated, <u>Subsection 64–13e–103(6)</u>, the Department of Corrections may not enter into a contract with a county to house state inmates unless the Legislature has previously passed a joint resolution that includes the approximate number of beds to be contracted, the state daily incarceration rate, the approximate amount of the county's long–term debt, and the repayment time of the debt for the facility where the inmates are to be housed;

31 WHEREAS, the approximate number of beds to be contracted in Garfield County is 80;

32 WHEREAS, {-Garfield County's average-} the state daily incarceration rate {-the department will pay the county

33 per inmate, as determined under Title 64, Chapter 13c, Part 3, Reimbursement of Inmate Costs, }

34 is currently  $\{-\$45-\}$  <u>approximately \$64.68</u> per day;

Senator Stowell's motion to amend passed on a voice vote. Senators Goodfellow, Waddoups, Buttars, and Greiner commented.

On motion of Senator Greiner, under suspension of the rules, **S.J.R. 101**, JOINT RESOLUTION SUPPORTING GARFIELD COUNTY JAIL EXPANSION, was considered read the second and third times. The bill passed on the following roll call:

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

### Voting in the affirmative were: Senators

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

S.J.R. 101 was transmitted to the House.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

August 22, 2007

The House passed, as substituted, **1st Sub. H.B. 1001**, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 1002**, INTERLOCAL AGREEMENT PARTICIPANT REQUIREMENTS FOR CREATION OF NEW SCHOOL DISTRICT, by Representative K. Morgan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 1001** and **H.B. 1002** were read the first time and referred to the Rules Committee.

On motion of Senator Bramble, under suspension of the Rules, **1st Sub. H.B. 1001** and **H.B. 1002** were lifted from the Rules Committee and placed at the top of the Second Reading Calendar.

\* \* \*

**1st Sub. H.B. 1001**, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS, was read the second time. Senator Walker explained the bill. Senators Waddoups, Eastman, Niederhauser, Stephenson, and Hillyard commented.

Senator Mayne proposed an amendment.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Bramble, and at 12:55 a.m., the Senate recessed.

The Senate reassembled at 3:00 p.m., with President Valentine presiding.

### SECOND READING CALENDAR

**H.B. 1002**, INTERLOCAL AGREEMENT PARTICIPANT REQUIREMENTS FOR CREATION OF NEW SCHOOL DISTRICT, was read the second time. Senator Jones explained the bill.

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

1st Sub. H.B. 1002 Requirements for Creation of New School District (K. Morgan)

Senators Greiner, Jones, Walker, Mayne, Hillyard, Buttars, McCoy, Jenkins, Niederhauser, Hickman, and Knudson commented.

On motion of Senator Jones, under suspension of the rules, **1st Sub. H.B. 1002**, REQUIREMENTS FOR CREATION OF NEW SCHOOL DISTRICT, was considered read for the first, second, and third times and passed on the following roll call:

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

### Voting in the affirmative were: Senators

0			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Valentine		

Voting in	the negative were: Senators	
Eastman	Madsen	Walker

1st Sub. H.B. 1002, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble, and at 3:30 p.m., the Senate sauntered.

The Senate was called to order at 4:00 p.m., with President Valentine presiding.

### SECOND READING CALENDAR

On motion of Senator Walker, the circle was removed from 1st Sub. H.B. 1001, and it was before the Senate.

On motion of Senator Walker, under suspension of the rules, **1st Sub. H.B. 1001**, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 3; Absent, 1.

### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Stowell

**1st Sub. H.B. 1001** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: August 22, 2007 The House passed, **S.J.R. 101**, JOINT RESOLUTION SUPPORTING GARFIELD COUNTY JAIL EXPANSION, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**S.J.R. 101** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

Mr. President: August 22, 2007 The House passed, as amended, **H.B. 1004**, NEW SCHOOL DISTRICT CREATION AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 1004** was read the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator McCoy, the Senate voted to reconsider its action on **1st Sub. H.B. 1002,** INTERLOCAL AGREEMENT PARTICIPANT REQUIREMENTS FOR CREATION OF NEW SCHOOL DISTRICT, on the following roll call vote:

### Yeas, 19; Nays, 10; Absent, 0.

### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Fife	Jenkins
Jones	Killpack	Knudson	Madsen
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Walker	Valentine	

### Voting in the negative were: Senators

Davis	Eastman	Goodfellow	Greiner
Hickman	Hillyard	Mayne	McCoy
Romero	Waddoups		

Senator Hillyard commented.

### SECOND READING CALENDAR

On motion of Senator Jones, under suspension of the rules, H.B. 1002, INTERLOCAL AGREEMENT PARTICIPANT REQUIREMENTS FOR

CREATION OF NEW SCHOOL DISTRICT, was considered read the second and third times. Senators Waddoups, Hillyard, and Mayne commented and the bill passed on the following roll call:

### Yeas, 23; Nays, 6; Absent, 0.

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Fife	
Hickman	Hillyard	Jenkins	Jones	
Killpack	Knudson	Madsen	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Walker	Valentine		
Voting in the negative were: Senators				
Eastman	Goodfellow	Greiner	Mayne	
Van Tassell	Waddoups			

**H.B. 1002** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, the Senate voted to lift **H.B. 1004**, NEW SCHOOL DISTRICT CREATION AMENDMENTS, from the Rules Committee and place it at the top of the Second Reading Calendar.

On motion of Senator Waddoups, under suspension of the rules, **H.B. 1004**, NEW SCHOOL DISTRICT CREATION AMENDMENTS, was considered read the second and third times. Senators Romero, Goodfellow, and Hillyard commented and the bill passed on the following roll call:

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

### Voting in the affirmative were: Senators

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

### Voting in the negative were: Senators

Eastman Greiner Hickman Hillyard

**H.B. 1004** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, and at 4:50 p.m., the Senate sauntered.

The Senate was called to order at 5:30 p.m., with President Valentine presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

The House passed, as substituted and amended, **2nd Sub. H.B. 1003**, EQUALIZATION TASK FORCE, by Representative G. Hughes, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

August 22, 2007

Communications filed. 2nd Sub. H.B. 1003 was read the first time and referred to the Rules Committee.

On motion of Senator Eastman, under suspension of the rules, the Senate voted to lift **2nd Sub. H.B. 1003** from the Rules Committee and place it at to top of the Second Reading Calendar.

### SECOND READING CALENDAR

On motion of Senator Eastman, under suspension of the rules, **2nd Sub. H.B. 1003**, EQUALIZATION TASK FORCE, was considered read the second and third times and passed on the following roll call:

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

voting in the am	voung in the annihilative were: Senators			
Bramble	Christensen	Davis	Dayton	
Dmitrich	Eastman	Fife	Goodfellow	
Greiner	Hillyard	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Walker	
Valentine				

### Voting in the affirmative were: Senators

Absent or no	t voting were: Senators		
Bell	Buttars	Hickman	Waddoups

**2nd Sub. H.B. 1003** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

President Valentine appointed Senators Scott Jenkins, Jon Greiner and Pat Jones to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Valentine appointed Senators Mark Madsen, Allen Christensen, and Brent Goodfellow to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

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

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

On motion of Senator Bramble and at 5:50 p.m., the Senate adjourned sine die.

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### SENATE AND HOUSE BILLS AND RESOLUTIONS

## FIFTY–SEVENTH LEGISLATURE FIRST SPECIAL SESSION

Convened and Adjourned on Wednesday, August 22, 2007

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	• •
H.B. 1004 NEW	SCHOOL DISTRICT CREATION AMENDMENTS (J. Dunnigan)
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	Signed by the President and returned to the House
C D 1001 () TO	• •
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	Uncircled
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STATE OF UTAH

# **SENATE JOURNAL**

## FIFTH EXTRAORDINARY SESSION OF THE FIFTY–SEVENTH LEGISLATURE

Convened and Adjourned on Wednesday, September 19, 2007

### CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fifth Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Fifth Extraordinary Session convening on Wednesday, September 19, 2007, 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

### FIFTH EXTRAORDINARY SESSION of the FIFTY-SEVENTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Fifth Extraordinary Session at 12:00 noon on Wednesday, September 19, 2007.

The Senate was called to order at 12:30 p.m. with President John Valentine presiding.

Prayer – Senator Michael Waddoups

Pledge – Senator Ross Romero

\* \* \*

Lynette Erickson, read the following Proclamation and Certification:

#### PROCLAMATION

WHEREAS, since the close of the 2007 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a Fifth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of September, 2007 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 2007 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Salt Lake Capitol Complex in Salt Lake City, Utah, this 4th day of September, 2007.

Jon M. Huntsman, Jr. Governor

Gary R. Herbert Lieutenant Governor

#### CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of September 4th, 2007, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Fifth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 19th day of September, 2007, 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 2007 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 14th day of September 2007.

Gary R. Herbert Lieutenant Governor

Roll call - All Senators present except Senators Knudson and Walker, excused.

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2007 General Session of the Fifty–Seventh Legislature as the rules for the Fifth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Greg Bell, Bill Hickman, and Ed Mayne to notify the Governor's representative that the Senate is convened in the Fifth Extraordinary Session in accordance with his proclamation.

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

\* \* \*

Lynette Erickson read the following communications:

### **COMMUNICATION FROM THE GOVERNOR**

Mr. President: June 6, 2007 In accordance with Utah Code 67–1–1 and 67–1–2, I propose and transmit the following appointments:

### **Public Lands Policy Coordinating Office:**

John Harja is appointed as Public Lands Policy Coordinator. See Utah Code Ann. 63–38d–602.

### **Utah Commission on Uniform State Laws:**

Associate Chief Justice Michael J. Wilkins is appointed as a member of the Utah Commission on Uniform State Laws, a term to expire September 1, 2011. See Utah Code Ann. 68–4–5.

### **Radiation Control Board:**

Don Scott Bird is appointed to replace Robert S. Pattison as a member of the Radiation Control Board, a term to expire July 1, 2011. See Utah Code Ann. 19–3–103. Mr. Bird is an Independent.

#### Air Quality Board:

Joel Elstein is appointed to replace Don Sorenson as a member of the Air Quality Board, a term to expire March 1, 2009. See Utah Code Ann. 19–2–103. Mr. Elstein is not affiliated with a political party.

#### **Utah State Fair Corporation Board of Directors:**

Lowell Peterson is appointed to replace Douglas Peterson as a member of the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2010. See Utah Code Ann. 9–4–1104.

#### **Board of Business and Economic Development:**

Mike Dowse is appointed to replace Debra Tanzi as a member of the Board of Business and Economic Development, a term to expire March 15, 2011. See Utah Code Ann. 63–38f–302. Mr. Dowse is an Independent.

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

Jon M. Huntsman, Governor

Mr. President:

September 19, 2007

The Senate Natural Resources, Agriculture, and Environment Confirmation Committee met on September 19, 2007 and reports a favorable recommendation for Mr. Don Scott Bird to be confirmed as a member of the Radiation Control Board.

Darin G. Peterson, Chair

Senators Peterson, Fife, Stowell, Dmitrich, Bramble, and McCoy commented. Senator Hillyard moved to consent to the appointment as read by Lynette Erickson. The motion passed on the following roll call:

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

voting in the annihilative weret behavorb				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hickman	
Hillyard	Jenkins	Jones	Killpack	
Madsen	Mayne	McCoy	Niederhauser	
Peterson	Romero	Stephenson	Stowell	
Van Tassell	Waddoups	Walker	Valentine	

### Voting in the affirmative were: Senators

Absent or not voting were: Senators Knudson Walker

\* \* \*

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

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

On motion of Senator Bramble, and at 12:50 p.m., the Senate adjourned sine die.

STATE OF UTAH

# **SENATE JOURNAL**

## SIXTH EXTRAORDINARY SESSION OF THE FIFTY–SEVENTH LEGISLATURE

Convened and Adjourned on Wednesday, October 17, 2007

### CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Sixth Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Sixth Extraordinary Session convening on Wednesday, October 17, 2007, 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

### SIXTH EXTRAORDINARY SESSION of the FIFTY-SEVENTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Sixth Extraordinary Session at 12:00 noon on Wednesday, October 17, 2007.

The Senate was called to order at 12:45 p.m. with President John Valentine presiding.

Prayer – Senator Darin Peterson

Pledge – Senator Michael Waddoups

\* \* \*

Annette Moore, read the following Proclamation and Certification:

#### PROCLAMATION

WHEREAS, since the close of the 2007 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a Sixth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 17th day of October, 2007 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 2007 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Salt Lake Capitol Complex in Salt Lake City, Utah, this 2nd day of October, 2007.

Jon M. Huntsman, Jr. Governor

Gary R. Herbert Lieutenant Governor

#### CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of October 2nd, 2007, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Sixth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 17th day of October, 2007, 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 2007 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 2nd day of October 2007.

Gary R. Herbert Lieutenant Governor

Roll call – All Senators present except Senators Eastman, Hillyard, and Mayne, excused.

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2007 General Session of the Fifty–Seventh Legislature as the rules for the Sixth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Michael Waddoups, Dennis Stowell, and Brent Goodfellow to notify the Governor's representative that the Senate is convened in the Sixth Extraordinary Session in accordance with his proclamation.

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

\* \* \*

Leslie McLean read the following communications:

### COMMUNICATION FROM THE GOVERNOR

Mr. President: October 2, 2007 In accordance with Utah Code 67–1–1 and 67–1–2, I propose and transmit the following appointments:

### **Utah Capital Investment Board:**

Robert P. Majka is reappointed as a member of the Utah Capital Investment Board, a term to expire November 1, 2011. See Utah Code Ann. 63–38f–1205.

### **State Board of Financial Institutions:**

Preston Louis Jackson is appointed to replace James C. Anderson as a member of the State Board of Financial Institutions, a term to expire July 1, 2009. See Utah Code Ann. 7-1-203. Mr. Jackson is an Independent.

#### **Utah Housing Corporation Board of Trustees:**

Mark Cornelious is reappointed as a member of the Utah Housing Corporation Board of Trustees, a term to expire June 1, 2011. See Utah Code Ann. 9–4–904. Mr. Cornelious is a Republican.

Douglas L. DeFries is appointed to replace Scott Parkinson as a member of the Utah Housing Corporation Board of Trustees, a term to expire June 1, 2011. See Utah Code Ann. 9–4–904. Mr. DeFries is an Independent.

Robert M. Whatcott is appointed to replace Ross Hurst as a member of the Utah Housing Corporation Board of Trustees, a term to expire June 1, 2011. See Utah Code Ann. 9–4–904. Mr. Whatcott is an Independent.

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

Jill Miller is appointed to replace Anne Watson as a member of the Utah Arts Council Board of Directors, a term to expire July 1, 2009. See Utah Code Ann. 9-6-204

### **Utah Athletic Foundation Board of Directors:**

Derek Parra is appointed to replace Nikki Stone as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2010. See HJR 25 from the 2005 General Legislative Session.

Melvin R. Brown is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2010. See HJR 25 from the 2005 General Legislative Session.

Doral L. Vance is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2010. See HJR 25 from the 2005 General Legislative Session.

Spencer Fox Eccles is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2010. See HJR 25 from the 2005 General Legislative Session.

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

### Jon M. Huntsman, Governor

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

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

#### Voting in the affirmative were: Senators Bell Bramble Buttars Christensen Davis Dmitrich Dayton Fife Goodfellow Greiner Hickman Jenkins Killpack Knudson Madsen McCov Peterson Romero Stephenson Stowell Van Tassell Waddoups Walker Valentine Absent or not voting were: Senators Eastman Hillyard Jones Mayne Niederhauser

\* \* \*

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

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

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

STATE OF UTAH

# **SENATE JOURNAL**

## SEVENTH EXTRAORDINARY SESSION OF THE FIFTY–SEVENTH LEGISLATURE

Convened and Adjourned on Wednesday, November 14, 2007

### CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Seventh Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Seventh Extraordinary Session convening on Wednesday, November 14, 2007, 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

## SEVENTH EXTRAORDINARY SESSION of the FIFTY-SEVENTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Seventh Extraordinary Session at 12:00 noon on Wednesday, November 14, 2007.

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

Prayer – Senator Greg Bell

Pledge – Senator Scott Jenkins

\* \* \*

Annette Moore, read the following Proclamation and Certification:

#### PROCLAMATION

WHEREAS, since the close of the 2007 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a Seventh Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 14th day of November, 2007 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 2007 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Salt Lake Capitol Complex in Salt Lake City, Utah, this 30th day of October, 2007.

Jon M. Huntsman, Jr. Governor

Gary R. Herbert Lieutenant Governor

#### CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of October 30th, 2007, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Seventh Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 14th day of November, 2007, 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 2007 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 30th day of October 2007.

Gary R. Herbert Lieutenant Governor

Roll call - All Senators present except Senators Hickman and Mayne, excused.

On motion of Senator Eastman, the Senate voted to adopt the Senate Rules of the 2007 General Session of the Fifty-Seventh Legislature as the rules for the Seventh Extraordinary Session.

President Valentine appointed a committee comprised of Senators Chris Buttars, Peter Knudson and Scott McCoy to notify the Governor's representative that the Senate is convened in the Seventh Extraordinary Session in accordance with his proclamation.

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

#### COMMUNICATIONS FROM THE GOVERNOR

Annette Moore read the following communications:

Mr. President:

October 10, 2007 In accordance with Utah Code 67–1–1 and 67–1–2, I propose and transmit the following appointment:

#### SECOND DISTRICT JUVENILE COURT

David M. Connors is appointed as a Judge of the Second District Juvenile Court. See Utah const. ant. VIII, 8; Utah Code 78-29-2.

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

> Jon M. Huntsman, Jr. Governor

\* \* \*

Mr. President:

November 7, 2007 The Senate Judicial Confirmation Committee met on November 7, 2007, and reports a favorable recommendation for Mr. David M. Connors to be confirmed to the position of Judge in the Second District Juvenile Court.

D. Chris Buttars, Chair Senator Hillyard moved to consent to the appointment as read by Annette Moore. Senators Buttars, Bell, and Killpack commented. The motion passed on the following roll call:

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Killpack	Knudson	Madsen	McCoy
Niederhauser	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Absent or not voti	ng were: Senators		
Dayton	Hickman	Jones	Mayne

#### COMMITTEE OF THE WHOLE

On motion of Senator Bramble, Judge David M. Connors spoke in Committee of the Whole.

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

\* \* \*

Mr. President:

Peterson

October 30, 2007 In accordance with Utah Code 67–1–1 and 67–1–2, I propose and transmit the following appointments:

#### **Quality Growth Commission:**

Reed R. Erickson is appointed to replace Brad Barber as a member of the Quality Growth Commission, a term to expire April 15, 2011. See Utah Code Ann. 11–38–201. Mr. Erickson resides in Iron County.

#### **Title and Escrow Commission:**

Jerry Michael Houghton is appointed to replace R. Curt Webb as a member of the Title and Escrow Commission, a term to expire June 30, 2009. See Utah Code Ann. 31A-2-403. Mr. Houghton resides in Tooele County.

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

Jon M. Huntsman, Governor Senator Hillyard moved to consent to the appointment as read by Annette Moore. The motion passed on the following roll call:

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

#### Voting in the affirmative were: Senators

, oung in the un		COLD	
Bell	Bramble	Buttars	Christensen
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	McCoy
Niederhauser	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Absent or not vo	ting were: Senators		
Davis	Dayton	Hickman	Mayne
Peterson			

\* \* \*

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

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

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

STATE OF UTAH

# **SENATE JOURNAL**

## 2008 GENERAL SESSION OF THE FIFTY–SEVENTH LEGISLATURE

Convened Monday, January 21, 2008

Adjourned Sine Die Wednesday, March 5, 2008

## CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the 2008 General Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the General Session convening on Monday, January 21, 2008, and adjourning sine die on Wednesday, March 5, 2008.

> Annette B. Moore Secretary of the Senate

Leslie McLean Manager, Senate Services

Mary B. Andrus Journal Clerk

## **PRESIDENT OF THE SENATE**



## 2008 General Session Fifty–Seventh Legislature

After nearly three and a half years, the Capitol Restoration Project is nearly complete. In December, 2007, we left our temporary quarters in the House Building and moved back into the Capitol where, following the rededication ceremony on January 4, the 2008 General Session of the Fifty–Seventh Legislature convened on January 21. It was truly a momentous occasion, and I was honored to preside over the Senate during this historic session.

We began the session without our long-time friend and colleague, Senator Eddie Mayne, who passed away in November of last year after a courageous battle with lung cancer. We were very

pleased that his wife, Karen, was appointed by the governor to fill this vacancy. She was sworn in on January 16, 2008, and has been delightful to work with.

Utah is a most extraordinary state. I am happy to report that the <u>Pew Center on States</u>, in its 2008 report, named Utah the best-managed state in the nation. Utah's first-place ranking is due, in part, to enhancements in government efficiency through the use of technology.

This year's budget surplus was the third largest in Utah's history. Fifty–eight percent (\$440 million) of total available revenue went to public education, and an additional \$100 million was reserved for future public education needs. Funding for public education employees included a \$1,700 ongoing salary increase for each teacher, making this the third straight year teachers have received a pay increase.

Other highlights include the formation of a legislative task force that will develop and implement the state's strategic plan for health system reform. House Bill 129 appropriated money for the construction of a new veterans' nursing home in Ogden, Utah. An appropriation of \$11 million will help promote travel and tourism, \$7 million will fund Medicaid dental services for adults, and \$3 million will provide incentives to motion picture companies in an effort to draw them to Utah. And, to the relief of many, Senate Bill 297 created a first–offense felony penalty for the crime of torturing a dog or cat.

Three of our senators—Mike Dmitrich, Dan Eastman, and Bill Hickman—announced they will not seek re–election. They have each made significant contributions to the state of Utah, and we will miss them very much. Mike Dmitrich has served for 40 years. He was first elected to the House of Representatives in 1968 and was subsequently appointed and elected to the Senate in the same year—1992. Senator Eastman was appointed, then elected, to the Senate in 2000. Senator Hickman served in the House of Representatives from 1992 through 2000 when he was elected to the Senate. We wish them well as they retire from the legislature and express our great appreciation for their many years of service.

John L. Valentine President Utah State Senate

## SENATE LEADERSHIP

### MAJORITY LEADERSHIP (Republican)



Curtis S. Bramble Majority Leader



Dan R. Eastman Majority Whip



Sheldon Killpack Asst. Majority Whip

### **MINORITY LEADERSHIP (Democrat)**



Mike Dmitrich Minority Leader



Gene Davis Minority Whip

SENATE STAFF



Patricia Jones Asst. Minority Whip



Annette B. Moore Secretary of the Senate



Leslie McClean Manager Senate Services



Mary Andrus Journal Clerk



Lynette Erickson Docket Clerk

## SENATE LEADERSHIP

President of the Senate (R)	John L. Valentine
Majority Leader (R)	Curtis S. Bramble
Majority Whip (R)	Dan R. Eastman
Assistant Majority Whip (R)	Sheldon Killpack
Minority Leader (D)	Mike Dmitrich
Minority Whip (D)	Gene Davis
Assistant Minority Whip (D)	Patricia Jones

## HOUSE LEADERSHIP

Speaker of the House (R)	Greg J. Curtis
Majority Leader (R)	David Clark
Majority Whip (R)	Gordon E. Snow
Assistant Majority Whip (R)	Brad L. Dee
Minority Leader (D)	Brad King
Minority Whip (D)	David Litvack
Assistant Minority Whip (D)	Carol Spackman Moss

### STATE OFFICIALS

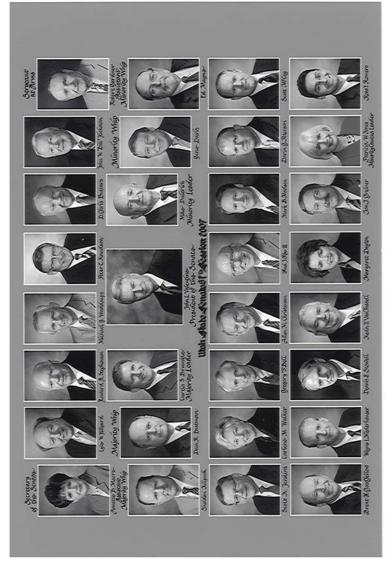
Governor	Jon M. Huntsman Jr.
Lieutenant Governor	Gary Herbert
Attorney General	Mark Shurtleff
Auditor	Auston Johnson
Treasurer	Edward T. Alter

## **CONGRESSIONAL DELEGATION**

Senator Robert F. Bennett
Senator Orrin G. Hatch
Congressman Jim Matheson
Congressman Rob Bishop
Congressman Chris Cannon

## **UTAH SUPREME COURT**

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





Karen Mayne

MEMBERS OF THE SENATE

## MEMBERS OF THE SENATE Fifty–Seventh Legislature

Senator	District	County(ies)	Party	Address & Telephone No.
Fred J Fife III	1	Salt Lake	(D)	842 W 900 S Salt Lake City Ut 84104 Home (801) 521–7383
Scott McCoy	2	Salt Lake	(D)	560 E 700 S Salt Lake City Ut 84102 Home (801) 359–2544
Gene Davis Minority Whip	3	Salt Lake	(D)	865 Parkway Ave Salt Lake City Ut 84106 Home (801) 484–9428
<b>Patricia Jones</b> Asst Minority Leader	4	Salt Lake	(D)	4571 Sycamore Dr Holladay Ut 84117 Home (801) 278–7667
Karen Mayne	5	Salt Lake	(D)	5044 W Bannock Cir West Valley City Ut 84120 Home (801) 968–7756
Michael G Waddoups	6	Salt Lake	(R)	2868 Matterhorn Dr Taylorsville Ut 84084 Home (801) 967–0225
Ross I Romero	7	Salt Lake	(D)	1150 S 1400 E Salt Lake City Ut 84105 Home (801) 364–2451
Carlene Walker	8	Salt Lake	(R)	4085 E Prospector Dr Salt Lake City Ut 84121 Office (801)–733–4599
Wayne L Niederhause	er 9	Salt Lake	(R)	3182 E Granite Woods Lane Sandy Ut 84092 Home (801) 942–3398
D Chris Buttars	10	Salt Lake	(R)	9241 S Lisa Ave West Jordan Ut 84088 Home (801)561–0535
Howard A Stephenson	n 11	Salt Lake, Utah	(R)	1038 E 13590 S Draper Ut 84020 Home (801) 576–1022

<b>Brent Goodfellow</b> Minority Caucus Manager	12	Salt Lake, Tooele	(D)	3620 S 6000 W West Valley City, Ut 84128 Home (801) 968–0626
Mark B Madsen	13	Tooele, Utah	(R)	P O Box 572 Lehi Ut 84043 Home (801)864–0766
<b>John L Valentine</b> <i>President</i>	14	Utah	(R)	857 E 970 N Orem Ut 84097 Home (801) 224–1693
Margaret Dayton	15	Utah	(R)	97 W Westview Dr Orem Ut 84058 Home (801) 221–0623
Curtis S Bramble Majority Leader	16	Utah	(R)	3663 N 870 E Provo Ut 84604 Home (801)226–3663
Peter C Knudson	17	Box Elder, Cache,Tooele	(R)	1209 Michelle Dr Brigham City Ut 84302 Home (435) 723–2035
Jon J Greiner	18	Davis, Weber	(R)	4232 Fern Dr Ogden Ut 84403 Home (801) 621–0423
Allen M Christensen	19	Morgan, Summit, Weber,	(R)	1233 E 2250 N North Ogden Ut 84414 Home (801) 782–5600
Scott K Jenkins	20	Weber	(R)	4385 W 1975 N Plain City Ut 84404 Home (801) 731–5120
Sheldon Killpack Asst. Majoirty Whip	21	Davis	(R)	3406 S 875 W Syracuse Ut 84075 Home (801) 773–5486
Gregory S Bell	22	Davis	(R)	744 Eagle Way Fruit Heights Ut 84037 Office (801) 971–2001
<b>Dan R Eastman</b> <i>Majority Whip</i>	23	Davis	(R)	968 Canyon Crest Dr Bountiful Ut 84010 Home (801) 295–5133

Darin G Peterson	24	Juab, Piute, () Sanpete, Sevier,	(R)	451 E 1250 N Nephi Ut 84648 Home (435) 623–2271
Lyle W Hillyard	25	Cache, Rich, (R	R)	595 S RIVERWOODS PKWY Logan Ut 84321 Home (435) 753–0043
Kevin Van Tassell	26	Daggett, Duchesne, (R Summit, Uintah, Wasatch	R)	3424 W 1500 N Vernal Ut 84078 Home (435) 789–0724
<b>Mike Dmitrich</b> Minority Leader	27	Carbon, Emery, (D Grand, San Juan, Utah	D)	566 N Dover Cir Price Ut 84501 Home (435) 637–0426
Dennis Stowell	28	Beaver, Garfield, (R Iron, Kane, Millard, Washington	R)	P O Box 796 Parowan Ut 84761 Home (435) 477–8143
John W (Bill) Hickman	29	Washington (R	R)	214 N Emeraud Dr St George Ut 84770 Home (435)673–2671

#### \*UTAH STATE CONSTITUTION LEGISLATIVE DEPARTMENT ARTICLE VI

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

\*"Rules of the Fifty-Sixth Legislature 2005"

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

\*Copies available in the Legislative Printing.

## **STATE OF UTAH**

## SENATE JOURNAL 2008 GENERAL SESSION of the FIFTY–SEVENTH LEGISLATURE FIRST DAY

## **MORNING SESSION**

### **January 21, 2008**

Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty–Seventh Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 21, 2008, at ten o'clock a.m.

The Senate was called to order at 10:30 a.m., with the President John L. Valentine presiding.

#### PRAYER BY ELDER ROBERT D. HALES MEMBER OF THE QUORUM OF TWELVE APOSTLES CHURCH OF JESUS CHRIST OF LATTER–DAY SAINTS

Our Kind Eternal Heavenly Father: As we come before thee on this opening of the Legislature of the State of Utah, we ask that we may be able to have thy kind spirit to be with the leaders of the state, the governor, the head of the Senate and the House. We ask a special blessing to be upon the senators as they deliberate on the matters of the people of this state and that all that is discussed and resolved in these chambers will be done in unity and resolution to uphold the constitution and be able to assist those who are in need throughout the state, that they may be able to care for the needy, provide the education, to be able to give security, and to honor the constitution. We thank thee Father for the many blessings which we have and give gratitude for the freedoms of this nation, freedom of speech, freedom of assembly, freedom of religion, freedom of the press, and on this special day in which we honor human rights we ask that we may honor all creeds, religions, and the genealogy and background of all the citizens who come. We close giving gratitude for all that we have been given and pray that we may show our appreciation and gratitude for the willingness of these men and women who serve as representatives of government.

We say this in the name of Jesus Christ, Amen.

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

UTAH NATIONAL GUARD Members of the Color Guard Curt Hoepfner, SFC John Mark, SFC Matt Brown, SFC Jan Rigby, SSG

Pledge of Allegiance – Chief Warrant Officer Four, Scott Upton, Utah National Guard. Served in Iraq, Distinguished Flying Cross Recipient

#### SPECIAL MUSICAL PRESENTATION

The Layton High School Band, directed by Mr. Keith Sorensen performed "The Star Spangled Banner" and "The Spirit of Freedom" by Cathy Neff.

\* \* \*

On motion of Senator Curtis Bramble, the Senate expressed gratitute to Elder Hales for delivering the invocation and ordered his words to be spread upon the pages of the Senate Journal.

#### WELCOMING REMARKS BY PRESIDENT VALENTINE

Good morning and WELCOME to the Senate Chambers in the newly renovated State Capitol Building.

The restoration of our beautiful home here features more than 200 colors of paint and millions of pounds of steel and concrete. For years now she has been attended to by a small army of laborers, artists, architects and politicians.

We have restored the artwork and fixtures at the same time we've added incredible information-age technology. We've modernized the heating, air conditioning, electrical system, the phone and data and other systems to the extent that this building will use 43 percent LESS electricity than it did before but it will be much more effective.

Through form and function, architecture and art, this building is ready to serve as the temple to our democratic republic it was designed to be.

And we attached this magnificent structure to 265 base isolators beneath the Capitol to allow flexibility while anchoring it firmly to a strong foundation.

That's important because this building is built on a fault line.

Every 1300 years or so an earthquake of 6.7 or greater on the Richter scale rips along the Wasatch Fault – which runs several hundred feet from where we now sit. Scientists estimate it's been about 1300 years since the last one.

Not to worry. The new Capitol Building can flex up to 24 inches in any direction and still be firmly anchored. We estimate she can withstand earthquakes of up to 7.3.

Can WE?

This building sits across other fault lines as well. Sometimes we fracture along lines of party – or ideological variations within a party. Other times we break along institutional lines of House, Senate, and Governor's Office. And sometimes, unfortunately, we fracture along lines of ego and pride.

We need to be problem solvers.

The legislature, as an institution, needs to be bear up under unique seismic pressures as well. In an earlier speech I suggested we rededicate ourselves along with this new building. Let us become more aligned with the principles enshrined in the Capitol.

Like this building, we need to be both flexible and firmly anchored to a strong foundation.

All of us need to be flexible as we adjust to new traffic patterns, unforeseen changes, new people and ideas in this new building. We need to respect and make room for each other.

To our incredible Staff: You have been professional, capable, and wonderful through the years. We expect nothing less of you now. Be firm but flexible.

To Utah citizens: enjoy your time here. Treasure your role and help us fulfill ours.

Remember this is not a direct democracy, this is a democratic republic – but it is a republic for which you are directly responsible.

To my colleagues in the Senate: Like this building we need to be flexible enough to respect and work with all viewpoints, but resolute in fidelity to the values and principles that have led us to our roles in this place at this time. We need to be problem solvers.

Education is an easy example. Because voters have taken vouchers off the table we need to be flexible enough to find other solutions to the problems

vouchers were meant to address. But we will be firm in the commitment that our children deserve nothing less than a world class education. As we continue to pour unprecedented amounts of funding to public education we will require results and accountability. Perhaps, in the past, we neglected some of our responsibility in this area. We will do so no longer.

Our state has experienced jaw-dropping prosperity for families, businesses, and individuals. We are one of the best fiscally managed states in the nation. We are the most economically competitive and the best state in the nation to live, work, play, and raise a family.

This is due, in large part, because of work done right here in this body.

As we move forward let's remember this building's architectural principles of flexibility and resolution.

We will be flexible to the extent we can ride through an economic downturn, should one come to pass; but FIRM in maintaining smart economic, fiscal, and tax policy that has played a part in Utah becoming THE most competitive state in the nation.

We will be FIRM in the ability of decent men and women from all walks of life to work together toward policies that make sense. And flexible enough not to get caught up in old tired prejudices.

We will be FIRM in our respect and love for our state and nation and the values, principles and protections that make us free.

We will be FLEXIBLE enough to realize we preside here by a specific delegation of power from the people in our districts.

We will be firm enough to use that power to govern well.

Flexible enough to know this is an election year, but firm in our determination that our work here is not to campaign.

Our work is to govern well.

Our job is not to seek retribution, or fame, or riches, or gratification.

Our job is to govern well.

This building is permanent but we are only TEMPORARILY ENTRUSTED. For the short time that is given to each of us here, our ONLY job is to govern well. The people of Utah need and deserve it.

Welcome to the Utah State Senate Chambers.

We have work to do.

Let's get started.

\* \* \*

On motion of Senator Killpack, the Senate voted to have President Valentine's remarks spread upon the pages of the Senate Journal.

\* \* \*

Annette B. Moore read the following Certification of Membership of the 2008 General Session of the Fifty–Seventh Legislature from the Lieutenant Governor.

I, GARY R. HERBERT, Lieutenant Governor of the State of Utah, do hereby certify that at a General Election held within and for the State of Utah on Tuesday, November 7, 2006, the following named persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2007, to wit:

SECOND DISTRICT: County of Salt Lake Scott McCov THIRD DISTRICT: County of Salt Lake Gene Davis FOURTH DISTRICT: County of Salt Lake Patricia W. Jones SEVENTH DISTRICT: County of Salt Lake Ross I. Romero NINTH DISTRICT: County of Salt Lake Wayne Niederhauser ELEVENTH DISTRICT: Counties of Salt Lake, Utah **Howard Stephenson** TWELFTH DISTRICT: Counties of Salt Lake, Tooele **Brent Goodfellow** FIFTEENTH DISTRICT: County of Utah Margaret Davton SEVENTEENTH DISTRICT: Counties of Box Elder, Cache, Tooele Peter Charles Knudson

EIGHTEENTH DISTRICT: Counties of Davis, Weber
Jon J. Greiner
TWENTY-FIRST DISTRICT: County of Davis
Sheldon L. Killpack
TWENTY-SECOND DISTRICT: County of Davis
Gregory S. Bell
TWENTY-FOURTH: Counties Juab, Piute, Sanpete, Sevier, Tooele, Wayne
Darin Peterson
TWENTY-SIXTH DISTRICT: Counties of Daggett, Duchesne, Summit, Uintah,
Wasatch
Kevin T. VanTassell
TWENTY-EIGHTH DISTRICT: Counties of Beaver, Garfield, Kane, Millard,
Washington
Dennis E. Stowell

I FURTHER CERTIFY that at a General Election held within and for the State of Utah on Tuesday, November 2, 2004, the following persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2005, to–wit:

FIRST DISTRICT: County of Salt Lake Fred J. Fife III SIXTH DISTRICT: County of Salt Lake Michael G. Waddoups EIGHTH DISTRICT: County of Salt Lake Carlene M. Walker TENTH DISTRICT: County of Salt Lake **D.** Chris Buttars THIRTEENTH DISTRICT: Counties of Salt Lake, Tooele 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-FIRST DISTRICT: County of Davis Sheldon L. Killpack TWENTY-THIRD DISTRICT: County of Davis Dan R. Eastman

2008, to-wit:

TWENTY-FIFTH DISTRICT: Counties of Cache, Rich Lyle W. Hillyard
TWENTY-SEVENTH DISTRICT: Counties of Carbon, Emery, Grand, San Juan, Utah
Mike Dmitrich
TWENTY-NINTH: Counties of Washington
John W. "Bill" Hickman

I FURTHER CERTIFY that the following named person has been duly appointed as a member of the Legislature of the State of Utah, to serve in the Senate, filling a seat vacated in District Five, for a term to expire on December 31,

#### FIFTH DISTRICT: County of Salt Lake Karen Mayne

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

Roll Call – All Senators present.

\* \* \*

President Valentine directed that the following be recorded in the Senate Journal as leaders for the 57th Legislature 2008 General Session:

President – John L. Valentine Majority Leader – Curtis S. Bramble Majority Whip – Dan R. Eastman Asst. Majority Whip – Sheldon L. Killpack Minority Leader – Mike Dmitrich Minority Whip – Gene Davis Asst. Minority Whip – Patricia W. Jones Minority Caucus Manager – Brent Goodfellow

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

President Valentine directed that the following be recorded in the Senate Journal as members of the Rules Committee for the 57th Legislature 2008 General Session:

Bill Hickman, Chair Peter Knudson Greg Bell Chris Buttars Darin Peterson Gene Davis Scott McCoy

\* \* \*

President Valentine appointed Senator Greg Bell as the Committee Chair to serve Patronage and Employees.

On motion of Senator Bill Hickman, the 2007 Senate Rules, Joint Rules and Interim Rules of the Fifty–Seventh Legislature were adopted with the understanding that changes to these rules for the Fifty–Seventh Legislature will be considered and adopted as soon as possible.

President Valentine appointed Senators Christensen, Stowell and McCoy as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Valentine appointed Senators Stephenson, Dayton, and Goodfellow to join with a like committee from the House to notify Governor Jon M. Huntsman, Jr. that the Legislature is organized for the 2008 General Session of the Fifty–Seventh Legislature and ready to do business.

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

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

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

At the direction of President Valentine, information and membership concerning the following committees are to be officially recorded in the Senate Journal:

#### SENATE STANDING COMMITTEES

#### **Business and Labor**

Kevin VanTassell, *Chair* Dan R. Eastman Bill Hickman Wayne Niederhauser Carlene Walker Gene Davis Karen Mayne

#### Education

Margaret Dayton, *Chair* Curtis Bramble Greg Bell Lyle Hillyard Darin Peterson Howard Stephenson Patricia Jones Ross Romero

## Natural Resources, Agriculture and Environment

Darin Peterson, *Chair* Allen Christensen Margaret Dayton Dennis Stowell Michael Waddoups Gene Davis Fred Fife

#### Health and Human Services

D. Chris Buttars, *Chair* Allen Christensen Peter Knudson Brent Goodfellow Scott McCoy

#### Workforce Services and Community and Economic Development Mark B. Madsen, *Chair* Dan Eastman

Sheldon Killpack Dennis Stowell Fred Fife Patricia Jones

# Judiciary, Law Enforcement and Criminal Justice

Greg Bell, *Chair* Lyle W. Hillyard Jon Greiner Mark Madsen John Valentine Scott McCoy Ross Romero

#### **Revenue and Taxation**

Wayne Niederhauser, *Chair* Curtis Bramble Jon Greiner Howard Stephenson John Valentine Michael Waddoups Mike Dmitrich Karen Mayne

# Government Operations and Political Subdivisions

Peter Knudson, *Chair* Bill Hickman D. Chris Buttars Scott Jenkins Scott McCoy Ross Romero

## Transportation and Public Utilities and Technology

Carlene Walker, *Chair* Sheldon Killpack Scott Jenkins Kevin VanTassell Mike Dmitrich Karen Mayne

Retirement and Independent Entities Curtis Bramble, *Chair* Chris Buttars Darin Peterson Carlene Walker Brent Goodfellow Gene Davis

#### **Senate Rules**

Bill Hickman, *Chair* Peter Knudson Greg Bell D. Chris Buttars Darin Peterson Gene Davis Scott McCoy

#### SENATE MEMBERS JOINT APPROPRIATIONS SUBCOMMITTEES 2007 – 2008

#### EXECUTIVE APPROPRIATIONS COMMITTEE

Sen. Lyle Hillyard, *Chair* Sen. Peter Knudson, *Vice Chair* Sen. John Valentine Sen. Curtis Bramble Sen. Dan Eastman Sen. Sheldon Killpack Sen. Mike Dmitrich Sen. Gene Davis Sen. Brent Goodfellow Sen. Pat Jones

#### COMMERCE AND WORKFORCE SERVICES

Sen. Jon Greiner, *Chair* Sen. Mark Madsen Sen. Wayne Niederhauser Sen. Karen Mayne

#### ECONOMIC DEVELOPMENT AND REVENUE

Sen. Bill Hickman, *Chair* Sen. Dan Eastman Sen. Gene Davis

# EXECUTIVE OFFICES AND CRIMINAL JUSTICE

Sen. Michael Waddoups, *Chair* Sen. Scott McCoy

### CAPITAL FACILITIES AND ADMINISTRATIVE SERVICES

Sen. Scott Jenkins, *Chair* Sen. Sheldon Killpack Sen. Darin Peterson Sen. Mike Dmitrich

#### HIGHER EDUCATION

Sen. Greg Bell, *Chair* Sen. Curtis Bramble Sen. Dan Eastman Sen. Brent Goodfellow

#### HEALTH AND HUMAN SERVICES

Sen. Allen Christensen, *Chair* Sen. D. Chris Buttars Sen. Peter Knudson Sen. Ross Romero

#### NATURAL RESOURCES

Sen. Dennis Stowell, *Chair* Sen. John Valentine Sen. Margaret Dayton Sen. Mike Dmitrich

#### PUBLIC EDUCATION

Sen. Howard A. Stephenson, *Chair* Sen. Lyle Hillyard Sen. Kevin VanTassell Sen. Pat Jones

### RETIREMENT AND INDEPENDENT ENTITIES

Sen. Curtis Bramble Sen. Chris Buttars Sen. Darin Peterson Sen. Carlene Walker Sen. Gene Davis Sen. Brent Goodfellow

#### TRANSPORTATION AND ENVIRONMENTAL QUALITY

Sen. Carlene Walker, *Chair* Sen. John Valentine Sen. Sheldon Killpack Sen. Fred Fife

\* \* \*

#### LEGISLATIVE MANAGEMENT COMMITTEE

Sen. John L. Valentine, *Chair* Sen. Curtis S. Bramble Sen. Dan R. Eastman Sen. Sheldon Killpack Sen. Mike Dmitrich Sen. Gene Davis Sen. Brent Goodfellow Sen. Pat Jones \* \* \*

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

#### **EMPLOYEE COMMITTEE REPORT**

Senator Bell introduced the Senate staff.

Annette B. Moore Ric Cantrell Leslie O. McLean Janeen M. Halverson Secretary of the Senate Chief Deputy of the Senate Manager of Senate Services Minority Administrative Assistant Lynette Erickson Greg Johnson Laura Barlow Mary Andrus Rolayne Day Saundra Maeser **Bonnie Brinton** Cherie M. Schmidt Karen Allred Karen C. Allred Nedra Duzett Joan Tiffany Robert L. Gardner Leo Parry Thomas R. Shepherd Al Caputo Roger Winslow Glenn Hildebrand Paul Jacobs Tony Mascaro Virgil Blair Frank Christensen Ammon Ely Steve Higham Jason Hildebrand Cliff Park Larry Bunkle Gayle C. Petersen Linda Cornaby Sue Gaskill Kathryn Alldredge Deanne Evans Christine Hunter Judy Paulson Sandy "Penny" Dunn **Dianne Richards** Jewel Doxey Margaret Pugsley Georgianna Knudson Eileen Miller

Docket Clerk/Administrative Asst. System Analyst and **Computer Specialist** Asst. Majority Assistant Journal Clerk Secretarial Supervisor & Committee Secretary Rules Secretary Committee Secretary Committee Secretary Committee Secretary Committee Secretary Committee Secretary Committee Secretary Sergeant At Arms Asst. Sergeant At Arms Security Page Supervisor Asst. Page Supervisor Page Page Page Page Page Page Page Page Page Docket Clerk Aide Recording System Operator

Richard Black Paula Tew

Evoline Gardner

Vicky Barber Rebecca Rawson Ellen Schoffield Computer Specialist Legislative & Third House Aide Aide to Sec. of Sen. Hostess and 3rd House Aide Public Information Officer Public Information Officer Public Information Officer

#### INTRODUCTION OF INTERNS

Senator Pat Jones introduced the Senate Interns for the 2008 General Session.

Sen. Greg Bell Sen. Curtis Bramble Sen. D. Chris Buttars Sen. Allen Christensen Sen. Gene Davis Sen. Margaret Dayton Sen. Mike Dmitrich Sen. Dan R. Eastman Sen. Fred Fife Sen. Brent Goodfellow Sen. Jon J. Greiner Sen. Bill Hickman Sen. Lyle Hillyard Sen. Scott Jenkins Sen. Patricia Jones Sen. Sheldon Killpack Sen. Peter Knudson Sen. Mark Madsen Sen. Karen Mayne Sen. Scott McCoy Sen. Wayne Niederhauser Sen. Darin Peterson Sen. Ross Romero Sen. Howard Stephenson Sen. Dennis Stowell Pres. John Valentine Sen. Kevin VanTassell Sen. Michael Waddoups

Brian Nielsen Jeff Bramble Amelia Roper Robert Pyper Stephen McKeone Kendyl Bell Stephen McKeone Seth Melling Joseph Nations Greg Buckley Chase Carter Michael Hock Kaylyn Newhall Chase Carter Autumn Orme Phillip Malugade Daniel Rose Robert Pyper Joseph Nations Zachery Fountain Ryan Richards Michael Hock Zachery Fountain Shawn Horrocks Anna Moesinger Colby Green Ryan Richards Amelia Roper

Erin Toolson

#### **INTRODUCTION OF BILLS**

**S.B. 1**, **State Agency and Higher Education Base Budget Appropriations** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 10, Search Warrant Procedure Amendments** (J. Greiner), read the first time by short title and referred to the Rules Committee.

#### S.B. 11, Utah Venture Capital Enhancement Act Amendments

(S. Jenkins), read the first time by short title and referred to the Rules Committee.

**S.B. 12**, **Election Law Modifications** (P. Knudson), read the first time by short title and referred to the Rules Committee.

**S.B. 13**, **Candidate Residency Requirements** (P. Knudson), read the first time by short title and referred to the Rules Committee.

**S.B. 14**, **Smoking Ban in Motor Vehicle** (S. McCoy), read the first time by short title and referred to the Rules Committee.

**S.B. 15**, **Driving Under the Influence Amendments** (C. Walker), read the first time by short title and referred to the Rules Committee.

**S.B. 16**, **Exoneration and Innocence Assistance** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 17, Child Abuse and Neglect Registry – Management and Licensing Information Systems Amendments (G. Davis), read the first time by short title and referred to the Rules Committee.

# **S.B. 18, Public Safety Retirement Death Benefit Modifications** (J. Greiner), read the first time by short title and referred to the Rules Committee.

## S.B. 19, Enhanced Public Safety Retirement Systems Cola Option

(C. Walker), read the first time by short title and referred to the Rules Committee.

**S.B. 20**, **Municipal Government Amendments** (C. Walker), read the first time by short title and referred to the Rules Committee.

**S.B. 21, Campaign Finance Disclosure Revisions** (P. Knudson), read the first time by short title and referred to the Rules Committee.

**S.B. 22**, **Timing of Ballot Items** (P. Knudson), read the first time by short title and referred to the Rules Committee.

**S.B. 23**, **Revision to Polling Requirements** (P. Knudson), read the first time by short title and referred to the Rules Committee.

**S.B. 24, Retirement Death Benefits and Divorce Revisions** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 25**, **Municipal Incorporation Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.

**S.B. 26**, **Fire Management Areas** (M. Dayton), read the first time by short title and referred to the Rules Committee.

**S.B. 27**, **Trustees Sale – Process for Excess Proceeds** (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 28, Apportionment of Business Income, Attributing Sales to the State, and Deduction of Net Losses by a Unitary Group (H. Stephenson), read the first time by short title and referred to the Rules Committee.

**S.B. 29**, **Truth in Taxation Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 30**, **Consumer Sales Practice Act Amendments** (P. Jones), read the first time by short title and referred to the Rules Committee.

**S.B. 31, Income Tax Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 32**, **Local Government Bonding Act – Public Hearings** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

**S.B. 33, Department of Community and Culture – State–owned Art Inventory** (M. Madsen), read the first time by short title and referred to the Rules Committee.

**S.B. 34**, **Confidentiality of Reports to Driver License Division** (A. Christensen), read the first time by short title and referred to the Rules Committee.

**S.B. 35**, **Differentiated Pay for Teachers** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

**S.B. 36**, **Charter and Online Schools – Participation in Extracurricular Activities** (M. Madsen), read the first time by short title and referred to the Rules Committee.

**S.B. 37**, **Home School and Extra Curricular Activities Amendments** (M. Madsen), read the first time by short title and referred to the Rules Committee.

**S.B. 38**, **Transparency in Government Finance** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 39**, **Mathematics**, **Science**, and **Technology Education Task Force** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

**S.B. 40**, **State Trade Database** (M. Madsen), read the first time by short title and referred to the Rules Committee.

**S.B. 41, Extended School Year Incentive** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

**S.B. 42, Utah College of Applied Technology** – Governance and **Operations** (G. Bell), read the first time by short title and referred to the Rules Committee.

**S.B. 44**, **Penalties for Failing to Secure a Load or Littering on a Highway** (P. Jones), read the first time by short title and referred to the Rules Committee.

**S.B. 45**, Accounting for Competitive Activities of Local Entities (H. Stephenson), read the first time by short title and referred to the Rules Committee.

**S.B. 46**, **Anti–flow Control Amendments** (D. Eastman), read the first time by short title and referred to the Rules Committee.

**S.B. 47**, **Limited Purpose Local Government Entities Revisions** (D. Stowell), read the first time by short title and referred to the Rules Committee.

**S.B. 48, Equalization of School Capital Outlay Funding** (D. Eastman), read the first time by short title and referred to the Rules Committee.

**S.B. 49**, **New School District Amendments** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

**S.B. 50**, **Medical Benefits Recovery Amendments** (A. Christensen), read the first time by short title and referred to the Rules Committee.

**S.B. 51, Impact Fees – Public Safety Facility** (G. Bell), read the first time by short title and referred to the Rules Committee.

**S.B. 52, Identity Theft Amendment** (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 53, Use of Initiative and Referendum for Administrative Land Use and Zoning Matters (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

**S.B. 54, Initiative and Referendum Petition Submission Amendments** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

**S.B. 56**, **Naturopathic Physician Amendments** (S. McCoy), read the first time by short title and referred to the Rules Committee.

**S.B. 57**, **Franchise Law Amendments** (D. Eastman), read the first time by short title and referred to the Rules Committee.

**S.B. 58, Workers' Compensation Related Amendments** (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

**S.B. 59**, **Wildlife Amendments** (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 60, Repealing Labor Commission Responsibilities to Oversee Employment Agencies (R. Romero), read the first time by short title and referred to the Rules Committee.

**S.B. 61, Financial Literacy Education** (P. Jones), read the first time by short title and referred to the Rules Committee.

**S.B. 62**, **Health Insurance – Medical Complication Exclusions** (P. Knudson), read the first time by short title and referred to the Rules Committee.

**S.B. 63**, **Adult Protective Services Amendments** (K. VanTassell), read the first time by short title and referred to the Rules Committee.

**S.B. 64**, **Income Tax – Capital Gain Transactions** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 65**, **Soliciting Gang Members Prohibited** (J. Greiner), read the first time by short title and referred to the Rules Committee.

**S.B. 66**, **Uniform Emergency Volunteer Health Practitioners Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 67, Protection of Constitutionally Guaranteed Activities in Certain Private Venues** (M. Madsen), read the first time by short title and referred to the Rules Committee.

**S.B. 68**, **Workers' Compensation – Death Benefits** (K. Mayne), read the first time by short title and referred to the Rules Committee.

**S.B. 69**, **Uniform Limited Cooperative Association Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 70, Emotional Support Animals** (S. McCoy), read the first time by short title and referred to the Rules Committee.

**S.B. 94**, **Burglary of a Railroad Car** (D. Peterson), read the first time by short title and referred to the Rules Committee.

**S.B. 95**, **Markup on Alcoholic Beverages** (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

**S.B. 96**, **Multi-channel Video or Audio Service Tax Act Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 97**, **Immigration Task Force** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

**S.B. 98**, Licensing of Security Services (D. Eastman), read the first time by short title and referred to the Rules Committee.

**S.B. 99, Amendments to Sales and Use Tax Exemption for Prosthetic Devices** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 100, Motor Vehicle Dealer Disclosure Requirements Amendments** (D. Eastman), read the first time by short title and referred to the Rules Committee.

**S.B. 101**, **Utah Comprehensive Health Insurance Pool Funding** (G. Davis), read the first time by short title and referred to the Rules Committee.

**S.B. 102**, **Animal Torture Offense** (G. Davis), read the first time by short title and referred to the Rules Committee.

**S.B. 103**, **Higher Education Enhancements** (D. Stowell), read the first time by short title and referred to the Rules Committee.

#### S.B. 104, State Capital Facility Board – Creation and Oversight

(D. C. Buttars), read the first time by short title and referred to the Rules Committee.

#### S.B. 105, Judicial Performance Evaluation Commission

(D. C. Buttars), read the first time by short title and referred to the Rules Committee.

**S.B. 106, Juvenile Custody Maintenance Amendments** (D. Peterson), read the first time by short title and referred to the Rules Committee.

**S.B. 107**, **State Retirement Benefit Additions** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

**S.B. 108**, **Offset of Workers' Compensation and Social Security** (J. Hickman), read the first time by short title and referred to the Rules Committee.

**S.B. 109, Poll Worker Neutrality** (S. McCoy), read the first time by short title and referred to the Rules Committee.

**S.B. 110, Foreign Business Entities and Tribal Law** (K. VanTassell), read the first time by short title and referred to the Rules Committee.

**S.B. 111, Revisor's Statute** (J. Hickman), read the first time by short title and referred to the Rules Committee.

**S.B. 112**, **Legislative Space in the Capitol** (C. Bramble), read the first time by short title and referred to the Rules Committee.

**S.B. 113**, Access to Research Workers' Personal Information (G. Bell), read the first time by short title and referred to the Rules Committee.

**S.B. 114**, **Notary Public Revision** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 115, Motor Vehicle Safety Inspection Advisory Council Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

**S.B. 116**, **Retirement Office Amendments** (C. Walker), read the first time by short title and referred to the Rules Committee.

**S.B. 117, Animal Cruelty Amendments** (A. Christensen), read the first time by short title and referred to the Rules Committee.

**S.B. 118, Education Transportation Amendments** (D. Peterson), read the first time by short title and referred to the Rules Committee.

**S.B. 119, Department of Corrections Amendments** (D. Peterson), read the first time by short title and referred to the Rules Committee.

**S.B. 120**, **Department of Corrections Employee Vehicle Use** (D. Peterson), read the first time by short title and referred to the Rules Committee.

**S.B. 121**, Access to Qualified Health Care Providers (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

**S.B. 122**, **Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 123, Filling Vacancies in the Senate** (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 124, Sales and Use Tax – Definitions of Permanently Attached to Real Property and Tangible Personal Property (H. Stephenson), read the first time by short title and referred to the Rules Committee.

**S.B. 125, High School Voter Registration** (K. VanTassell), read the first time by short title and referred to the Rules Committee.

**S.B. 126**, **Filing Fee for Write–in Candidates** (P. Knudson), read the first time by short title and referred to the Rules Committee.

**S.B. 127**, **Underground Utilities Facilities Amendments** (J. Greiner), read the first time by short title and referred to the Rules Committee.

**S.B. 128, Amendments to the Veteran's Property Tax Exemption** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

**S.B. 129**, **Changes to County Surveyor** (K. VanTassell), read the first time by short title and referred to the Rules Committee.

**S.B. 130**, **Utility Improvement District Revisions** (K. VanTassell), read the first time by short title and referred to the Rules Committee.

#### S.B. 131, Wage Withholding for Employee Contributions

(W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 132, Consumer Credit Protection Act – Attorney General Powers** (C. Walker), read the first time by short title and referred to the Rules Committee.

**S.B. 133**, **Medical Assistance and Managed Care** (G. Bell), read the first time by short title and referred to the Rules Committee.

**S.B. 134**, **Residential Mortgage Fraud Act** (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 135, Extending the Sales and Use Tax Exemption for Pollution Control Facilities (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 136**, **Apportionment of Business Income Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 137**, **Mineral Production Tax Withholding Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 138**, Utah Substance Abuse and Anti–violence Coordinating Council Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

**S.B. 139, Utah Antitrust Act Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 140, Education Advisory Councils** (P. Jones), read the first time by short title and referred to the Rules Committee.

**S.B. 141, Water Conservancy District – Selection of Board of Trustees** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 142**, **High School Graduation Requirements** (M. Madsen), read the first time by short title and referred to the Rules Committee.

**S.B. 143**, **Insurance Financial Requirements** (K. VanTassell), read the first time by short title and referred to the Rules Committee.

**S.C.R. 1, Resolution Supporting Obesity Awareness** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

**S.C.R. 2**, **Resolution Promoting Legislators Back to School Program** (M. Dayton), read the first time by short title and referred to the Rules Committee.

**S.C.R. 3, Resolution Supporting Observance of Peace Officers Memorial Day** (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.C.R. 4, Concurrent Resolution Recognizing Utah's Nobel Prize Winner Mario Capecchi (J. Valentine), read the first time by short title and referred to the Rules Committee.

**S.J.R. 1**, **Resolution Encouraging the Advertisement of Alternative Routes to Teaching** (M. Dayton), read the first time by short title and referred to the Rules Committee.

**S.J.R. 2, Resolution Approving the Appointment of Legislative Fiscal Analyst** (C. Bramble), read the first time by short title and referred to the Rules Committee.

**S.J.R. 3**, **Resolution Approving Compensation of In–session Employees** (G. Bell), read the first time by short title and referred to the Rules Committee.

**S.J.R. 4**, **Joint Resolution Recognizing 100th Anniversary of Utah League of Cities and Towns** (P. Knudson), read the first time by short title and referred to the Rules Committee.

## COMMITTEE OF THE WHOLE

On motion of Senator Bramble, members of the Martin Luther King Jr. Human Rights Commission spoke in Committee of the Whole. Isaac Failner, winner of the State Adopt–A–School Essay contest, read his winning essay. Trysten Smith introduced Bishop John C. Wester, Catholic Diocese of Salt Lake. Bishop Wester spoke in the Committee of the Whole. Senators Howard Stephenson and Davis commented.

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

## **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 21, 2007

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

S.B. 111 S.B. 112	Revisor's Statute (Sen. J. Hickman) Legislative Space in the Capitol (Sen. C. Bramble)
S.J.R. 2	Resolution Approving the Appointment of Legislative
	Fiscal Analyst (Sen. C. Bramble)
	Bill Hickman

Rules Committee Chair

Report filed. On motion of Senator Hickman, under suspension of the rules, the committee report was adopted.

## **RULES COMMITTEE REPORTS**

To the Members of the Senate: January 21, 2008 The Rules Committee recommends that the following bills be placed on the Second Reading Calendar:

S.B. 10	Search Warrant Procedure Amendments (Sen. J. Greiner)
S.B. 11	Utah Venture Capital Enhancement Act Amendments
	(Sen. S. Jenkins)
S.B. 12	Election Law Modifications (Sen. P. Knudson)
S.B. 13	Candidate Residency Requirements (Sen. P. Knudson)
S.B. 15	Driving Under the Influence Amendments
	(Sen. C. Walker)
S.B. 16	Exoneration and Innocence Assistance (Sen. G. Bell)
S.B. 17	Child Abuse and Neglect Registry – Management and
	Licensing Information Systems Amendments
	(Sen. G. Davis)
S.B. 18	Public Safety Retirement Death Benefit Modifications
	(Sen. J. Greiner)
S.B. 19	Enhanced Public Safety Retirement Systems Cola Option
	(Sen. C. Walker)
S.B. 20	Municipal Government Amendments (Sen. C. Walker)
S.B. 22	Timing of Ballot Items (Sen. P. Knudson)
S.B. 23	Revision to Polling Requirements (Sen. P. Knudson)
S.B. 24	Retirement Death Benefits and Divorce Revisions
	(Sen. L. Hillyard)
S.B. 25	Municipal Incorporation Amendments
	(Sen. D. Stowell)
S.B. 26	Fire Management Areas (Sen. M. Dayton)
S.B. 27	Trustees Sale – Process for Excess Proceeds
	(Sen. G. Davis)
S.B. 30	Consumer Sales Practice Act Amendments (Sen. P. Jones)
S.B. 33	Department of Community and Culture - State-owned
	Art Inventory (Sen. M. Madsen)

S.B. 40	State Trade Database (Sen. M. Madsen)
S.B. 44	Penalties for Failing to Secure a Load or Littering on a
	Highway (Sen. P. Jones)
S.C.R. 1	Resolution Supporting Obesity Awareness
	(Sen. D. C. Buttars)
S.J.R. 1	Resolution Encouraging the Advertisement of Alternative
	Routes to Teaching (Sen. M. Dayton)
S.J.R. 3	Resolution Approving Compensation of In-session
	Employees (Sen. G. Bell)
	Bill Hickman

Rules Committee Chair

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

## **RULES COMMITTEE REPORTS**

To the Members of the Senate: January 21, 2008 The Rules Committee recommends assignment of the following bills to standing committees:

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

Dusiness and Euso	
S.B. 57	Franchise Law Amendments (Sen. D. Eastman)
S.B. 58	Workers' Compensation Related Amendments
	(Sen. M. Dmitrich)
S.B. 60	Repealing Labor Commission Responsibilities to Oversee
	Employment Agencies (Sen. R. Romero)
S.B. 95	Markup on Alcoholic Beverages (Sen. M. Dmitrich)
S.B. 98	Licensing of Security Services (Sen. D. Eastman)
S.B. 108	Offset of Workers' Compensation and Social Security
	(Sen. J. Hickman)
S.B. 110	Foreign Business Entities and Tribal Law
	(Sen. K. VanTassell)
S.B. 131	Wage Withholding for Employee Contributions
	(Sen. W. Niederhauser)
S.B. 132	Consumer Credit Protection Act – Attorney General
	Powers (Sen. C. Walker)
S.B. 134	Residential Mortgage Fraud Act (Sen. S. Killpack)
S.B. 136	Apportionment of Business Income Amendments
	(Sen. W. Niederhauser)

#### **Education Committee**

S.B. 36	Charter and Online Schools – Participation in
	Extracurricular Activities (Sen. M. Madsen)
S.B. 37	Home School and Extra Curricular Activities
	Amendments (Sen. M. Madsen)
S.B. 39	Mathematics, Science, and Technology Education Task
	Force (Sen. H. Stephenson)
S.B. 41	Extended School Year Incentive (Sen. H. Stephenson)
S.B. 42	Utah College of Applied Technology – Governance and
	Operations (Sen. G. Bell)
S.B. 48	Equalization of School Capital Outlay Funding
	(Sen. D. Eastman)
S.B. 61	Financial Literacy Education (Sen. P. Jones)
S.B. 103	Higher Education Enhancements (Sen. D. Stowell)
S.B. 118	Education Transportation Amendments (Sen. D. Peterson)
S.B. 125	High School Voter Registration (Sen. K. VanTassell)
S.C.R. 2	Resolution Promoting Legislators Back to School
	Program (Sen. M. Dayton)

#### Government Operations and Political Subdivision Committee S.B. 21 Campaign Finance Disclosure Revisions

<b>5.D.</b> 21	Campaign Finance Disclosure Revisions
	(Sen. P. Knudson)
S.B. 32	Local Government Bonding Act – Public Hearings
	(Sen. S. Jenkins)
S.B. 45	Accounting for Competitive Activities of Local Entities
	(Sen. H. Stephenson)
S.B. 47	Limited Purpose Local Government Entities Revisions
	(Sen. D. Stowell)
S.B. 53	Use of Initiative and Referendum for Administrative
	Land Use and Zoning Matters (Sen. B. Goodfellow)
S.B. 54	Initiative and Referendum Petition Submission
	Amendments (Sen. B. Goodfellow)
S.B. 113	Access to Research Workers' Personal Information
	(Sen. G. Bell)
S.B. 123	Filling Vacancies in the Senate (Sen. J. Hickman)
S.B. 126	Filing Fee for Write-in Candidates (Sen. P. Knudson)
S.B. 129	Changes to County Surveyor (Sen. K. VanTassell)
S.J.R. 4	Joint Resolution Recognizing 100th Anniversary of Utah
	League of Cities and Towns (Sen. P. Knudson)

## Health and Human Services Committee

S.B. 50	Medical Benefits Recovery Amendments
	(Sen. A. Christensen)
S.B. 56	Naturopathic Physician Amendments (Sen. S. McCoy)
S.B. 101	Utah Comprehensive Health Insurance Pool Funding
	(Sen. G. Davis)
S.B. 121	Access to Qualified Health Care Providers
	(Sen. D. C. Buttars)
S.B. 133	Medical Assistance and Managed Care (Sen. G. Bell)

## Judiciary, Law Enforcement and Criminal Justice Committee

S.B. 51	Impact Fees – Public Safety Facility (Sen. G. Bell)
S.B. 52	Identity Theft Amendment (Sen. C. Walker)
S.B. 94	Burglary of a Railroad Car (Sen. D. Peterson)
S.B. 105	Judicial Performance Evaluation Commission
	(Sen. D. C. Buttars)
S.B. 106	Juvenile Custody Maintenance Amendments
	(Sen. D. Peterson)
S.B. 114	Notary Public Revision (Sen. G. Bell)
S.B. 119	Department of Corrections Amendments
	(Sen. D. Peterson)
S.B. 120	Department of Corrections Employee Vehicle Use
	(Sen. D. Peterson)
S.B. 122	Uniform Adult Guardianship and Protective Proceedings
	Jurisdiction Act (Sen. L. Hillyard)
S.C.R. 3	Resolution Supporting Observance of Peace Officers
	Memorial Day (Sen. J. Greiner)

## Natural Resources, Agriculture and Environment Committee

- S.B. 46 Anti–flow Control Amendments (Sen. D. Eastman)
- S.B. 59 Wildlife Amendments (Sen. A. Christensen)

## **Retirement and Independent Entities Committee**

S.B. 107	State Retirement Benefit Additions (Sen. B. Goodfellow)
S.B. 116	Retirement Office Amendments (Sen. C. Walker)

## **Revenue and Taxation Committee**

Apportionment of Business Income, Attributing Sales to
the State, and Deduction of Net Losses by a Unitary
Group (Sen. H. Stephenson)
Truth in Taxation Amendments (Sen. W. Niederhauser)
Income Tax Amendments (Sen. W. Niederhauser)

S.B. 38	Transparency in Government Finance
	(Sen. W. Niederhauser)
S.B. 96	Multi-channel Video or Audio Service Tax Act
	Amendments (Sen. W. Niederhauser)
S.B. 99	Amendments to Sales and Use Tax Exemption for
	Prosthetic Devices (Sen. W. Niederhauser)
S.B. 124	Sales and Use Tax – Definitions of Permanently Attached
	to Real Property and Tangible Personal Property
	(Sen. H. Stephenson)
S.B. 128	Amendments to the Veteran's Property Tax Exemption
	(Sen. B. Goodfellow)
S.B. 135	Extending the Sales and Use Tax Exemption for Pollution
	Control Facilities (Sen. W. Niederhauser)
S.B. 137	Mineral Production Tax Withholding Amendments
	(Sen. W. Niederhauser)
Transportatio	n, Public Utilities and Technology Committee
S.B. 34	Confidentiality of Reports to Driver License Division
	(Sen. A. Christensen)
S.B. 100	Motor Vehicle Dealer Disclosure Requirements
	Amendments (Sen. D. Eastman)
S.B. 115	Motor Vehicle Safety Inspection Advisory Council
	Amendments (Sen. D. Eastman)
S.B. 127	Underground Utilities Facilities Amendments
	(Sen. J. Greiner)
S D 120	Utility Improvement District Devisions

S.B. 130 Utility Improvement District Revisions (Sen. K. VanTassell)

Bill Hickman

## Rules Committee Chair

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

\* \* \*

On motion of Senator Bramble, and at 12:10 p.m., the Senate recessed.

## **AFTERNOON SESSION**

#### JOINT CONVENTION

President John Valentine called the Joint Convention to order at 2:15 p.m. in the Chamber of the Utah House of Representatives and recognized Speaker Greg Curtis.

A quorum of the Legislature was present.

President Valentine acknowledged the presence of the Supreme Court Justices: Christine M. Durham, Chief Justice; Michael J. Wilkins, Associate Chief Justice; Matthew B. Durrant, Justice; Ronald E. Nehring, Justice; and Jill N. Parrish, Justice.

#### **COMMITTEE OF THE WHOLE**

On motion of Senate Bramble, the Legislature resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing Chief Justice Christine M. Durham's State of the Judiciary address.

On motion of Representative D. Clark, the Legislature voted to print the complete text of the State of the Judiciary address upon the pages of the House and Senate Journals.

On motion of Senator Bramble, the Senate voted to have the State of the Judiciary address spread upon the pages of the Senate Journal.

#### STATE OF THE JUDICIARY ADDRESS CHIEF JUSTICE CHRISTINE M. DURHAM

It is an extraordinary privilege to address the Utah Legislature in this magnificently restored historic chamber. So far as I know, it is the first time that a Chief Justice has had the opportunity to address a joint session in the Capitol itself, and I express appreciation for the courtesy you have extended by continuing the joint session tradition begun last year. It has been a privilege for me to have served for the past five years as a member of the Capitol Preservation Board, which has overseen the great work of historic preservation and renovation we all, as citizens of Utah, now enjoy. The Supreme Court is very much looking forward, as I am sure you have been doing, to returning to the Capitol. We will hear cases next month in our beautiful courtroom, and we invite you to participate in that event if you are able, on the morning of Wednesday the 6th of February. As I mentioned during the rededication ceremonies, I believe that it is symbolic, historically and

constitutionally, that there are spaces in this building where all three branches of government may deliberate and perform their function in the government of the people of Utah.

I am pleased to be joined today by my colleagues on the Supreme Court: Associate Chief Justice Michael Wilkins and Associate Justices Matthew Durrant, Jill Parrish, and Ronald Nehring. I also appreciate the presence of Utah's State Court Administrator Dan Becker. As you know, the constitutional responsibility for governance of the judicial branch in our state belongs to the Judicial Council, which I chair as Chief Justice and on which Justice Nehring now sits as our Court's representative. However, each of my colleagues undertakes significant leadership work with respect to both the responsibilities of the Court for procedural and evidentiary rulemaking, and oversight of the legal profession, as well as in accepting many assignments from the Judicial Council. In that regard, I would like to acknowledge the leadership and hard work that Justice Nehring has provided over the last two years to the Judicial Council's study of Utah's Justice Courts. I will spend a good part of my time here today discussing the results of that study, and wanted to recognize Justice Nehring's contributions to it.

First, however, I would like to report briefly on our progress on several initiatives we have undertaken in response to your direction over the last year. For example, having listened to concerns about increasing the efficiency of case processing articulated and embodied in legislation by Senator Greg Bell, we have under way a Caseflow Management Pilot Program implementing methods for reducing the time it takes cases to move through the resolution process. A mental health court for juveniles is now helping troubled youth in Cache County thanks to Senator Lyle Hillyard's legislative work in the last session. Treatment for criminal defendants for drug addiction is now more widespread, in response to Senator Chris Buttar's work on DORA, and we are coordinating regular court-annexed divorce orientation programs as provided for by Representative Lorie Fowlke's bill. Each of these efforts is fully underway and shows considerable promise for the continued improvement of services to the public. There are many more examples, but I mention these because they reflect the efforts of the courts to be responsive and accountable to the Legislature for the fiscal and policy direction you provide. They also represent the positive results of collaboration between the three branches of government in the improvement of the administration of justice.

Our efforts in that work are often simply taken as a "given," but I am pleased to report that Utah's courts increasingly enjoy what I consider to be a well-deserved reputation for excellence and leadership in court administration. We frequently receive requests from other states for technical assistance and advice, and in the last several months, we have hosted study delegations from the court systems in South Korea, China, Liberia, Kurdestan, and Ukraine.

Of far more importance, however, is what our own court users are saying. I mentioned last year that the Judicial Council has implemented a comprehensive system of performance measures to monitor how we are doing in fulfilling our mission. One of the regular measurements we have undertaken is to survey court users about their experiences. We do this by taking a snapshot of all the people leaving a particular courthouse on a particular day. Our latest survey of 1800 court users from all over the state, found that 93 percent said they understood what happened in their case and why, 95 percent said they knew what they should do next in their case, 90 percent said they felt that both sides had been treated the same, and 94 percent said they were treated with courtesy and respect by the judge and court staff. The full results of the survey, along with all the other performance data we are now collecting, can be viewed on our website at www.utcourts.gov. One of the best features of the information on the website is that it is organized so that it can be looked at by district, by county, and even by individual courthouse. For example, St. George courthouse users showed a much lower level of public satisfaction than the numbers I cited earlier, when asked about court facilities. Senator Hickman and Representatives Clark, Last and Urquhart would, I think, feel particularly good about their work in securing funding for the new courthouse there if they looked at the reaction of court users to the overcrowded and outdated facilities currently in use.

The opinions that court users have are important. My husband is a pediatrician who frequently works with families in various kinds of difficult situations. One of the truths he taught me many years ago is that "feelings are facts," meaning that you must deal with the perceptions, emotions, and attitudes that people have about their experiences if you really want to help. That principle has its corollary in the work of the courts: the public's perceptions of our work is as critical to the confidence they have in the courts as are the objective facts of what we do. We are constantly focused on the perceptions we want the public to have of their courts and try to work on those goals in specific ways. For example, we want the public to perceive their courts as accessible, and are constantly improving our programs to assist self-represented litigants. Our Internet-based Online Court Assistance Program (OCAP) was used to generate legal documents for 8000 filings in the past year. Last year I told you that a quarter of all divorce filings were initiated with forms prepared on OCAP; this year's number is up to 42 percent. Also, our Court's recent approval of a practice known as "unbundling" of legal services is beginning to be reflected in court proceedings around the state where litigants can retain the services of lawyers for only the parts of their cases they need help with, at much reduced cost. Recently, a district judge in Davis County

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presided over a complicated domestic case in which both parties were representing themselves. A number of hearings had been held, which were extremely stressful largely because of the parties' unfamiliarity with procedural and legal requirements. At the final hearing, one of the parties was able to secure the services of a local attorney for the purpose of only that one hearing, something that would not have been possible without the new rule on unbundling. Because of the lawyer's assistance, what would likely have been a difficult, all–day process instead resulted in a one–hour hearing and what the judge describes as a fair resolution, understood and largely stipulated to by both parties. Not inconsequentially, the result was achieved at a fraction of the cost of traditional representation.

We want people to perceive that their courts are efficient, and, in addition to the case flow management pilot program I mentioned earlier, we are engaged in other projects, like a Model Juvenile Delinquency Court that is exploring ways to increase timely dispositions while preserving fairness standards. We have begun the use of electronic warrants, which will permit judges to review and act on law enforcement warrant requests instantly from any location at any time. We are also currently completing a process that will extend electronic filing to all civil cases before the end of your session. And, as I mentioned in my remarks last year, we are very proud of the transparency with which we conduct our work. On our website, thanks to the performance measures contained in our CourTools program, we publish all the data that enables us to analyze our productivity and understand emerging trends.

We want people to perceive that their courts will protect the interests of those who cannot protect themselves. Courts have traditionally overseen the system of guardianships and conservatorships for those who are disabled for any reason, including old age. The Judicial Council has initiated a major project to identify how we can better exercise that oversight, and how our rules, our practices, and perhaps even the statutes might be changed to better serve and protect people with disabilities and their families.

Finally, and most important of all, we want the public to perceive that their courts are fair and impartial. Without this perception, there cannot exist an essential element of our form of government–public trust and confidence in the judicial branch. Our focus on this perception is reflected in the project I mentioned earlier and about which I am sure you have heard: the Judicial Council's study of the justice courts in Utah. There is, in my view, no more pressing problem of public perception regarding Utah's court system than the justice courts. Let me provide some context for this discussion.

The survey results I mentioned earlier came from user experiences in the courts of 111 judges at the state level. Considering the "judicial system" more globally (which is of course the way most citizens see it), Utah actually has 219 judges, 108 of whom serve in the justice courts. We have 178 court locations in Utah; 138 of them are county or municipal justice courts. Of the approximately 860,000 court cases filed last year in Utah, 587,000 (almost 70%) were filed in the

Otah; 138 of them are county or municipal justice courts. Of the approximately 860,000 court cases filed last year in Utah, 587,000 (almost 70%) were filed in the justice courts. It is axiomatic that for most Utah citizens, justice court is the court with which they are most likely to have experience. These courts range from large municipal courts with multiple judges and extensive staff to very small courts, where only 2 or 3 cases might be filed in a week and court hearings might be held only once a month. We should be in no doubt, however, about their collective impact: last year Utah's justice courts generated over \$72,000,000.00 in revenue, and projections for the coming year put the number at \$84,000,000.00.

The Judicial Council decided two years ago to undertake a study of the justice court system because of a number of factors. Among those factors were: (1) an increase in the number of justice courts, particularly large courts in Salt Lake City, West Valley City, Ogden, and Provo; (2) the importance of the kinds of cases heard in justice courts; the vast majority of DUI and domestic violence cases are now handled there, as well as civil cases now involving amounts up to \$7500.00; (3) legislative demands for improved record–keeping in the justice courts; (4) a growing public perception that justice courts are vehicles for generating revenue, never a proper function for courts as institutions; (5) pressures on judicial independence in decision making, both real and perceived; (6) litigation challenging the constitutionality of the structure and jurisdiction of the justice courts; and (7) multiple issues regarding uniformity and consistency in practice and procedure.

The Judicial Council formed a committee, chaired by Justice Nehring, to examine these and other issues. In the course of the committee's work, its members and staff spoke to large numbers of interested stakeholders all over the state. In some ways, what the committee undertook could be analogized to the recent restoration of this building. A time had come when it became clear that cosmetic changes or interim repairs were insufficient. Although many improvements to the justice court system have been made, such as significant attention to the education and training of judges and court staff, it became apparent that, as with the Capitol, structural work needed to be done.

The committee's recommendations, which have now been endorsed by the Judicial Council and which are incorporated in a bill sponsored by Senator Lyle Hillyard, were predicated on three paramount principles: First, the decision to create and maintain justice courts should remain with local government; this is not a proposal for state government to take over the justice courts; Second, justice

courts must be, and must be perceived to be, fair and impartial places for dispute resolution, not revenue generating entities; and Third, justice courts must be presided over by highly competent, well-trained judges. These are the principles that guided the committee's work, and the proposal that has emerged from that work is the direct result of widespread agreement on the validity and importance of those principles. There will no doubt be differing views about the specifics of the proposed changes, but I urge you to give careful consideration to the principles underlying Senator Hillyard's bill. There has been some discussion already about the proposal, and unfortunately some of it has been premised on misinformation about what it actually does, so I hope that in your work you will focus on its actual language. In the end, I urge you to seize this opportunity to reform a system in need of attention and to enhance the public's confidence in these courts.

As with justice courts, the competence of judges at all level of the judiciary is important to the people, which brings me briefly to the subject of judicial performance evaluation. You will be considering in this session a bill, sponsored in the Senate by Senator Buttars, to make changes in the structure of our program for judicial performance evaluation in Utah. The proposal is the work of a legislative task force on judicial retention that you created last session, on which I, Judge Gary Stott of the 4th District Court and Judge Hans Chamberlain of the 5th District Juvenile Court were invited to sit, a courtesy appreciated by the judiciary. I must preface my comments with the observation that, from the judiciary's perspective, the current program is not in need of change; we have not been persuaded that there is a significant case to be made that the evaluation process itself, as opposed to the logistics of the voter information process, is inadequate in any way. In fact, the standards for judicial performance and the means for measurement embodied in the proposed legislation are nearly identical to those currently in place. Having said that, I acknowledge that there is legislative interest in having the evaluation process administered by an independent commission rather than by the Judicial Council, and the proposal in the legislation takes that approach. I would observe that for such a system to be fair and effective, two things are absolutely essential: the commission must be completely independent and free from the possibility of any kind of public or political pressure that would put at risk the impartiality and independence of the decision making function of judges, and the commission must be adequately funded to carry out its ambitious assignment. Given that the bill as proposed appears to contemplate both of these essentials, the Judicial Council has determined that, although we cannot support it because of our position that it is unnecessary, we do not oppose the approach it advances.

I would like to turn finally to a few comments that relate to things I have said today about public confidence in the courts. No institution can be better than its people, and I am exceedingly proud of the dedicated, hard-working judges and staff who work for the courts. However, we are in one respect in considerable trouble, and we are asking this year for your help. Our deputy court clerks are our front-line employees. They are expected to perform a wide array of complex tasks requiring a high level of skill, including assisting court customers in person and over the telephone; assisting attorneys and self-represented litigants; setting court calendars; scheduling interpreters, court reporters, and mediators; coordinating with outside agencies and attorneys; monitoring case progress; preparing required notices; recording the outcomes of hearings and trials; managing jury pools; collecting court fees, fines, and restitution; and balancing and reconciling accounts. We are experiencing unprecedented turnover in our deputy clerk positions throughout the state and related difficulty in recruiting for those jobs. Fully 41 percent of new deputy court clerks leave the state courts before reaching one year of service; ironically, a large number of them leave to take higher paying jobs with local justice courts. The work of court clerks has no analogue in the private sector, so new hires require a significant investment of time and training; it is a huge loss when those people leave us, and it has a direct, negative impact on the efficiency of the courts. Morale, as well as productivity, is affected when experienced clerks must spend significant portions of their time training new people who will not stay; personal and professional relationships are disrupted and the workplace suffers. Our analysis reveals that deputy clerk positions are currently among the lowest pay scales in all of state government, despite their relatively sophisticated demands. To address this problem we are asking for the funds for a market comparability adjustment, and we hope that you will agree about the urgency of the issue.

With respect to judicial compensation, we remain very appreciative of the attention you paid to this issue last year, and we hope that we can stay on track with the recommendation of our citizen committee and the recommendations of your Executive and Judicial Compensation Commission. Our expectation is that those recommendations will put us in the position of being able to stay "caught up" with only regular state employee cost of living increases in the future.

Oliver Wendell Holmes Sr. once said: "Greatness is not so much where we stand, as in what direction we are moving. We must sail sometimes with the wind, and sometimes against it, but sail we must. And not drift, nor lie at anchor." Utah's judicial branch is not drifting, nor are we standing still. We are actively addressing efficient case management practices; we have embraced and are honing the effectiveness of problem–solving courts; we are working to ensure that people who need to represent themselves in court, and people who face language and other kinds of barriers to access, can ask for and receive justice; we are constantly seeking ways in which we can reach out to Utah's communities and educate our

children about the rule of law; and we are actively engaged in planning for the kinds of structural and other change that will improve and sustain the trust and confidence that the people have in the courts. Although our institutional cultures and decision-making processes are very different, our two branches of government share fundamental commitments to fairness, justice, and public service. We in the judiciary look forward to a year of positive, collaborative work with you and your leadership, and to sailing, to use Dr. Holmes' metaphor, in the right direction

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The Senate reassembled in the Senate Chamber at 3:05 p.m., with President Valentine presiding.

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On motion of Senator Knudson, the Senate voted to lift **S.J.R. 4**, JOINT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF UTAH LEAGUE OF CITIES AND TOWNS, from the Government Operations and Political Subdivision Committee and place it on the Time Certain Calendar for 10:00 a.m. Wednesday, January 23, 2008.

#### SECOND READING CALENDAR

On motion of Senator Hickman, under suspension of the rules, **S.B. 111**, REVISOR'S STATUTE, was considered read the second and third times. Senator Hickman explained the bill. Senator Stephenson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Christensen	Davis	
Dmitrich	Eastman	Fife	Goodfellow	
Greiner	Hickman	Hillyard	Jenkins	
Jones	Killpack	Knudson	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker	Valentine			

#### Absent or not voting were: Senators

Buttars	Dayton	Madsen
	•	

S.B. 111 was transmitted to the House.

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On motion of Senator Bramble, under suspension of the rules, **S.B. 112**, LEGISLATIVE SPACE IN THE CAPITOL, was considered read the second and third times.

Senator Bramble proposed the following amendment:

- 1. Page 2, Line 50 through Page 3, Line 59
  - 50 (2) The legislative area on capitol hill includes:
  - 51 (a) in the State Capitol:

\* \* \* Some lines not shown \* \* \*

55 (ii) on the third floor: the entire floor, including the stairs and elevators on the east and

56 west side of the third floor, except:

57 (A) the Supreme Court chambers which is to be controlled and scheduled by the

58 Legislature during any general or special session of the Legislature and on interim days and

59 controlled and scheduled by the {-State Capitol Preservation Board-} Secretary of the Senate on all other days;

2. Page 5, Line 143 through Page 6, Line 152:

143 (2) The legislative area on capitol hill includes:

144 (a) in the State Capitol:

\* \* \* Some lines not shown \* \* \*

148 (ii) on the third floor: the entire floor, including the stairs and elevators on the east and

149 west side of the third floor, except:

150 (A) the Supreme Court chambers which is to be controlled and scheduled by the

151 Legislature during any general or special session of the Legislature and on interim days and

152 controlled and scheduled by the{-State Capitol PreservationBoard--}Secretary of the Senateon all other days;

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

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Dayton

S.B. 112, as amended, was transmitted to the House.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **S.J.R. 2**, RESOLUTION APPROVING THE APPOINTMENT OF LEGISLATIVE FISCAL ANALYST, was considered read the second and third times. 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

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

Absent or not voting were: Senators Dayton Hillyard

S.J.R. 2 was transmitted to the House.

\* \* \*

On motion of Senator Bramble and at 2:30 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 22, 2008.

# **SECOND DAY**

## **MORNING SESSION**

## January 22, 2008

The Senate was called to order at 10:30 a.m., with President John Valentine presiding.

Prayer – Senator Allen Christensen Pledge of Allegiance – Senator Mark Madsen Roll Call – All Senators present

## READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 21, 2008 The House passed **H.B. 13**, CRIMINAL STATUTE OF LIMITATIONS AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.B. 16**, MEDICAID COVERAGE FOR CERTAIN TELEHEALTH SERVICES, by Representative B. Last, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 13** and **H.B. 16** were read the first time and referred to the Rules Committee.

## **INTRODUCTION OF BILLS**

**S.B. 43**, **Administrative Rules Reauthorization** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

**S.B. 71, School District Amendments** (C. Walker), read the first time by short title and referred to the Rules Committee.

**S.B. 72**, **Justice Court Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 144, Parameters on Governor's Ability to Enter Agreements Binding the State (S. Jenkins), read the first time by short title and referred to the Rules Committee. **S.B. 145**, **State Family Day Holiday** (J. Hickman), read the first time by short title and referred to the Rules Committee.

**S.B. 146**, **Amendment to Uniform Anatomical Gift Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 147**, **Candidate Filing Requirements** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 148, Enforcement of Front License Plate Display Requirement Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

**S.J.R. 5**, **Joint Resolution Amending Legislative Apportionment** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.R. 1, Senate Resolution Urging United States Withdrawal from Security and Prosperity Partnership of North America (F. Fife), read the first time by short title and referred to the Rules Committee.

## SECOND READING CALENDAR

**S.B. 10**, SEARCH WARRANT PROCEDURE AMENDMENTS, was read the second time. Senator Greiner explained the bill.

Senator Greiner proposed the following amendment:

- Page 2, Line 36: After "<u>shall"</u> insert "<u>, as a condition of parole</u>,"
- Page 2, Line 58 and 59: After "parole" delete <u>"for an offense committed"</u>

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

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

voting in the all	voting in the amemative were: Senators				
Bell	Bramble	Buttars	Christensen		
Davis	Dayton	Dmitrich	Eastman		
Fife	Goodfellow	Greiner	Hickman		
Hillyard	Jenkins	Jones	Killpack		
Knudson	Madsen	Mayne	McCoy		
Niederhauser	Peterson	Stephenson	Stowell		
Van Tassell	Waddoups	Walker	Valentine		

## Voting in the affirmative were: Senators

Absent or not voting was: Senator

Romero

\* \* \*

**S.B. 11**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

Voting	in	the	affirmative	were: Senators	5
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Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Killpack

\* \* \*

**S.B. 12**, ELECTION LAW MODIFICATIONS, was read the second time. Senator Knudson explained the bill. Senators Bell and Valentine commented. The bill passed second reading on the following roll call:

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

## Voting in the affirmative were: Senators

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

Absent or not voting were:SenatorsKillpackPeterson

\* \* \*

**S.B. 13**, CANDIDATE RESIDENCY REQUIREMENTS, was read the second time. Senator Knudson explained the bill.

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

1st Sub. S.B. 13 Candidate Residency Requirements (Peter C. Knudson)

Senators Hillyard and Bramble commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Absent or not voti	ng were: Senators		
Buttars	Hickman	Hillyard	Killpack

\* \* \*

**S.B. 15**, DRIVING UNDER THE INFLUENCE AMENDMENTS, was read the second time.

On motion of Senator Walker, the bill was circled.

\* \* \*

**S.B. 16**, EXONERATION AND INNOCENCE ASSISTANCE, was read the second time. Senator Bell explained the bill. Senators Hillyard, Hickman, McCoy, and Greiner commented. The bill passed second reading on the following roll call:

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

## Voting in the affirmative were: Senators

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

Peterson

## Absent or not voting were: Senators

Hickman Stowell

\* \* \*

**S.B. 17**, CHILD ABUSE AND NEGLECT REGISTRY–MANAGEMENT AND LICENSING INFORMATION SYSTEMS AMENDMENTS, was read the second time.

On motion of Senator Davis, the bill was circled.

\* \* \*

**S.B. 18**, PUBLIC SAFETY RETIREMENT DEATH BENEFIT MODIFICATIONS, was read the second time. Senator Greiner explained the bill. Senators Walker, Valentine, and Bramble commented. Senator Greiner declared a conflict of interest. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Goodfellow Jones

\* \* \*

**S.B. 19**, ENHANCED PUBLIC SAFETY RETIREMENT SYSTEMS COLA OPTION, was read the second time. Senator Walker explained the bill. Senators Hickman, Bramble, Mayne, and Buttars commented. Senators Mayne and Greiner declared conflicts of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Jones

On motion of Senator Bramble and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Wednesday, January 23, 2008.

#### JOINT CONVENTION

President John Valentine called the Joint Convention to order at 6:30 p.m. in the Chamber of the Utah House of Representatives and recognized Greg Curtis, Speaker of the House.

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

President Valentine appointed a Joint Committee comprised of Senators Curtis Bramble, Dan Eastman and Mike Dmitrich, and Representatives David Clark, Gordon Snow, and Brad King to notify Governor Jon M. Huntsman, Jr., that the 2008 General Session of the Fifty–Seventh Legislature is in Joint Convention and ready to hear his State–of–the–State address.

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

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

The Joint Committee escorted Governor Huntsman to the House rostrum.

## STATE-OF-THE-STATE ADDRESS BY GOVERNOR HUNTSMAN

## "ASPIRE TO REACH HIGHER"

Lt. Governor Herbert; President Valentine; Speaker Curtis; Members of the Legislature, Supreme Court and Cabinet; My wife and best friend, our First Lady; And all Utahns.

To say that tonight is an historic occasion is an understatement. To be here in this resplendent chamber for the first time, is awe–inspiring!

We are here as the most economically competitive and dynamic state in the nation. We enjoy some of the most pristine and beautiful land our country offers. It is deeply humbling to consider our fortunate circumstances amid national uncertainty.

I am grateful for each one of you, the citizens of this state, for allowing me to serve as your Governor. Thank you for your faith, trust, and encouragement.

The activity of 50,000 visitors, streaming through this magnificent building since its opening has been thrilling. I can't begin to express how motivating it has been to hear student choirs sing daily renditions of patriotic songs. Reverberating through the rotunda and then through my mind. May you always feel welcome here.

This evening we return to this elegant Capitol our forbearers constructed more than ninety years ago to conduct the people's business. Visits by prime ministers and presidents, protestors and petitioners and the echoes of policy debates over the generations serve to reaffirm our core values that were famously enshrined by President Roosevelt in 1941; freedom of speech, freedom of religion, freedom from want and freedom from fear.

This is a defining time in Utah. We are soaring to ever–greater heights. So let's remind ourselves why we stand at the threshold of these extraordinary times.

We are young and industrious. As the youngest state in the nation, we have a vibrancy that cannot be matched. I am amazed at the growth we are experiencing, as is my good friend Mayor Tom Hirschi of Hurricane where the population has tripled in the last 15 years. As the third fastest growing state in the country, we are adding an astonishing 10 people an hour to our population of 2.7 million.

Our economic prowess has been nationally recognized by many respected organizations. We no longer have one of America's top performing economies. We have the nation's premier economy. And during times of uncertainty we will work even harder to keep it that way.

An example of this? One of the world's largest corporations, Proctor and Gamble, chose Box Elder County to build its first domestic manufacturing plant in more than 30 years. Amer Sports, the world's leading winter sports equipment company, moved its headquarters to Ogden, bolstering our competitive outdoor products industry. And now, one of America's fastest growing software companies is our very own, Orem–based, Omniture.

Thanks to the entrepreneurs, innovators and hard–workers of our State, our economy is just beginning to fill the measure of its destiny – as well a State should whose motto is industry.

So, what does all of this mean? Personal income, perhaps the most significant measure of economic performance, rose nearly ten percent last year, outperforming every state in the nation.

Our historically high tax burden is now below the national average. And we have the lowest tax rate since the implementation of the State income tax. Thank you members of the Legislature; you passed tax reform unanimously last session, and this month, it is a reality!

Our transportation progress is on the move. This year we will celebrate the opening of two major transportation corridors: commuter rail from Salt Lake to Pleasant View; and after years of Interstate–15 gridlock, Legacy Parkway will finally be a reality. Next stop: Utah County!

Utah is increasingly becoming a film destination spot, and (according to my daughters) we are really excited that soon Disney will begin filming High School Musical Three in our State. This is just one of dozens of movies being shot here.

At the other end of the spectrum, we have worked like never before, at every level of government, to "End Meth Now" and stop the scourge of methamphetamine impacting our families and communities. We have more resources committed than at any other time to help fight this dangerous, destructive drug. I want my friends at the House of Hope, most of whom are young single mothers recovering from their addictions, to know the full meaning of that word: Hope.

But most important, the great people of our State continue to allow us to reach higher. People like two heroes who are with us tonight.

During World War II, while under fire on Iwo Jima, he displayed a level of courage which is still legendary today. Ladies and gentleman, please join me in saluting our State's only surviving Congressional Medal of Honor recipient: United States Marine George Wahlen.

Some have said that George's generation is America's greatest. Well, I'm here to tell you a great generation is standing right before us. I've witnessed their bravery, in both Iraq and Afghanistan, where thousands of Utahns have served.

Another hero with us tonight completed 59 combat missions in Iraq, during which he was hit six times, leaving him legally blind and deaf. Please join me in recognizing Utah Army National Guardsman, Sgt. Gordon Ewell.

These generations are the greatest because they put service before self, an enduring principle for all of us. As a State, we need to ensure our veterans receive the care they have earned. It is time to build the Ogden Veterans Nursing Home.

The celebration of these exhilarating times must be matched with adequate preparation for the future. As I travel to the far corners of our State, I can feel the desire to reach higher. I sense an aspiration to perform beyond the ordinary. There is hopefulness in the air - it is our most powerful weapon as we anticipate our future.

We aren't an ordinary State, nor do we lack a sense of destiny, and our journey over the next few years will determine just how extraordinary we are. The higher ground we seek will require something from all of us. This begins by recognizing that our world is changing, so too are our needs.

For example, while in Ephraim, having lunch with my son at the Malt Shop, I was approached by a dairy farmer. Thinking maybe he wanted to discuss price subsidies, unfair trade competition or alfalfa prices, I was surprised when his concern was healthcare and how he was going to find health insurance for his employees. I asked him what he was going to do. He said he would do nothing because he had no affordable alternatives.

Later, when riding a bike down Slick Rock in Moab, I had public lands policy on my mind. But from the locals I heard about the need for more qualified and better paid teachers.

Again, recently at Cache County's 150th anniversary, I expected someone to address agricultural issues. Instead, I learned about the need for improved air quality.

Historically, Utahns have always had the desire to reach higher. This great Capitol, dedicated in 1916, stands as a tribute to our early aspirations.

Our ability to reach higher is perfectly illustrated by one story of success. The desire to prevail brought to Utah one of today's finest minds in science and medicine.

He was 4 years old when his mother was incarcerated during World War II, leaving him to wander the streets of Italy. After the War ended, and 18 months of searching, his mother found him in a hospital on his ninth birthday.

Finally reunited, they soon immigrated to the United States. He went on to pursue his education and completed his doctorate at Harvard University. He later joined the faculty at the University of Utah. Now he is known around the world for his genetic research. His discoveries will help end suffering and extend life. Nothing represents our State better than our own Nobel Prize winner. So I say Bravo, and congratulazioni, to Dr. Mario Capecchi.

But there is a troubling inconsistency emerging here that we should all be mindful of. On one hand, we are one of the nation's most advanced states in medical sciences. On the other hand, we have far too many Utahns who cannot afford adequate health care.

It is unacceptable that a young father in Clarkston, Utah who works for a small business and wants to buy insurance for his family is denied coverage because of minor ailments. Should eczema or post–partum depression preclude a family from getting affordable health insurance?

What business or family in Utah hasn't experienced rising health care costs or, even worse, had to forgo treatment for lack of coverage? In Utah there are now more than 300,000 people without insurance. That's one out of every eight of us. And many more fear that losing or changing a job may leave them without health insurance.

In a state that prides itself on practical solutions, this issue is crying out for a fix.

For decades, the majority of Utahns were given health insurance by their employer. That's just the way it was and everyone assumed it would always be that way. But now the trend has reversed itself. Today only 44 percent of companies in Utah provide health insurance, and premium costs have doubled in just eight years.

We need to take this pressing issue into our own hands as citizens. We cannot wait for Washington's one-size-fits-all plan that does not account for Utah's unique challenges and abilities.

Yes, this is a complex issue. If it were easy someone would have done it by now. Fortunately, we live in a State that believes in solutions.

Last year I called on leaders of the business community to actively engage with advocates, health care providers and insurers to craft an approach to this growing crisis. And they responded.

Thanks to their hard work and the dedication of Representative David Clark and Senator Sheldon Killpack, we now have legislation that provides a framework for a major overhaul to our State's health care system.

This is not just health care reform, but Health System Reform. It addresses every part of the system from individual responsibility to health care accessibility. Our approach must be consumer driven, focused on the individual and the family. We need insurance plans that are affordable and portable.

Whether families face childhood diabetes or a broken bone, they need health care to serve them throughout their challenges of life. We have a fractured system that is economically unsustainable.

This is a multi-year process, to be sure, but let us begin today!

When I began this journey as Governor three years ago, I did so with one clear goal: enhancing economic performance so we could dramatically improve the education our kids receive.

Many argue our educational system has not kept pace with the rapidly transforming world in which we live. And they have a valid point.

The successful workforce of the 21st Century must reach beyond the fundamentals of education. We must be more creative, innovative and flexible in adapting to the frequent changes in the labor market. Our approach to education, and life, must be a partnership with family, community and business.

Today, we are continuing a firm commitment to make historic investments in education. But investment must be coupled with new ideas and reform. We must raise standards, be more imaginative, re–evaluate how we test students and be realistic about our 21st Century workforce needs. Our society must aspire to produce true lifelong learners.

Over the past year and a half, I've visited nearly every one of our 40 school districts. From Jordan to San Juan, and from Ogden to Daggett, it was clear to me that we have some of the greatest people who have dedicated their lives to educating our students. Quality education is driven by quality teachers.

Gratefully, my children have benefited from educators like Li Du, who teaches my son's Chinese class at West High School. At Logan High, students are drawn into the world of mathematics by a truly inspiring teacher and cancer survivor, Joyce Smart.

But we are facing a challenge: this year our State was 400 teachers short of our schools' needs, which doubled last year's shortage. This trend is increasingly corrosive. It is time we put educators back on a pedestal. To do this we must improve two things: compensation and capacity.

Since historically our State has lagged in economic strength, we've always used that excuse to explain our inadequate salaries for teachers.

Those days are gone! And there is light at the end of the tunnel.

Thanks to the good work of the legislature, recent years have seen record increases for education. If we continue our current rate of increasing compensation over the next four years, we as a State, for the first time ever, can surpass the national average.

Also, we must increase the number of educators being trained in our colleges. Right now 2,300 teachers graduate annually. In four years we can, and should, have 1,000 more teachers coming out of our colleges every year to teach in our classrooms.

We must bolster our principals with the accountability and responsibility they need to manage their schools. Principals should be given the ability to reward the good teachers and replace the bad ones. They need the tools to assess accurately how students in their schools are faring.

And by the way, our kids are given way too many standardized tests, with little information flowing back. Let's find a way to allow teachers to do what they do best: teach.

It is amazing to me that, in this age of innovation and education, we have students, buildings and teachers sitting idle for three months every year. Based on any business model, this would be unacceptable.

We don't have a good way to provide year-round contracts to our teachers: let's do it by beginning with math and science. We don't have good options for our kids to remediate or accelerate in their studies during the summer months: let's find them. We aren't ensuring that our students are prepared to meet the workforce needs of tomorrow: let's get it done.

The global economy doesn't take summers off, neither should we.

Tonight I have a card like the one I used during my first State of the State speech in Fillmore's territorial capitol. Our goals remain the same: the economy, education, quality of life and improving government. We've gotten a lot done in three years, but there is much left to accomplish.

We must ensure the safety and security of our citizens and make our prisons safer.

We must improve the air we breathe and capitalize on technology to ensure the long-term viability of our abundant natural resources, like coal, oil and natural gas, while developing renewable alternatives. We must relieve congestion on the west side of the Salt Lake Valley, by securing the land to build Mountain View Corridor.

We can all learn from those who believe their communities can reach higher. I'm reminded of one of our State's greatest champions, the late Senator Ed Mayne. To his wife Karen, thank you for sharing Eddie's life of selfless service with the State of Utah and now continuing the tradition by taking his Senate seat.

Tonight we have with us Wendy Black, the wife of Dale Black, a hero and friend to everyone, who died while trying to rescue the missing Crandall Canyon miners. Wendy, thank you for being here. We love you and promise your husband's sacrifice, and that of all the miners and their families, is not forgotten.

Hard work, geography, and history have dealt us a fortunate hand. Now it is up to "We, the People" to fulfill our destiny. To those listening tonight, I need your help. We need your help. The words I now speak are just words unless we, as a people, get engaged. The two areas in need of our immediate attention are health system reform and education improvements.

Government can help frame solutions, but it is up to each one of us to get results. We need everyone to stand up and take an active role in the issues that affect their lives.

Let us reach higher by doing some of the little things to conserve energy and help improve our air. Use energy efficient lights. Turn off your car when sitting idle. The small things we do now will make a large difference later.

We must reach higher to bring about real reform. To doctors, pharmacists, business leaders and health providers: Health System Reform will never be a reality without everybody's participation. This is not just about mandates or government intervention. This is about personal responsibility and making an effort to improve our own health by making better decisions.

Parents: let's all reach higher with our kids. Spend more time with them and be a part of their education. Teachers cannot do it alone. We must read with them. Study with them. Or as I did recently with my daughter Gracie, attend Back to School Night. Let's help them realize their full potential.

Young people: reach higher in your aspirations. Beginning tonight consider a career in teaching, engineering or nursing. These fields are critical for the success of our economy. You are the future of this State, and we depend on you.

The power of our State comes from people who are concerned about their government. I draw strength from each of you, and you should be empowered by

knowing the citizens are in charge. Government is an individual responsibility. You are the greatest safeguard against depersonalized government and the antidote to apathy. We are truly fortunate to live in the greatest State in America, a land of unparalleled opportunity. But this place we call home can, and should, be even greater. Future generations deserve no less. Preeminence is within our grasp. We must aspire to reach higher.

May God bless America and the great State of Utah!

Goodnight.

\* \* \*

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

Representative David Clark 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 23, 2008.

# THIRD DAY

# **MORNING SESSION**

## **JANUARY 23, 2008**

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

Prayer – Michael Benson, President, Southern Utah University
Pledge of Allegiance – Senator Carlene Walker
Roll Call – All Senators present, except Senator McCoy, excused.

## READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

## COMMUNICATIONS FROM THE HOUSE

Mr. President: January 22, 2008 The House passed **H.B. 21**, EMPLOYMENT SECURITY ACT AMENDMENTS, by Representative S. Mascaro, et al, and it is transmitted for consideration; and

The House passed **H.B. 22**, EXPEDITED PARENT-TIME ENFORCEMENT, by Representative Julie Fisher, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 24**, AMENDMENTS TO UTAH DIGITAL HEALTH SERVICE COMMISSION ACT, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 31**, CHILD WELFARE DEFINITIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 32**, AFFIRMATIVE DEFENSE FOR AGRI–TOURISM ACTIVITY, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 56**, REPEAL PROVISIONS RELATED TO ASSUMPTION OF INDEBTEDNESS ON RESIDENTIAL REAL PROPERTY, by Representative K. Garn, and it is transmitted for consideration; and

The House passed **H.B. 60**, LEGISLATIVE REVIEW OF HEALTH INSURANCE MANDATES, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 78**, TITLE 78 RECODIFICATION AND REVISION, by Representative J. Biskupski, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 21, H.B. 22, 1st Sub. H.B. 24, H.B. 31, H.B. 32, H.B. 56, H.B. 60,** and **H.B. 78** were read the first time and referred to the Rules Committee.

#### **RULES COMMITTEE REPORTS**

To the Members of the Senate: January 22, 2008 The Rules Committee recommends that, under suspension of the rules, the following bill be placed on the Second Reading Calendar:

S.C.R. 4 Concurrent Resolution Recognizing Utah's Nobel Prize Winner Mario Capecchi (Sen. J. Valentine)

Bill Hickman

Rules Committee Chair

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

## **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 22, 2008

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

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

S.B. 68	Workers' Compensation – Death Benefits	
	(Sen. K. Mayne)	
S.B. 69	Uniform Limited Cooperative Association Act	
	(Sen. L. Hillyard)	
S.B. 143	Insurance Financial Requirements (Sen. K. VanTassell)	

#### **Education Committee**

- S.B. 140 Education Advisory Councils (Sen. P. Jones)
- S.B. 142 High School Graduation Requirements (Sen. M. Madsen)

Government Operations and Political Subdivisions Committee

- S.B. 147 Candidate Filing Requirements (Sen. P. Knudson)
- S.B. 43 Administrative Rules Reauthorization
  - (Sen. H. Stephenson)

S.B. 141	Water Conservancy District – Selection of Board of
	Trustees (Sen. W. Niederhauser)
S.B. 144	Parameters on Governor's Ability to Enter Agreements
	Binding the State (Sen. S. Jenkins)
S.B. 145	State Family Day Holiday (Sen. J. Hickman)
S.J.R. 5	Joint Resolution Amending Legislative Apportionment
	(Sen. C. Bramble)
S.R. 1	Senate Resolution Urging United States Withdrawal from
	Security and Prosperity Partnership of North America
	(Sen. F. Fife)

## Health and Human Services Committee

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## Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 63	Adult Protective Services Amendments		
	(Sen. K. VanTassell)		
S.B. 65	Soliciting Gang Members Prohibited (Sen. J. Greiner)		
S.B. 72	Justice Court Amendments (Sen. L. Hillyard)		
S.B. 138	Utah Substance Abuse and Anti-violence Coordinating		
	Council Amendments (Sen. D. C. Buttars)		
S.B. 139	Utah Antitrust Act Amendments (Sen. L. Hillyard)		
H.B. 13	Criminal Statute of Limitations Amendments		
	(Rep. C. Wimmer) (Sen. M. Dayton)		

## **Revenue and Taxation Committee**

S.B. 64	Income Tax – Capital Gain Transactions	
	(Sen. W. Niederhauser)	
Transportation and Public Utilities and Technology Committee		

# S.B. 148Enforcement of Front License Plate Display Requirement<br/>Amendments (Sen. S. Killpack)

Bill Hickman Rules Committee Chair Report filed. On motion of Senator Hickman, the committee report was adopted.

#### STANDING COMMITTEE REPORTS

Mr. President: January 22, 2008 The Business and Labor Committee reports a favorable recommendation on S.B. 60, REPEALING LABOR COMMISSION RESPONSIBILITIES TO OVERSEE EMPLOYMENT AGENCIES, by Senator R. Romero; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 95**, MARKUP ON ALCOHOLIC BEVERAGES, by Senator M. Dmitrich, with the following amendments:

1. Page 2, Lines 32 through 33:

32 (b) "Proof gallon" has the same meaning as in 26 U.S.C. Sec. 5002.

(c) Notwithstanding Section 32A–1–105, "small brewer" means a brewer who manufactures less than 40,000 barrels of beer and heavy beer per year.

33 (2) (a) Except as provided in Subsections (2)(b) and [(e)] (4),
 [all] spirituous liquor and; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 110**, FOREIGN BUSINESS ENTITIES AND TRIBAL LAW, by Senator K. VanTassell; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 131**, WAGE WITHHOLDING FOR EMPLOYEE CONTRIBUTIONS, by Senator W. Niederhauser.

Kevin T. Van Tassell, Chair Mr. President: January 22, 2008 The Health and Human Services Committee reports a favorable recommendation on **S.B. 14**, SMOKING BAN IN MOTOR VEHICLE, by Senator S. McCoy, with the following amendments:

1. Page 1, Lines 21 through 23:

21 the person has enrolled in a smoking cessation program;  $\{-and-\}$ 

Day 3

22  $\blacktriangleright$  provides that enforcement of the smoking prohibition shall be only as a secondary

23 action ; and

 $\blacktriangleright$  provides that a violation of the smoking prohibition may not be used as a basis for or evidence of child abuse or neglect .

2. Page 2, Line 49:

49 person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.

(6) A violation of this section may not be used as a basis for or evidence of child abuse or neglect as defined in Section 62A-4a-402.; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 50**, MEDICAL BENEFITS RECOVERY AMENDMENTS, by Senator A. Christensen; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 101**, UTAH COMPREHENSIVE HEALTH INSURANCE POOL FUNDING, by Senator G. Davis, with the following amendments:

1. Page 4, Lines 94 through 98:

94 (e) (i) For each fiscal year beginning on or after July 1, {-2007 } 2008 . the amount of the tax

95 <u>collected under Subsection (1)(a) necessary to maintain the</u> actuarial soundness of the

96 <u>Comprehensive Health Insurance Pool Enterprise Fund, as</u> provided in Subsection (1)(e)(ii),

97 <u>shall be transferred to the Comprehensive Health Insurance Pool</u> <u>Enterprise Fund created under</u>

98 Section 31A-29-120.

D. Chris Buttars, Chair

Mr. President:

January 22, 2008

The Education Committee reports a favorable recommendation on **S.B. 35**, DIFFERENTIATED PAY FOR TEACHERS, by Senator H. Stephenson; and

The Education Committee reports a favorable recommendation on **S.B. 39**, MATHEMATICS, SCIENCE, AND TECHNOLOGY EDUCATION TASK FORCE, by Senator H. Stephenson, with the following amendments:

1. Page 2, Lines 36 through 48:

36 (1) There is created the Mathematics, Science, and Technology Education Task Force

37 consisting of the following  $\{-\underline{17}\}$  <u>21</u> members:

38 (a) five members of the Senate appointed by the president of the Senate, no more than

39 three of whom may be from the same political party;

40 (b) seven members of the House of Representatives appointed by the speaker of the

41 <u>House of Representatives, no more than five of whom may be from</u> the same political party:

42 (c) the governor or the governor's designee:

43 (d) two members from the State Board of Education, appointed by the president of the

44 <u>Senate and speaker of the House of Representatives, in consultation</u> with the State Board of

45 <u>Education;</u>  $\{-and\}$ 

46 (e) two local board of education members, one from an urban school district and one

47 from a rural school district, appointed by the president of the Senate and speaker of the House

48 <u>of Representatives, in consultation with the Utah School Boards</u> <u>Association</u>  $\{-\frac{1}{2}\}$  <u>:</u>

(f) two employers who rely on employees with math or science competency, appointed by the president of the Senate and speaker of the House of Representatives:

(g) one mathematics teacher who is designated NCLB highly qualified under rules of the State Board of Education, appointed by the president of the Senate and speaker of the House of Representatives; and

(h) one science teacher who is designated NCLB highly qualified under rules of the State Board of Education, appointed by the president of the Senate and speaker of the House of Representatives.; and

The Education Committee reports a favorable recommendation on **S.B. 41**, EXTENDED SCHOOL YEAR INCENTIVE, by Senator H. Stephenson; and

The Education Committee recommends **S.B. 48**, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, by Senator D. Eastman, be replaced and favorably recommends **1st Sub. S.B. 48**, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING.

Margaret Dayton, Chair

Mr. President:

January 22, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 34**, CONFIDENTIALITY OF REPORTS TO DRIVER LICENSE DIVISION, by Senator A. Christensen; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 100**, MOTOR VEHICLE DEALER DISCLOSURE REQUIREMENTS AMENDMENTS, by Senator D. Eastman; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 115**, MOTOR VEHICLE SAFETY INSPECTION ADVISORY COUNCIL AMENDMENTS, by Senator D. Eastman; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 130**, UTILITY IMPROVEMENT DISTRICT REVISIONS, by Senator K. Van Tassell.

Carlene M. Walker, Chair On motion of Senator Hickman, the committee reports were adopted. S.B. 60, S.B. 95, as amended, S.B. 110, S.B. 131, S.B. 14, as amended, S.B. 50, S.B. 101, as amended, S.B. 35, S.B. 39, as amended, S.B. 41, 1st Sub. S.B. 48, S.B. 34, S.B. 100, S.B. 115, and S.B. 130 were placed on Second Reading Calendar.

## INTRODUCTION OF BILLS

**S.B. 73**, **Wrongful Death Amendments** (S. McCoy), read the first time by short title and referred to the Rules Committee.

**S.B. 149**, **Motor Vehicle Liability Policy Minimum Limits** (S. Killpack), read the first time by short title and referred to the Rules Committee.

**S.B. 150**, **Criminal Penalties Revisions** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

**S.B. 151, Trademark Protection Act Amendments** (D. Eastman), read the first time by short title and referred to the Rules Committee.

**S.B. 152**, **Presumptive Personal Representative** (G. Bell), read the first time by short title and referred to the Rules Committee.

**S.B. 153**, **Revision to County Elected Offices** (G. Bell), read the first time by short title and referred to the Rules Committee.

**S.B. 154**, **Protective Order – Crime of Inducing Breach** (S. McCoy), read the first time by short title and referred to the Rules Committee.

**S.B. 155, Punitive Damages Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 156, Utah Relocation Assistance Act Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.J.R.** 6, Joint Resolution Encouraging the Governor's Board Appointments to Reflect Utah Geographic Balance (D. Stowell), read the first time by short title and referred to the Rules Committee.

## THIRD READING CALENDAR

**S.B. 10**, SEARCH WARRANT PROCEDURE AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were:SenatorsDmitrichMcCoy

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

\* \* \*

**S.B. 11**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, 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

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

Absent or not voting were: Senators Dmitrich McCoy

S.B. 11 was transmitted to the House for consideration.

\* \* \*

**S.B. 12**, ELECTION LAW 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

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

Absent or not voting were:SenatorsDmitrichMcCoy

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

## TIME CERTAIN CALENDAR

On motion of Senator Knudson, under suspension of the rules, **S.J.R. 4**, JOINT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF UTAH LEAGUE OF CITIES AND TOWNS, was considered read the second and third times. Senator Knudson explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Dmitrich McCoy

**S.J.R. 4** was transmitted to the House.

## COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Mayor Joe Johnson, Mayor of Bountiful, Utah and President of Utah League of Cities and Towns, spoke in Committee of the Whole.

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

## THIRD READING CALENDAR

**1st Sub. S.B. 13**, CANDIDATE RESIDENCY REQUIREMENTS, was read the third time and explained by Senator Knudson.

Senator Knudson proposed the following amendment:

1. Page 2, Lines 44 through 46

44 (2) (a) A person seeking election to the state school board must have been a resident of the

45 <u>state school board district in which the person is seeking election</u> for at least one year as of the

46 date of the election.

(b) A person who has resided within the state school board district, as the boundaries of the district exist on the date of the election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this Subsection (2). 2. Page 3, Lines 85 through 87:

85 (2) (a) For an election held after the 2008 general election, a person seeking election to a

86 <u>local school board must have been a resident of the local school</u> <u>board district in which the</u>

87 person is seeking election for at least one year as of the date of the election.

(b) A person who has resided within the local school board district, as the boundaries of the district exist on the date of the election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this Subsection (2).

Senator Knudson'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

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

Absent or a		
Davis	Dmitrich	McCoy

1st Sub. S.B. 13, as amended, was transmitted to the House for consideration.

\* \* \*

**S.B. 16**, EXONERATION AND INNOCENCE ASSISTANCE, was read the third time and explained by Senator Bell. Senators Waddoups, Stephenson, Mayne, Jenkins and Valentine commented.

Senator Bell proposed the following amendment:

1. Page 11, Lines 309 through 311

<sup>309 &</sup>lt;u>15 years, the monetary equivalent of the average annual</u> <u>nonagricultural payroll</u> wage { <u>for a single wage earner</u> } <u>in</u> <u>Utah</u>

310 {-<u>for the year the petitioner was released from prison</u> } <u>, as</u> <u>determined by the</u> <u>data most recently published by the</u> <u>Department</u> <u>of</u>

311 <u>Workforce Services</u> <u>at the time of the petitioner's release from</u> <u>prison</u> <u>.</u>

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

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

Voting in the affirmative were: Senators			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Fife	Greiner
Hickman	Hillyard	Jenkins	Jones
Knudson	Madsen	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	
Voting in the negative was: Senator Mayne			
Absent or not voti Buttars McCoy	<b>ng were:</b> Senators Eastman	Goodfellow	Killpack

S.B. 16, as amended, was transmitted to the House for consideration.

\* \* \*

**S.B.** 18, PUBLIC SAFETY RETIREMENT DEATH BENEFIT MODIFICATIONS, was read the third time and explained by Senator Greiner.

Senator Greiner proposed the following amendment:

1. Page 2, Lines 32 through 34

32 (1) (a) If a retiree who retired under either Division A or Division B dies, the retiree's

33 spouse at the time of death shall receive an allowance equal to  $[65\%] \overline{75\%}$  of the allowance

that was being paid to the retiree at the time of death.(b) The retiree's spouse benefit provided under Subsection (1)(a)

shall be paid to a spouse that is currently eligible or that becomes eligible for the benefit.

2. Page 2, Lines 41 through 43:

41 (1) (a) If a retiree who retired under either Division A or Division B dies, the retiree's

42 spouse at the time of death shall receive an allowance equal to [65%] 75% of the allowance

43 that was being paid to the retiree at the time of death.

(b) <u>The retiree's spouse benefit provided under Subsection</u> (1)(a) shall be paid to a spouse that is currently eligible or that becomes eligible for the benefit.

Senator Greiner'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

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

Absent or not voting were:SenatorsButtarsMcCoyStephenson

S.B. 18, as amended, was transmitted to the House for consideration.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **S.B. 1**, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET APPROPRIATIONS, from the Rules Committee and place it at the top of the Second Reading Calendar.

## SECOND READING CALENDAR

**S.B.** 1, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET APPROPRIATIONS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

## THIRD READING CALENDAR

**S.B. 19**, ENHANCED PUBLIC SAFETY RETIREMENT SYSTEMS COLA OPTION, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

## Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars McCoy

Senator Greiner declared a conflict of interest.

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

## SECOND READING CALENDAR

On motion of Senator Walker, the circle was removed from **S.B. 15**, DRIVING UNDER THE INFLUENCE AMENDMENTS, and it was before the Senate. Senator Walker explained the bill.

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

1st Sub. S.B. 15 Driving Under the Influence Amendments (C. Walker)

Senators Romero and Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	C
Davis	Dayton	Dmitrich	E

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

Absent or not voting was: Senator McCoy

\* \* \*

**S.B. 20**, MUNICIPAL GOVERNMENT AMENDMENTS, was read the second time. Senator Walker explained the bill.

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

## 1st Sub. S.B. 20 Municipal Government Amendments (C. Walker)

Senator Niederhauser commented. The bill passed second reading on the following roll call:

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

## Voting in the affirmative were: Senators

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

# Absent or not voting were: Senators

Killpack McCoy

\* \* \*

On motion of Senator Bramble and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 24, 2008.

# FOURTH DAY

# MORNING SESSION

## **JANUARY 24, 2008**

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

Prayer – Senator Carlene Walker Pledge of Allegiance – Senator Wayne Niederhauser Roll Call – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President: January 23, 2008 The House passed, **S.J.R. 4**, JOINT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF UTAH LEAGUE OF CITIES AND TOWNS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk S.J.R. 4 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

Mr. President: January 23, 2008 The House passed, as amended, **H.B. 30**, VEHICLE CONCEALING ILLEGAL ITEMS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 55**, CAPTIVE INSURANCE COMPANY AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 63**, RECODIFICATION OF TITLE 63 STATE AFFAIRS IN GENERAL, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 74**, MEDICAID 340B DRUG PRICING PROGRAMS, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed **H.B. 79**, SUNSET REAUTHORIZATIONS AND AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 30, 1st Sub. H.B. 55, H.B. 63, H.B. 74,** and **H.B. 79** were read the first time and referred to the Rules Committee.

## **RULES COMMITTEE REPORTS**

To the Members of the Senate: January 23, 2008 The Rules Committee recommends assignment of the following bills to standing committees:

## **Business and Labor Committee**

S.B. 149	Motor Vehicle Liability Policy Minimum Limits
	(Sen. S. Killpack)
S.B. 151	Trademark Protection Act Amendments
	(Sen. D. Eastman)
H.B. 21	Employment Security Act Amendments
	(Rep. S. Mascaro) (Sen. S. Jenkins)
H.B. 56	Repeal Provisions Related to Assumption of Indebtedness
	on Residential Real Property (Rep. K. Garn)
	(Sen. S. Jenkins)

#### **Government Operations and Political Subdivisions Committee**

S.B. 67	Protection of Constitutionally Guaranteed Activities in		
	Certain Private Venues (Sen. M. Madsen)		
S.B. 153	Revision to County Elected Offices (Sen. G. Bell)		
S.B. 156	Utah Relocation Assistance Act Amendments		
	(Sen. L. Hillyard)		
S.J.R. 6	Joint Resolution Encouraging the Governor's Board		
	Appointments to Reflect Utah Geographic Balance		
	(Sen. D. Stowell)		

#### Health and Human Services Committee

S.B. 70	Emotional Support Animals (Sen. S. McCoy)
1st Sub. H.B. 24	Amendments to Utah Digital Health Service Commission
	Act (Rep. R. Menlove) (Sen. P. Knudson)
H.B. 31	Child Welfare Definitions (Rep. W. Harper)
	(Sen. M. Dayton)

H.B. 60	Legislative Review of Health Insurance Mandates
	(Rep. J. Dunnigan) (Sen. K. VanTassell)

## Judiciary, Law Enforcement, and Criminal Justice Committee

- **S.B. 73** Wrongful Death Amendments (Sen. S. McCoy)
- **S.B. 150** Criminal Penalties Revisions (Sen. S. Jenkins)
- S.B. 152 Presumptive Personal Representative (Sen. G. Bell)
- **S.B. 154** Protective Order Crime of Inducing Breach
- (Sen. S. McCoy) S.B. 155 Punitive Damages Amendments (
- S.B. 155Punitive Damages Amendments (Sen. L. Hillyard)H.B. 32Affirmative Defense for Agri-tourism Activity
- H.B. 32 Affirmative Defense for Agri-tourism Activity (Rep. M. Morley) (Sen. M. Dayton)
- H.B. 78 Title 78 Recodification and Revision (Rep. J. Biskupski) (Sen. G. Bell)

Bill Hickman

Rules Committee Chair

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

## STANDING COMMITTEE REPORTS

Mr. President: January 23, 2008 The Government Operations and Political Subdivisions Committee recommends **S.B. 21**, CAMPAIGN FINANCE DISCLOSURE REVISIONS, by Senator P. Knudson, be replaced and favorably recommends **1st Sub. S.B. 21**, CAMPAIGN FINANCE DISCLOSURE REVISIONS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 32**, LOCAL GOVERNMENT BONDING ACT – PUBLIC HEARINGS, by Senator S. Jenkins, with the following amendment:

1. Page 4, Line 120 through Page 5, Line 127:

120 (1) Before issuing a bond authorized under this chapter { . but after an election, if

121 required by this chapter } , a local political subdivision shall:

122 (a) in accordance with Subsection (2), provide public notice of the local political

- 123 subdivision's intent to issue a bond; and
- 124 (b) hold a public hearing : (i) if an election is required under this chapter:

(A) no sooner than 30 days before the day on which the notice of election is published under Section 11-14-202; and (B) no later than five business days before the day on which the the notice of election is published under Section 11-14-202; and to receive input from the public with respect to: (ii) 125 <u>(A)</u> the issuance of the bond; and  $\{-(i)\}$ 126  $\{-(ii)\}$ **(B)** the potential economic impact that the improvement, facility, or property for which 127 the bond pays all or part of the cost will have on the private sector. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 123**, FILLING VACANCIES IN THE SENATE, by Senator J. Hickman.

Peter C. Knudson, Chair

Mr. President:

January 23, 2008

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 31**, INCOME TAX AMENDMENTS, by Senator W. Niederhauser, with the following amendments:

1. Page 1, Lines 26 through 27:

26 • addressing provisions relating to the determination and reporting of income tax

27 liability and information;

▶<u>addresses the apportionment of business income for purposes of the</u> individual income tax;

2. Page 50, Lines 1529 through 1538:

1529 59–10–121. Proration when two returns required.

1530{--[-]{-Where two returns are required to be filed as<br/>provided in-}provided in-}If an individual is required to file two returns for a<br/>Section 59-10-120:

1531 (1) personal exemptions and the standard deduction as used on the federal <u>individual income tax</u> return shall

1532 be prorated between the two returns, under rules prescribed by the commission in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act , to reflect the

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1533 proportions of the taxable year during which the individual was a resident and a nonresident;

1534 and

1535 (2) {-]-} {-<u>If, for purposes of Section 59–10–120, an</u> individual is required to file two returns

1536<u>for a taxable year.</u> } the total <u>amount</u> of the taxes due [thereon shall] <u>on the two returns may</u> not

1537 be less than <u>the total amount of the taxes that</u> would be due if the total of the taxable incomes

1538 reported on the two returns [were includable] had been included in one return.

3. Page 74, Lines 2265 through 2276:

2265 (2) An estate or trust may not carry forward or carry back a tax credit under this

2266 section.

(3) The tax credit allowed by Subsection (1) shall be reduced by \$.013 for each dollar by which an estate's or trust's state taxable income exceeds \$12,000.

2267 {-(3) } (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act:

2268 (a) for purposes of Subsection (1)(a)(iv), the commission may make rules for

2269 <u>determining what constitutes an attorney, accountant, or return</u> preparer fee if that attorney,

2270 <u>accountant, or return preparer fee is consistent with an attorney,</u> <u>accountant, or return preparer</u>

2271 <u>fee that may be deducted on a federal income tax return for</u> estates and trusts; or

2272 (b) for purposes of Subsection (1)(a)(v), the commission may make rules for

2273 determining what constitutes an other deduction or miscellaneous itemized deduction if that

2274 <u>other deduction or miscellaneous itemized deduction is</u> <u>consistent with an other deduction or</u> Day 4

2275 <u>miscellaneous itemized deduction that may be deducted on a</u> federal income tax return for

2276 estates and trusts.; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 96**, MULTI–CHANNEL VIDEO OR AUDIO SERVICE TAX ACT AMENDMENTS, by Senator W. Niederhauser; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 99**, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR PROSTHETIC DEVICES, by Senator W. Niederhauser, with the following amendments:

1. Page 1, Lines 12 through 16:

12 Highlighted Provisions:

13 This bill:

14 ► modifies the {-prescription requirement for purposes of the-} eligibility requirements for the sales and use tax

15 exemption for prosthetic devices; and

16 ► makes technical changes.

2. Page 15, Lines 458 through 461:

458 (55) sales of a prosthetic device:

459 (a) for use on or in a human; and

460 (b) (i) for which a prescription is [issued] required; [and] or

461 [(c) to a person that presents a prescription for the prosthetic device;]

(ii) if the prosthetic device is purchased by a hospital or other medical facility; ; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 124**, SALES AND USE TAX – DEFINITIONS OF PERMANENTLY ATTACHED TO REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 135**, EXTENDING THE SALES AND USE TAX EXEMPTION FOR POLLUTION CONTROL FACILITIES, by Senator W. Niederhauser; and The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 137**, MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS, by Senator W. Niederhauser.

Wayne L. Niederhauser, Chair

Mr. President:

January 22, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 52**, IDENTITY THEFT AMENDMENT, by Senator C. Walker; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 94**, BURGLARY OF A RAILROAD CAR, by Senator D. Peterson; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 114**, NOTARY PUBLIC REVISION, by Senator G. Bell, with the following amendments:

1. Page 2, Lines 28 through 37:

A notary may not perform a notarial act if the notary:

29 (1) is a signer of  $\{-or named in-\}$  the document that is to be notarized except  $\{-\frac{1}{2}$ 

30 (a) in case of a self-proved will as provided in Section 75-2-504;  $\{-and\}$  or

(2)<br/>(a)is named in the document that is to be notarized except:<br/>in the case of a self-proved will as provided in Section75-2-504; or

31 (b) in the case of a licensed attorney that is listed in the document only as representing

32 <u>a signer or another person named in the document;</u>

33  $\{-(2)-\}$  (3) will receive directly from a transaction connected with a financial transaction in

34 which the notary is named individually as a principal; or

35  $\{-(3)-\}$  <u>(4)</u> will receive directly from a real property transaction in which the notary is named

36 individually as a grantor, grantee, mortgagor, mortgagee, trustor, trustee, beneficiary, vendor,

vendee, lessor, or lessee. ; and 37

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 120, DEPARTMENT OF CORRECTIONS EMPLOYEE VEHICLE USE, by Senator D. Peterson; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 122, UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.C.R. 3, RESOLUTION SUPPORTING OBSERVANCE OF PEACE OFFICERS MEMORIAL DAY, by Senator L Greiner.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. 1st Sub. S.B. 21, S.B. 32, as amended, S.B. 123, S.B. 31, as amended, S.B. 96, S.B. 99, as amended, S.B. 124, S.B. 135, S.B. 137, S.B. 52, S.B. 94, S.B. 114, as amended, S.B. 120, S.B. 122, and S.C.R. 3 were placed on Second Reading Calendar.

## STANDING COMMITTEE REPORTS

Mr. President:

January 23, 2008 The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 126, FILING FEE FOR WRITE-IN CANDIDATES, by Senator P. Knudson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President:

January 23, 2008

January 22, 2008

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 128, AMENDMENTS TO THE VETERAN'S PROPERTY TAX EXEMPTION, by Senator B. Goodfellow, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President:

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 119, DEPARTMENT OF CORRECTIONS AMENDMENTS, by Senator D. Peterson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 126, S.B. 128,** and **S.B. 119** were considered read the second time and placed on the Consent Calendar.

## **INTRODUCTION OF BILLS**

**S.B. 74, Health Care Provider Access** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

**S.B. 75**, **Prohibiting Gang Activity** (J. Greiner), read the first time by short title and referred to the Rules Committee.

**S.B. 157**, **Rights of Citizens to Carry Firearms in Declared Emergency** (M. Madsen), read the first time by short title and referred to the Rules Committee.

**S.B. 158**, **Statewide Rural Boards and Committees** (D. Stowell), read the first time by short title and referred to the Rules Committee.

**S.B. 159**, **Workers' Compensation Amendments** (D. Eastman), read the first time by short title and referred to the Rules Committee.

## COMMITTEE OF THE WHOLE

On motion of Senator Bramble, His Excellency John Bruton, Ambassador and European Union Commission Head of Delegation in the United States spoke in Committee of the Whole.

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

## THIRD READING CALENDAR

**1st Sub. S.B. 15**, DRIVING UNDER THE INFLUENCE AMENDMENTS, was read the third time and explained by Senator Walker.

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

2nd Sub. S.B. 15 Driving Under the Influence Amendments (C. Walker)

The bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Peterson	Romero
Stephenson	Van Tassell	Waddoups	Walker
Valentine			
Absent or not voti	ng were: Senators		
Eastman	Hickman	Niederhauser	Stowell

2nd Sub. S.B. 15 was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 20**, MUNICIPAL GOVERNMENT AMENDMENTS, was read the third time and explained by Senator Walker.

On motion of Senator Walker, the Senate voted to refer the bill back to the Political Subdivision Standing Committee.

## SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, **S.B. 1**, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET APPROPRIATIONS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

0			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Van Tassell	Waddoups
Walker	Valentine		

# Absent or not voting were:SenatorsEastmanHickmanStowell

S.B. 1 was transmitted to the House.

\* \* \*

**S.B. 22**, TIMING OF BALLOT ITEMS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Christensen	Davis	
Dayton	Dmitrich	Fife	Goodfellow	
Greiner	Jenkins	Jones	Killpack	
Knudson	Madsen	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				
Absent or not voting were: Senators				
Buttars	Eastman	Hickman	Hillyard	
* * *				

**S.B. 23**, REVISION TO POLLING REQUIREMENTS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Davis	
Dayton	Dmitrich	Fife	Goodfellow	
Greiner	Jenkins	Jones	Killpack	
Knudson	Madsen	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				
Absent or not voting were: Senators				
Christensen	Eastman	Hickman	Hillyard	

\* \* \*

**S.B. 24**, RETIREMENT DEATH BENEFITS AND DIVORCE REVISIONS, was read the second time.

On motion of Senator Knudson, the bill was circled.

\* \* \*

**S.B. 25**, MUNICIPAL INCORPORATION AMENDMENTS, was read the second time. Senator Stowell explained the bill. Senators Niederhauser and Van Tassell commented.

On motion of Senator Stowell, the bill was circled.

\* \* \*

**S.B. 26**, FIRE MANAGEMENT AREAS, 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				
Bell	Buttars	Christensen	Davis	
Dayton	Dmitrich	Fife	Goodfellow	
Greiner	Jenkins	Jones	Killpack	
Knudson	Madsen	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Walker	Valentine	
Absent or not voting were: Senators				
Bramble	Eastman	Hickman	Hillyard	
Waddoups				

## **COMMITTEE OF THE WHOLE**

On motion of Senator Killpack, Congressman Jim Matheson spoke in Committee of the Whole. Senators Jones, Killpack, and Peterson commented.

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

## SECOND READING CALENDAR

**S.B. 27**, TRUSTEE SALE – PROCESS FOR EXCESS PROCEEDS, was read the second time. Senator Davis explained the bill. Senators Bell and Van Tassell commented. The bill passed second reading on the following roll call:

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

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

## Voting in the affirmative were: Senators

Absent or not vot	ing were: Senators	
Hickman	Hillyard	Stowell

\* \* \*

**S.B. 30**, CONSUMER SALES PRACTICE ACT AMENDMENTS, was read the second time. Senator Jones explained the bill. Senators Bell, McCoy, and Jenkins commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	Valentine
Absent or not vot	ing were: Senators		
Davis	Hickman	Hillyard	Niederhauser
Stephenson			

## **INTRODUCTION OF BILLS**

**S.R. 2**, **Senate Resolution Honoring James L. Sorenson** (A. Christensen), read the first time by short title and referred to the Rules Committee.

On motion of Senator Bramble, the Senate voted to lift **S.R. 2** from the Rules Committee and place it at the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Bramble and at 12:00 p.m., the Senate adjourned until 10:00 a.m., Friday, January 25, 2008.

# **FIFTH DAY**

# MORNING SESSION

# **JANUARY 25, 2008**

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Senator Kevin Van Tassell Pledge of Allegiance – Senator Darin Peterson Roll Call – All Senators present

## READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

## COMMUNICATIONS FROM THE HOUSE

Mr. President: January 24, 2008 The House passed **H.B. 1**, MINIMUM SCHOOL PROGRAM BASE BUDGET AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.B. 29**, ELECTION LAW – FINANCIAL REPORTING, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 36**, CHILD WELFARE AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 52**, RESEARCH ACTIVITIES TAX CREDITS AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 129**, APPROPRIATION FOR CONSTRUCTION OF A VETERANS' NURSING HOME IN OGDEN, by Representative B. Dee, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 1, H.B. 29, H.B. 36, H.B. 52**, and **H.B. 129** were read the first time and referred to the Rules Committee.

## **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 24, 2008

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

## **Business and Labor Committee**

S.B. 159	Workers' Compensation Amendments (Sen. D. Eastman)
1st Sub. H.B. 55	Captive Insurance Company Amendments
	(Rep. J. Dunnigan) (Sen. K. Van Tassell)

**Government Operations and Political Subdivisions Committee** 

S.B. 158	Statewide Rural Boards and Committees
	(Sen. D. Stowell)
H.B. 63	Recodification of Title 63 State Affairs in General
	(Rep. D. Aagard) (Sen. G. Bell)
H.B. 79	Sunset Reauthorizations and Amendments
	(Rep. D. Clark) (Sen. C. Bramble)

Health and Human Services Committee

S.B. 74	Health Care Provider Access (Sen. D. C. Buttars)
H.B. 22	Expedited Parent-Time Enforcement (Rep. Julie Fisher)
	(Sen. G. Bell)
H.B. 74	Medicaid 340b Drug Pricing Programs (Rep. D. Litvack)
	(Sen. A. Christensen)

## Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 75	Prohibiting Gang Activity (Sen. J. Greiner)
S.B. 157	Rights of Citizens to Carry Firearms in Declared
	Emergency (Sen. M. Madsen)
H.B. 30	Vehicle Concealing Illegal Items (Rep. P. Ray)
	(Sen. C. Bramble)

## Bill Hickman

Rules Committee Chair

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

## STANDING COMMITTEE REPORTS

Mr. President:

January 24, 2008

The Business and Labor Committee reports a favorable recommendation on S.B. 58, WORKERS' COMPENSATION RELATED AMENDMENTS, by Senator M. Dmitrich, with the following amendments:

- 1. Page 1, Lines 20 through 21:
  - 20 Other Special Clauses:

2. Page 4, Lines 112 through 113:

112 [(a)] (i) a child under 18 years of age, [or over] subject to the conditions of Subsections

113 (1)(b) and (2)  $\{-(c)\}$  (b) ;

- 3. Page 5, Lines 124 through 129:
  - 124 (b) Subsections (1)(a)(i) and (ii) require that:
  - 125 (i) the deceased employee be  $\{-\frac{1}{2}\}$
  - 126  $(\underline{A})$  } the parent of the child; or

127  $\{-(\underline{B})\}$  (ii)(A) the deceased employee be legally bound to support the child; and

128

 $\{-(ii)\}$   $\{B\}$  the child be living with the deceased employee at the time of the death of the

129 <u>employee.</u>

4. Page 14, Lines 426 through 427:

426 court all documents and papers and a transcript of all testimony taken in the matter together

427 with the decision of the commissioner or Appeals Board.

Section 9. S.B. 58 coordinating with S.B. 108 -- Technical amendments.

If this S.B. 58 and S.B. 108, Offset of Workers' Compensation and Social Security, 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 coordinate the bills as follows:

(1) the amendments to Subsection 34A-2-702(5)(b)(i) in this bill supersede the amendments to that subsection in S.B. 108:

(2) the amendments to Subsection 34A–2–702(5)(b)(iii) in S.B. 108 supercede the amendments to that subsection in this bill:

(3) the amendments to Subsections 34A-2-702(5)(b)(iv) and (5)(c)(i) in this bill supersede the amendments to those subsections in S.B. 108;

(4) the amendments to Subsection 34A-2-702(5)(c)(ii) in S.B. 108

supersede the amendments to that subsection in this bill, except that the introductory phrase in Subsection 34A–2–702(5)(c)(ii)(A) is deleted and replaced with the following: "(ii)(A) In determining the annual income of the surviving spouse after

the initial 312-week period, there shall be excluded 50% of a federal Social Security death benefit that the surviving spouse:"; and (5) the amendments to Subsection 34A-2-702(5)(d) and (e) in this bill supersede the amendments to those subsections in S.B. 108.; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 68**, WORKERS' COMPENSATION – DEATH BENEFITS, by Senator K. Mayne.

Kevin T. Van Tassell, Chair

Mr. President:

January 24, 2008

The Health and Human Services Committee recommends S.B. 56, NATUROPATHIC PHYSICIAN AMENDMENTS, by Senator S. McCoy, be replaced and favorably recommends 1st Sub. S.B. 56, NATUROPATHIC PHYSICIAN LICENSING AMENDMENTS; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 62**, HEALTH INSURANCE – MEDICAL COMPLICATION EXCLUSIONS, by Senator P. Knudson; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 66**, UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT, by Senator L. Hillyard; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 146**, AMENDMENT TO UNIFORM ANATOMICAL GIFT ACT, by Senator L. Hillyard; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 16**, MEDICAID COVERAGE FOR CERTAIN TELEHEALTH SERVICES, by Representative B. Last.

D. Chris Buttars, Chair

Mr. President:

January 24, 2008

The Education Committee reports a favorable recommendation on **S.B. 36**, CHARTER AND ONLINE SCHOOLS – PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, by Senator M. Madsen, with the following amendments:

1. Page 1, Line 21:

21 • {-a public school that is open for the enrollment of nonresident students;-} <u>the public school from which the student</u> withdrew for the purpose of attending a charter school:

2. Page 1, Line 27:

27 • {-a public school that is open for the enrollment of nonresident students;-} <u>the public school from which the student</u> withdrew for the purpose of participating in an online education program: and

3. Page 2, Lines 48 through 49:

48 (b) {-<u>a school that is open for the enrollment of nonresident</u> <u>students under Section</u>

49 <u>53A-2-207 and rules of the State Board of Education</u> } the public school from which the student withdrew for the purpose of attending a charter school <u>.</u>

4. Page 3, Line 89 through Page 4, Line 90:

89 (b) {-<u>a school that is open for the enrollment of nonresident</u> <u>students under Section</u>

90 <u>53A-2-207 and rules of the State Board of Education</u> } the public school from which the student withdrew for the purpose of participating in an online education program \_; and

The Education Committee reports a favorable recommendation on **S.B. 118**, EDUCATION TRANSPORTATION AMENDMENTS, by Senator D. Peterson.

Margaret Dayton, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 58, as amended, S.B. 68, 1st Sub. S.B. 56, S.B. 62, S.B. 66, S.B. 146, H.B. 16, S.B. 36, as amended, and S.B. 118 were placed on Second Reading Calendar.

## INTRODUCTION OF BILLS

**S.B. 160**, **Candidate Replacement Deadline for General Election** (P. Knudson), read the first time by short title and referred to the Rules Committee.

**S.B. 161**, **Advance Health Care Directive Amendments** (A. Christensen), read the first time by short title and referred to the Rules Committee.

**S.J.R. 7**, **Joint Rules Resolution** – **Authorizing Electronic Committee Meetings** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **H.B. 1**, MINIMUM SCHOOL PROGRAM BASE BUDGET AMENDMENTS, from the Rules Committee and place it at the top of the Second Reading Calendar

## SECOND READING CALENDAR

**H.B. 1**, MINIMUM SCHOOL PROGRAM BASE BUDGET AMENDMENTS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

## COMMITTEE OF THE WHOLE

On motion of Senator Eastman, Keith Bond, Utah artist, spoke in Committee of the Whole. Senators Walker, Knudson, Hickman, and Hillyard commented.

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

## THIRD READING CALENDAR

**S.B. 22**, TIMING OF BALLOT ITEMS, 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

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

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

#### \* \* \*

**S.B. 23**, REVISION TO POLLING REQUIREMENTS, 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

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

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

\* \* \*

On motion of Senator Walker, **S.R. 2**, SENATE RESOLUTION HONORING JAMES L. SORENSON, will be considered Friday, January 25, 2008 at 11:00 a.m.

\* \* \*

**S.B. 26**, FIRE MANAGEMENT AREAS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Ve	oting	in	the	affirmative	were:	Senators
_					-	_

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

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

\* \* \*

**S.B. 27**, TRUSTEES SALE – PROCESS FOR EXCESS PROCEEDS, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

## Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Eastman Killpack

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

\* \* \*

**S.B. 30**, CONSUMER SALES PRACTICE ACT AMENDMENTS, was read the third time.

On motion of Senator Jones, the bill was circled.

## SECOND READING CALENDAR

**S.B. 33**, DEPARTMENT OF COMMUNITY AND CULTURE – STATE–OWNED ART INVENTORY, was read the second time. Senator Madsen explained the bill. Senator Peterson commented. The bill passed second reading on the following roll call:

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

## Voting in the affirmative were: Senators

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

# Absent or not voting were:SenatorsEastmanHickmanKillpack

#### \* \* \*

**S.B. 40**, STATE TRADE DATABASE, was read the second time. Senator Madsen explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hickman	
Hillyard	Jenkins	Jones	Killpack	
Knudson	Madsen	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				

\* \* \*

On motion of Senator Hillyard, the circle was removed from **S.B. 24**, RETIREMENT DEATH BENEFITS AND DIVORCE REVISIONS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed Second Reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Buttars Goodfellow

#### TIME CERTAIN CALENDAR

On motion of Senator Christensen, under suspension of the rules, **S.R. 2**, SENATE RESOLUTION HONORING JAMES L. SORENSON, was considered read the second and third times. Senator Christensen explained the bill. Senator Jones commented. The bill passed on the following roll call:

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			
Absent or not voting were: Senators			
Eastman	Hickman	Killpack	McCoy

S.R. 2 was sent to the staff for enrolling.

#### SECOND READING CALENDAR

**S.B. 44**, PENALTIES FOR FAILING TO SECURE A LOAD OR LITTERING ON A HIGHWAY, was read the second time. Senator Jones explained the bill. Senators Greiner, Peterson, and Mayne commented. The bill passed second reading on the following roll call:

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

# Voting in the affirmative were: Senators Bell Bramble Buttars Christensen Dayton Dmitrich Fife Greiner

Dayton	Dmitrich	Fife	Greiner	
Hickman	Hillyard	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				
Absent or not voting were: Senators				
Davis	Eastman	Goodfellow	McCoy	
* * *				

On motion of Senator Stephenson, the circle was removed from **H.B. 1**, MINIMUM SCHOOL PROGRAM BASE BUDGET AMENDMENTS, and it was before the Senate.

On motion of Senator Stephenson, under suspension of the rules, H.B. 1, MINIMUM SCHOOL PROGRAM BASE BUDGET AMENDMENTS, was

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

considered read the second and third times. Senator Hillyard commented and the bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Eastman McCoy

Senator Killpack declared a conflict of interest.

**H.B.** 1 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

S.C.R. 1, RESOLUTION SUPPORTING OBESITY AWARENESS, was read the second time. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dmitrich	Fife	Goodfellow	
Greiner	Hillyard	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				
Absent or not voti	ng were: Senators			
Dayton	Eastman	Hickman	McCoy	

\* \* \*

S.J.R. 1, RESOLUTION ENCOURAGING THE ADVERTISEMENT OF ALTERNATIVE ROUTES TO TEACHING, 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

Bell	Bramble	Christensen	Davis	
Dayton	Fife	Goodfellow	Greiner	
Hillyard	Jenkins	Jones	Killpack	
Knudson	Madsen	Mayne	Niederhauser	
Peterson	Romero	Stephenson	Stowell	
Van Tassell	Waddoups	Walker	Valentine	
Absent or not voting were: Senators				
Buttars	Dmitrich	Eastman	Hickman	
McCoy				

#### **INTRODUCTION OF BILLS**

**S.B. 76**, **State Parks and Recreation Amendments** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

#### \* \* \*

On motion of Senator Bramble and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Monday, January 28, 2008.

## **EIGHTH DAY**

## MORNING SESSION

## **JANUARY 28, 2008**

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Alan Rindlisbacher, Chaplain, Salt Lake County Sheriff's Office **Pledge of Allegiance** – Senator Wayne Niederhauser **Roll Call** – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### SPECIAL MOMENT OF SILENCE

The Senate observed a moment of silence honoring the passing of President Gordon B. Hinckley, President of the Church of Jesus Christ of Latter-day Saints. Senators Eastman, Bramble, Dmitrich, Waddoups, Van Tassell, Jones, Killpack, Walker, Romero, Goodfellow, Stephenson, Christensen, Davis, Niederhauser, Madsen, Peterson, Dayton, Bell, and Valentine commented.

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President: January 25, 2008 The House passed, S.B. 1, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET APPROPRIATIONS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk **S.B. 1** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

January 25, 2008 The House passed, as amended, H.B. 15, CONTROL AND PREVENTION OF SEXUALLY TRANSMITTED DISEASES, by Representative P. Riesen, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 53, IMPACT OF ADMINISTRATIVE RULES ON SMALL BUSINESSES, by Representative S. Clark, and it is transmitted for consideration; and

The House passed **H.B. 68**, EDUCATOR RELICENSURE INITIATIVE, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 71**, PARENT–TIME AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 73**, CHILD CARE PROVIDERS, by Representative K. Morgan, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 77**, PERSONAL PROPERTY TAX AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 118**, VETERANS HIGH SCHOOL DIPLOMAS, by Representative L. Hemingway, and it is transmitted for consideration; and

The House passed **H.B. 245**, ADMINISTRATION OF MEDICATION TO STUDENTS AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 272**, FALSE IMPERSONATION AND REPRESENTATION, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 2**, RESOLUTION ENCOURAGING MANUFACTURED AND MOBILE HOME PARKS AS AFFORDABLE HOUSING, by Representative N. Hendrickson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 15, 1st Sub. H.B. 53, H.B. 68, H.B. 71, H.B, 73, 1st Sub. H.B. 77, H.B. 118, H.B. 245, H.B. 272, and H.J.R. 2 were read the first time and referred to the Rules Committee.

#### STANDING COMMITTEE REPORTS

Mr. President: January 25, 2008 The Government Operations and Political Subdivisions Committee recommends S.B. 53, USE OF INITIATIVE AND REFERENDUM FOR ADMINISTRATIVE LAND USE AND ZONING MATTERS, by Senator B. Goodfellow, be replaced and favorably recommends 1st Sub. S.B. 53, USE OF INITIATIVE AND REFERENDUM FOR ADMINISTRATIVE LAND USE AND ZONING MATTERS; and The Government Operations and Political Subdivisions Committee recommends **S.B. 54**, INITIATIVE AND REFERENDUM PETITION SUBMISSION AMENDMENTS, by Senator B. Goodfellow, be replaced and favorably recommends **1st Sub. S.B. 54**, INITIATIVE AND REFERENDUM PETITION SUBMISSION AMENDMENTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 113**, ACCESS TO RESEARCH WORKERS' PERSONAL INFORMATION, by Senator G. Bell; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 63**, RECODIFICATION OF TITLE 63 STATE AFFAIRS IN GENERAL, by Representative D. Aagard.

Peter C. Knudson, Chair

Mr. President: January 25, 2008 The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 28**, APPORTIONMENT OF BUSINESS INCOME, ATTRIBUTING SALES TO THE STATE, AND DEDUCTION OF NET LOSSES BY A UNITARY GROUP, by Senator H. Stephenson; and

The Revenue and Taxation Committee recommends S.B. 38, TRANSPARENCY IN GOVERNMENT FINANCE, by Senator W. Niederhauser, be replaced and favorably recommends 1st Sub. S.B. 38, TRANSPARENCY IN GOVERNMENT FINANCE; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 64**, INCOME TAX – CAPITAL GAIN TRANSACTIONS, by Senator W. Niederhauser.

Wayne L. Niederhauser, Chair

Mr. President:

January 25, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 105**, JUDICIAL PERFORMANCE EVALUATION COMMISSION, by Senator D. C. Buttars; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 138**, UTAH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL AMENDMENTS, by Senator D. C. Buttars; and

1. Page 1, Line 16:

16 convicted of, and punished for, the separate offense; {-and-}
 ▶ provides that a person who is convicted of murder, based on a predicate offense that also constitutes a separate offense, may also be convicted of, and punished for, the separate offense; and

2. Page 1, Line 21:

21 {-None-} <u>This bill provides an immediate effective</u> <u>date.</u>

3. Page 1, Line 25:

25 76–5–202, as last amended by Laws of Utah 2007, Chapters 275, 340, and 345

<u>76–5–203, as last amended by Laws of Utah 2007, Chapter</u> 340

<u>76–8–316, as last amended by Laws of Utah 2007, Chapter</u> 326

4. Page 6, Line 181:

181 convicted of, and punished for, the separate offense.

Section 3. Section 76-5-203 is amended to read:

76-5-203. Murder.

(1) As used in this section, "predicate offense" means:

(a) a violation of Section 58–37d–4 or 58–37d–5, Clandestine Drug Lab Act;

(b) child abuse, under Subsection 76-5-109(2)(a), when the victim is younger than 18 years of age;

(c) kidnapping under Section 76–5–301;

(d) child kidnapping under Section 76–5–301.1;

(e) aggravated kidnapping under Section 76-5-302;

(f) rape of a child under Section 76–5–402.1;

(g) object rape of a child under Section 76–5–402.3;

(h) sodomy upon a child under Section 76–5–403.1;

(i) forcible sexual abuse under Section 76-5-404;

(j) sexual abuse of a child or aggravated sexual abuse of a child under Section 76–5–404.1;

(k) rape under Section 76–5–402;

(l) object rape under Section 76–5–402.2;

(m) forcible sodomy under Section 76–5–403;

(n) aggravated sexual assault under Section 76-5-405;

(o) arson under Section 76–6–102;

(p) aggravated arson under Section 76-6-103;

(q) burglary under Section 76–6–202;

(r) aggravated burglary under Section 76-6-203;

(s) robbery under Section 76–6–301;

(t) aggravated robbery under Section 76-6-302;

(u) escape or aggravated escape under Section 76–8–309; or

(v) a felony violation of Subsection 76-10-508(2) regarding discharge of a firearm or dangerous weapon.

(2) Criminal homicide constitutes murder if:

(a) the actor intentionally or knowingly causes the death of another;

(b) intending to cause serious bodily injury to another, the actor commits an act clearly dangerous to human life that causes the death of another;

(c) acting under circumstances evidencing a depraved indifference to human life, the actor knowingly engages in conduct which creates a grave risk of death to another and thereby causes the death of another;

(d) (i) the actor is engaged in the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense, or is a party to the predicate offense;

(ii) a person other than a party as defined in Section 76-2-202 is killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense; and

(iii) the actor acted with the intent required as an element of the predicate offense;

(e) the actor recklessly causes the death of a peace officer while in the commission or attempted commission of:

(i) an assault against a peace officer under Section 76–5–102.4; or

(ii) interference with a peace officer while making a lawful arrest under Section 76–8–305 if the actor uses force against a peace officer;

(f) commits a homicide which would be aggravated murder, but the offense is reduced pursuant to Subsection 76-5-202(4); or

(g) the actor commits aggravated murder, but special mitigation is established under Section 76–5–205.5.

(3) (a) Murder is a first degree felony.

(b) A person who is convicted of murder shall be sentenced to imprisonment for an indeterminate term of not less than 15 years and which may be for life.

(4) (a) It is an affirmative defense to a charge of murder or attempted murder that the defendant caused the death of another or attempted to cause the death of another:

(i) under the influence of extreme emotional distress for which there is a reasonable explanation or excuse; or

(ii) under a reasonable belief that the circumstances provided a legal justification or excuse for his conduct although the conduct was not legally justifiable or excusable under the existing circumstances.

(b) Under Subsection (4)(a)(i) emotional distress does not include:

(i) a condition resulting from mental illness as defined in Section 76–2–305; or

(ii) distress that is substantially caused by the defendant's own conduct.

(c) The reasonableness of an explanation or excuse under Subsection (4)(a)(i) or the reasonable belief of the actor under Subsection (4)(a)(i) shall be determined from the viewpoint of a reasonable person under the then existing circumstances.

(d) This affirmative defense reduces charges only as follows:

(i) murder to manslaughter; and

(ii) attempted murder to attempted manslaughter.

(5) (a) Any predicate offense described in Subsection (1) that constitutes a separate offense does not merge with the crime of murder.

(b) A person who is convicted of murder, based on a predicate offense described in Subsection (1) that constitutes a separate offense, may also be convicted of, and punished for, the separate offense.

Section 4. Section 76-8-316 is amended to read:

76–8–316. Influencing, impeding, or retaliating against a judge or member of the Board of Pardons and Parole.

(1) A person is guilty of a third degree felony if the person threatens to assault, kidnap, or murder a judge or a member of the Board of Pardons and Parole with the intent to impede, intimidate, or interfere with the judge or member of the board while engaged in the performance of the judge's or member's official duties or with the intent to retaliate against the judge or member on account of the performance of those official duties.

(2) A person is guilty of a second degree felony if the person commits an assault on a judge or a member of the Board of Pardons and Parole with the intent to impede, intimidate, or interfere with the judge or member of the board while engaged in the performance of the judge's or member's official duties, or with the intent to retaliate against the judge or member on account of the performance of those official duties.

(3) A person is guilty of a first degree felony if the person commits aggravated assault or attempted murder on a judge or a member of the Board of Pardons and Parole with the purpose to impede, intimidate, or interfere with the judge or member of the board while engaged in the performance of the judge's or member's official duties or with the purpose to retaliate against the judge or member on account of the performance of those official duties.

(4) As used in this section:

(a) "Immediate family" means parents, spouse, surviving spouse, children, and siblings of the officer.

(b) "Judge" means judges of all courts of record and courts not of record and court commissioners.

(c) "Judge or member" includes the members of the judge's or member's immediate family.

(d) "Member of the Board of Pardons and Parole" means appointed members of the board.

(5) A member of the Board of Pardons and Parole is an executive officer for purposes of Subsection  $76-5-202(1) \{-(k)-\}$  (m).

Section 5. Effective Date.

If approved by two-thirds of all members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 152**, PRESUMPTIVE PERSONAL REPRESENTATIVE, by Senator G. Bell, with the following amendments:

1. Page 2, Lines 48 through 53

48 (4) Any insurer and its insured paying a claim arising out of the wrongful death of a person, including

49 <u>a minor, including but not limited to claims for uninsured or</u> <u>underinsured motorist coverage as</u>

50 provided in Section 31A-22-305, to a presumptive personal representative upon presentation of

51 <u>an affidavit as described in Subsection (2)</u> {-is } <u>are</u> <u>discharged and released to the same extent as if</u>

52 <u>the insurer</u> <u>and its insured</u> <u>dealt with a personal representative</u> of the decedent. The insurer <u>and its insured</u> is not required to

53 <u>inquire into the truth of any statement in the affidavit.</u>

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. 1st Sub. S.B. 53, 1st Sub. S.B. 54, S.B. 113, H.B. 63, S.B. 28, 1st Sub. S.B. 38, S.B. 64, S.B. 105, S.B. 138, S.B. 150, as amended, and S.B. 152, as amended, were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President: January 25, 2008 The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 78**, TITLE 78 RECODIFICATION AND REVISION, by Representative J. Biskupski, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee report was adopted. **H.B. 78** was considered read the second time and placed on the Consent Calendar.

#### INTRODUCTION OF BILLS

**S.B. 77**, **Revisions to Government Records Access Management Act** (M. Dayton), read the first time by short title and referred to the Rules Committee.

#### S.B. 78, County Personnel Management Act Amendments

(W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 162**, **Federal Education Agreement Requirements** (M. Dayton), read the first time by short title and referred to the Rules Committee.

#### S.B. 163, Certified Public Accountant Licensing Act Amendments

(C. Bramble), read the first time by short title and referred to the Rules Committee.

**S.B. 164, Computer Assisted Remote Hunting Prohibited** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

**S.B. 165**, **Alcoholic Beverage Single Event Permits** (S. McCoy), read the first time by short title and referred to the Rules Committee.

#### SPECIAL ORDER OF BUSINESS

On motion of Senator Bramble, under suspension of the rules, the Senate voted to move **S.C.R. 4**, CONCURRENT RESOLUTION RECOGNIZING UTAH'S NOBEL PRIZE WINNER MARIO CAPECCHI, to the top of the Second Reading Calendar.

#### COMMITTEE OF THE WHOLE

On motion of Senator Bramble, Dr. Mario Capecchi, Nobel Prize Recipient, spoke in Committee of the Whole.

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

On motion of Senator Bramble, under suspension of the rules, **S.C.R. 4**, CONCURRENT RESOLUTION RECOGNIZING UTAH'S NOBEL PRIZE WINNER MARIO CAPECCHI, was considered read the second and third times. 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

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

Absent or not voting were:SenatorsHillyardNiederhauser

S.C.R. 4 was transmitted to the House.

#### THIRD READING CALENDAR

**S.B. 33**, DEPARTMENT OF COMMUNITY AND CULTURE – STATE–OWNED ART INVENTORY, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

#### Absent or not voting was: Senator

Niederhauser

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

\* \* \*

**S.B. 40**, STATE TRADE DATABASE, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

S.B. 40 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Jones, the circle was removed from **S.B. 30**, CONSUMER SALES PRACTICE ACT AMENDMENTS, and it was before the Senate. Senator Jones explained the bill.

Senator Jones proposed the following amendment:

1. Page 5, Lines 126 through 127

126 (w) misrepresents the geographical origin or location of the supplier's business in {-the

127 <u>conduct of the supplier's business</u> } <u>connection with the sale</u> of cut flowers, flower arrangements, or floral products \_

Senator Jones' 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

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

Absent or not voting was: Senator Bell

S.B. 30, as amended, was transmitted to the House for consideration.

\* \* \*

**S.B. 24**, RETIREMENT DEATH BENEFITS AND DIVORCE REVISIONS, 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

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

#### Absent or not voting were: Senators

Bell Goodfellow

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

\* \* \*

**S.B. 44**, PENALTIES FOR FAILING TO SECURE A LOAD OR LITTERING ON A HIGHWAY, was read the third time.

On motion of Senator Jones, the bill was circled.

\* \* \*

**S.C.R. 1**, RESOLUTION SUPPORTING OBESITY AWARENESS, 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

Bramble	Buttars	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Knudson	Madsen	Mayne	McCoy
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Absent or not voti	ing were: Senators		
Bell	Dayton	Jones	Killpack
Niederhauser			

S.C.R. 1 was transmitted to the House for consideration.

\* \* \*

**S.J.R.** 1, RESOLUTION ENCOURAGING THE ADVERTISEMENT OF ALTERNATIVE ROUTES TO TEACHING, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators			
Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Day	8
Day	ð

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

Absent or not voting was: Senator Bell

S.J.R. 1 was transmitted to the House for consideration.

#### SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **S.J.R. 3**, RESOLUTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES, was considered read the second and third times. 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

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

Absent or not voting were:SenatorsBellMadsen

S.J.R. 3 was transmitted to the House.

\* \* \*

**S.B. 60**, REPEALING LABOR COMMISSION RESPONSIBILITIES TO OVERSEE EMPLOYMENT AGENCIES, was read the second time. Senator Romero explained the bill. The bill passed second reading on the following roll call:

Davis

Fife

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

Dayton

Voting in the	e affirmative were:	Senators
Bramble	Buttars	Christensen

Dmitrich Eastman

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

Absent or not voting was: Senator Bell

\* \* \*

**S.B. 95**, MARKUP ON ALCOHOLIC BEVERAGES, was read the second time. Senator Dmitrich 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

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

Absent or not voting was: Senator Bell

\* \* \*

**S.B. 110**, FOREIGN BUSINESS ENTITIES AND TRIBAL LAW, was read the second time. Senator Van Tassell explained the bill. Senators Knudson and Valentine commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

0			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine		-	

#### \* \* \*

**S.B. 131**, WAGE WITHHOLDING FOR EMPLOYEE CONTRIBUTIONS, was read the second time. 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			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		
Absent or not voting were: Senators			
Buttars	Hickman	Madsen	
	*	* *	

**S.B. 14**, SMOKING BAN IN MOTOR VEHICLE, was read the second time. Senator McCoy explained the bill. Senators Peterson, Jones, Hickman, Mayne, and Madsen commented. The bill passed second reading on the following roll call:

#### Yeas, 20; Nays, 9; Absent, 0.

Voting in the affirmative were: Senators			
Buttars	Christensen	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hillyard	Jones	Knudson	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Voting in the negative were: Senators			
Bell	Bramble	Dayton	Hickman
Jenkins	Killpack	Madsen	Peterson
Valentine			

\* \* \*

**S.B. 50**, MEDICAL BENEFITS RECOVERY AMENDMENTS, was read the second time. Senator Christensen explained the bill. Senator Hickman commented.

On motion of Senator Christensen, the bill was circled.

\* \* \*

On motion of Senator Bramble and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Tuesday, January 29, 2008.

## NINTH DAY

## **MORNING SESSION**

## **JANUARY 29, 2008**

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

Prayer – Imam Muhammed Mehtar, Islamic Society of Greater Salt Lake Pledge of Allegiance – Senator Margaret Dayton Roll Call – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 28, 2008 The House passed, **S.C.R. 4**, CONCURRENT RESOLUTION RECOGNIZING UTAH'S NOBEL PRIZE WINNER MARIO CAPECCHI, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk S.C.R. 4 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

January 28, 2008

The House passed, as substituted and amended, **1st Sub. H.B. 37**, UTAH BUSINESS RESOURCE CENTERS ACT, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 61**, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 81**, TASK FORCE TO STUDY PERFORMANCE INCENTIVES FOR TEACHERS, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.B. 82**, NOTICE OF CHANGES TO THE STATE MEDICAID PLAN, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 132**, WASTE TIRE RECYCLING AMENDMENTS, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed **H.B. 252**, CHARITABLE SOLICITATIONS ACT AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 269**, SCOTT B. LUNDELL MILITARY SURVIVORS' TUITION WAIVER AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **1st Sub. H.B. 37, H.B. 61, H.B. 81, H.B. 82, H.B. 132, H.B. 252,** and **H.B. 269** were read the first time and referred to the Rules Committee.

#### **RULES COMMITTEE REPORTS**

To the Members of the Senate:

January 28, 2008

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

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

S.B. 163	Certified Public Accountant Licensing Act Amendments
	(Sen. C. Bramble)
S.B. 165	Alcoholic Beverage Single Event Permits
	(Sen. S. McCoy)
1st Sub. H.B. 53	Impact of Administrative Rules on Small Businesses
	(Rep. S. Clark) (Sen. )
H.J.R. 2	Resolution Encouraging Manufactured and Mobile Home
	Parks as Affordable Housing (Rep. N. Hendrickson)
	(Sen. F. Fife)

#### **Education Committee**

S.B. 162	Federal Education Agreement Requirements
	(Sen. M. Dayton)
H.B. 68	Educator Relicensure Initiative (Rep. R. Menlove)
	(Sen. H. Stephenson)

H.B. 118	Veterans High School Diplomas (Rep. L. Hemingway) (Sen. W. Niederhauser)
H.B. 245	Administration of Medication to Students Amendments (Rep. R. Lockhart) (Sen. C. Walker)
	ntions and Political Subdivisions Committee
S.B. 77	Revisions to Government Records Access Management
<b>G D </b>	Act (Sen. M. Dayton)
S.B. 78	County Personnel Management Act Amendments
G D 1/0	(Sen. W. Niederhauser)
S.B. 160	Candidate Replacement Deadline for General Election
S.J.R. 7	(Sen. P. Knudson) Joint Rules Resolution – Authorizing Electronic
<b>J.J.K.</b> /	Committee Meetings (Sen. L. Hillyard)
H.B. 29	Election Law – Financial Reporting (Rep. B. Daw)
11.D. 27	(Sen. M. Dayton)
H.B. 129	Appropriation for Construction of a Veterans' Nursing
	Home in Ogden (Rep. B. Dee) (Sen. P. Knudson)
Health and Human	a Services Committee
S.B. 161	Advance Health Care Directive Amendments
	(Sen. A. Christensen)
H.B. 15	Control and Prevention of Sexually Transmitted Diseases
	(Rep. P. Riesen) (Sen. A. Christensen)
H.B. 36	Child Welfare Amendments (Rep. W. Harper)
	(Sen. M. Dayton)
H.B. 71	Parent-time Amendments (Rep. L. Fowlke)
	(Sen. G. Bell)
H.B. 73	Child Care Providers (Rep. K. Morgan) (Sen. M. Madsen)
Judiciary, Law Enf	forcement, and Criminal Justice Committee
H.B. 272	False Impersonation and Representation (Rep. G. Froerer)
	(Sen. J. Greiner)
	Agriculture and Environment Committee
S.B. 76	State Parks and Recreation Amendments
	(Sen. B. Goodfellow)
S.B. 164	Computer Assisted Remote Hunting Prohibited
	(Sen. M. Waddoups)

### **Revenue and Taxation Committee**

H.B. 52	Research Activities Tax Credits Amendments
	(Rep. J. Dougall) (Sen. W. Niederhauser)
1st Sub. H.B. 77	Personal Property Tax Amendments (Rep. J. Dougall)
	(Sen. W. Niederhauser)

Bill Hickman

Rules Committee Chair

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

### STANDING COMMITTEE REPORTS

 Mr. President: January 28, 2008 The Business and Labor Committee reports a favorable recommendation on
 S.B. 132, CONSUMER CREDIT PROTECTION ACT – ATTORNEY GENERAL POWERS, by Senator C. Walker, with the following amendments:

- 1. Page 2, Lines 49 through 50:
  - 49 (a) investigate the actions of any person {-alleged } who is found to violate Section 13-44-201 or
  - 50 <u>13–44–202;</u>
- 2. Page 3, Lines 60 through 73:

60 (8) (a) The attorney general may inspect and copy all records related to the business

61 <u>conducted by the person</u> {<u>alleged</u>} <u>who is found</u> to <u>have violated this chapter, including records located outside</u>

62 the state.

63 (b) For records located outside of the state, the person {-alleged } who is found to have violated this

64 <u>chapter shall pay the attorney general's expenses to inspect the</u> records, including travel costs.

65 (c) Upon notification from the attorney general of the attorney general's intent to

66 <u>inspect records located outside of the state, the person</u> {-<u>alleged</u> } <u>who is found</u> <u>to have violated this chapter</u>

67 <u>shall pay the attorney general \$500, or a higher amount if \$500 is</u> estimated to be insufficient,

68 to cover the attorney general's expenses to inspect the records.

69 (d) The attorney general shall deposit any amounts received under this Subsection (8)

70 in the Attorney General Litigation Fund established in Section 76–10–922.

71(e) To the extent an amount paid to the attorney general by aperson{-alleged}who is foundto have

72 <u>violated this chapter is not expended by the attorney general, the</u> amount shall be refunded to

73 <u>the person</u> {<u>alleged</u> } <u>who is found</u> <u>to have violated this</u> <u>chapter.</u>; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 149**, MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS, by Senator S. Killpack; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 21**, EMPLOYMENT SECURITY ACT AMENDMENTS, by Representative S. Mascaro, et al; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 56**, REPEAL PROVISIONS RELATED TO ASSUMPTION OF INDEBTEDNESS ON RESIDENTIAL REAL PROPERTY, by Representative K. Garn.

Kevin T. Van Tassell, Chair

Mr. President:

January 28, 2008

The Health and Human Services Committee reports a favorable recommendation on **H.B. 74**, MEDICAID 340B DRUG PRICING PROGRAMS, by Representative D. Litvack.

D. Chris Buttars, Chair

Mr. President:

January 28, 2008

The Education Committee reports a favorable recommendation on **S.B. 37**, HOME SCHOOL AND EXTRA CURRICULAR ACTIVITIES AMENDMENTS, by Senator M. Madsen, with the following amendments:

1. Page 6, Lines 158 through 159:

158 (iii) enrolls in a private school and establishes academic eligibility.

(i) A public school student who has been declared to be ineligible to participate in an extracurricular activity for a reason other than academics and who subsequently enrolls in a home school may not regain eligibility until the student resolves the reason for ineligibility and conforms to the eligibility standards applicable to fully enrolled public school students.

159  $\{-(i)\}$  (j) When selection to participate in an extracurricular activity at a public school is ; and

The Education Committee reports a favorable recommendation on **S.B. 61**, FINANCIAL LITERACY EDUCATION, by Senator P. Jones, with the following amendments:

1. Page 3, Lines 64 through 66:

64 <u>complete the financial literacy passport, including incentives</u> <u>offered by community partners;</u>

65 (b) more fully integrate <u>existing and new</u> financial literacy <u>education into instruction in kindergarten</u>

66 <u>through twelfth grade by:</u>

2. Page 3, Lines 76 through 80:

76 education and, if necessary, developing assessments;

77 (c) work with interested private and non-profit entities to {-coordinate } :

78 (i) <u>coordinate</u> school use of existing financial literacy education resources;

(ii) develop simple, clear, and consistent messaging to reinforce and link existing financial literacy resources: and

79 {-(ii) -} (iii) coordinate the efforts of school, work, private, non-profit, and other financial education providers in implementing methods of appropriately communicating to students and parents key financial

80 literacy messages; and ; and

The Education Committee reports a favorable recommendation on **S.B. 103**, HIGHER EDUCATION ENHANCEMENTS, by Senator D. Stowell; and

The Education Committee reports a favorable recommendation on **S.C.R. 2**, RESOLUTION PROMOTING LEGISLATORS BACK TO SCHOOL PROGRAM, by Senator M. Dayton.

Margaret Dayton, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 132, as amended, S.B. 149, H.B. 21, H.B. 56, H.B. 74, S.B. 37, as amended, S.B. 61, as amended, S.B. 103, and S.C.R. 2 were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President: January 28, 2008 The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 24**, AMENDMENTS TO UTAH DIGITAL HEALTH SERVICE COMMISSION ACT, 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 2, Lines 44 through 46:

44 (2) The governor shall appoint  $\{-11-\}$  <u>12</u> members to the commission  $\{--\}$  with the consent of the 45 Senate as follows:  $\{-1, -\}$  from a list of three permission

45 Senate, as follows: {-]-} {-<u>from a list of three nominees</u> recommended by the department and the

- 46 <u>commission as follows</u> } :
- 2. Page 2, Lines 53 through 54:
  - 53 {-and-}
    (e) a nurse who is involved in digital health service; and
    54 {-(e)-} (<u>f</u>) seven members who fall into one or more of the following categories: ; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 31**, CHILD WELFARE DEFINITIONS, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

#### D. Chris Buttars, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. H.B. 24,** as amended, and **H.B. 31** were considered read the second time and placed on the Consent Calendar.

#### **INTRODUCTION OF BILLS**

**S.B. 79**, **Small Business Access Amendments** (R. Romero), read the first time by short title and referred to the Rules Committee.

**S.B. 166**, **Nondiscrimination Amendments** (S. McCoy), read the first time by short title and referred to the Rules Committee.

**S.B. 167**, **Alcoholic Beverages on Election Day** (S. McCoy), read the first time by short title and referred to the Rules Committee.

**S.B. 168, Highway Funding Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.

**S.B. 169**, **Renewable Energy Zone Task Force** (D. Stowell), read the first time by short title and referred to the Rules Committee.

#### CONSENT CALENDAR

**S.B. 126**, FILING FEE FOR WRITE–IN CANDIDATES, 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				
Bell	Bramble	Buttars	Davis	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hickman	Hillyard	
Jenkins	Jones	Killpack	Knudson	
Mayne	McCoy	Romero	Van Tassell	
Waddoups	Walker	Valentine		
Absent or not voting were: Senators				
Christensen	Madsen	Niederhauser	Peterson	
Stephenson	Stowell			

S.B. 126 was transmitted to the House for consideration.

\* \* \*

**S.B. 128**, AMENDMENTS TO THE VETERAN'S PROPERTY TAX EXEMPTION, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hickman	
Hillyard	Jenkins	Jones	Knudson	
Mayne	McCoy	Niederhauser	Romero	
Van Tassell	Waddoups	Walker	Valentine	
Absent or not voting were: Senators				
Killpack	Madsen	Peterson	Stephenson	
Stowell				

S.B. 128 was transmitted to the House for consideration.

\* \* \*

**S.B. 119**, DEPARTMENT OF CORRECTIONS AMENDMENTS, was read the third time, explained by Senator Peterson, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or no	t voting were: Senators	
Killpack	Madsen	Stephenson

S.B. 119 was transmitted to the House for consideration.

#### THIRD READING CALENDAR

**S.B. 60**, REPEALING LABOR COMMISSION RESPONSIBILITIES TO OVERSEE EMPLOYMENT AGENCIES, was read the third time, explained by Senator Romero, and passed on the following roll call:

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Mayne
McCoy	Peterson	Romero	Stephenson
Van Tassell	Waddoups	Walker	
A h			
Absent or not voti	ng were: Senators		
Hickman	Killpack	Madsen	Niederhauser
Stowell	Valentine		

#### Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

S.B. 60 was transmitted to the House for consideration.

\* \* \*

**S.B. 95**, MARKUP ON ALCOHOLIC BEVERAGES, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hickman	
Hillyard	Jenkins	Jones	Knudson	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Van Tassell	Waddoups	
Walker				
Absent or not voting were: Senators				

Absent of not voting were. Senators					
Killpack	Madsen	Stowell	Valentine		

S.B. 95 was transmitted to the House for consideration.

\* \* \*

**S.B. 110**, FOREIGN BUSINESS ENTITIES AND TRIBAL LAW, was read the third time.

On motion of Senator Van Tassell, the bill was circled.

#### \* \* \*

**S.B. 131**, WAGE WITHHOLDING FOR EMPLOYEE CONTRIBUTIONS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hickman	
Hillyard	Jenkins	Jones	Knudson	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Van Tassell	Waddoups	
Walker				
Absent or not voting were: Senators				
Killpack	Madsen	Stowell	Valentine	

S.B. 131 was transmitted to the House for consideration.

\* \* \*

**S.B. 14**, SMOKING BAN IN MOTOR VEHICLE, was read the third time and explained by Senator McCoy. Senators Greiner, Stephenson, Waddoups, and Jones commented. The bill passed on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators				
Christensen	Davis	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hillyard	
Jones	Knudson	Mayne	McCoy	
Niederhauser	Romero	Stowell	Van Tassell	
Waddoups	Walker			
<b>Voting in the nega</b> Bell Jenkins Stephenson	tive were: Senators Bramble Killpack Valentine	Dayton Madsen	Hickman Peterson	

Absent or not voting was: Senator Buttars

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

\* \* \*

On motion of Senator Jones, the circle was removed from **S.B. 44**, PENALTIES FOR FAILING TO SECURE A LOAD OR LITTERING ON A HIGHWAY, and it was before the Senate. Senator Jones explained the bill.

Senator Jones proposed the following amendment:

- 1. Page 3, Lines 81 through 82
  - 81 [(8) (a)] (7) A law enforcement officer as defined in Section  $53-13-103 \{--\}$ , within the law
  - 82 enforcement officer's jurisdiction  $[ \{---\}, --, ]$ :
- 2. Page 4, Line 117 through Page 5, Line 121:

117 {-<u>(3) (a) The account shall earn interest.</u>

118 (b) All interest earned on account monies shall be deposited into the account.

119 (4) } (3) All monies appropriated to the account are nonlapsing.

120  $\{-(5)\}$  (4) The Legislature shall appropriate money in the account to the department.

121  $\{-\underline{(6)}\}$  <u>(5)</u> <u>The commission may authorize the monies deposited into the account to be spent</u>

3. Page 7, Line 209:

209 (6) A law enforcement officer as defined in Section 53-13-103 , within the law enforcement officer's jurisdiction :

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

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

#### Bell Christensen Davis Davton Goodfellow Dmitrich Eastman Fife Greiner Hickman Jenkins Hillyard Jones Knudson Mayne McCov Peterson Romero Stephenson Stowell Valentine Van Tassell Walker Waddoups

#### Voting in the affirmative were: Senators

Absent or not voting were: Senators					
Bramble	Buttars	Killpack	Madsen		
Niederhauser					

**S.B.** 44 was transmitted to the House for consideration.

#### SECOND READING CALENDAR

On motion of Senator Christensen, the circle was removed from S.B. 50, MEDICAL BENEFITS RECOVERY AMENDMENTS, and it was before the Senate. Senator Christensen explained the bill. Senators Goodfellow, Jones, Davis, and Hillyard commented.

#### **COMMITTEE OF THE WHOLE**

On motion of Senator Hillyard, Mark Brasher, Director, Office of Recovery Services, spoke in Committee of the Whole. Senators Hillyard, Davis, Hickman, and Bell commented.

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

The bill passed second reading on the following roll call:

#### Yeas, 24; Nays, 2; Absent, 3.

#### Voting in the affirmative were: Senators

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

Voting in the negative were: Senators Dmitrich Goodfellow

Absent or not voting were: Senators Dayton Hickman Madsen

\* \* \*

S.B. 101, UTAH COMPREHENSIVE HEALTH INSURANCE POOL FUNDING, was read the second time. Senator Davis explained the bill. Senators Valentine, Greiner, Knudson, Madsen, McCoy, and Bell commented.

On motion of Senator Davis, the bill was circled.

#### COMMITTEE OF THE WHOLE

On motion of Senator Bramble, Mrs. James (Beverly) Sorenson spoke in Committee of the Whole.

A copy of the resolution honoring James Sorenson was presented to his family.

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

\* \* \*

On motion of Senator Bramble and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Wednesday, January 30, 2008.

## **TENTH DAY**

## **MORNING SESSION**

## **JANUARY 30, 2008**

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

Prayer – Kenneth Maryboy, Utah Navajo Commission Pledge of Allegiance – Senator Dennis Stowell Roll Call – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 29, 2008 The House passed **H.B. 11**, PAROLE AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 18**, MATERIAL HARMFUL TO MINORS AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 20**, ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS, by Representative S. Mascaro, et al, and it is transmitted for consideration; and

The House passed **H.B. 23**, CHILD AND FAMILY PROTECTION, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed **H.B. 27**, LIEUTENANT GOVERNOR POWERS – ADMINISTRATION OF OATHS, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 34**, EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, by Representative J. Bird, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 38**, EDUCATION AND OUTREACH REGARDING SUBSTANCES HARMFUL DURING PREGNANCY, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 42**, WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE, by Representative G. Snow, and it is transmitted for consideration; and

The House passed **H.B. 43**, ALLOWANCE OF POLLING PLACES FOR EARLY VOTING, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed **H.B. 50**, UNDERGROUND STORAGE TANK AMENDMENTS, by Representative S. Andersen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 57**, TRANSPORTATION ADMINISTRATIVE RULES – CRIMINAL AND CIVIL PENALTY AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed **H.B. 234**, KINDERGARTEN ASSESSMENT AMENDMENTS, by Representative L. Shurtliff, and it is transmitted for consideration; and

The House passed **H.B. 249**, VEHICLES COVERED BY NEW MOTOR VEHICLE WARRANTIES, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed **H.B. 264**, PROHIBITION OF CITATION QUOTAS, by Representative N. Hansen, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 11, 1st Sub. H.B. 18, H.B. 20, H.B. 23, H.B. 27, H.B. 34, H.B. 38, H.B. 42, H.B. 43, H.B. 50, H.B. 57, H.B. 234, H.B. 249,** and **H.B. 264** were read the first time and referred to the Rules Committee.

#### STANDING COMMITTEE REPORTS

Mr. President:

January 29, 2008

The Education Committee reports a favorable recommendation on **S.B. 125**, HIGH SCHOOL VOTER REGISTRATION, by Senator K. VanTassell.

Margaret Dayton, Chair

Mr. President:

January 29, 2008

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 52**, RESEARCH ACTIVITIES TAX CREDITS AMENDMENTS, by Representative J. Dougall; and The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 77**, PERSONAL PROPERTY TAX AMENDMENTS, by Representative J. Dougall.

Wayne L. Niederhauser, Chair

Mr. President:

January 29, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 63**, ADULT PROTECTIVE SERVICES AMENDMENTS, by Senator K. VanTassell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 65**, SOLICITING GANG MEMBERS PROHIBITED, by Senator J. Greiner, with the following amendments:

- 1. Page 1, Line 9:
  - 9 This bill amends the Criminal Code regarding criminal actions {-of-} concerning a street gang's
- 2. Page 1, Line 18:

18 intimidate a minor to commit any <u>misdemeanor</u> criminal offense; and

3. Page 4, Lines 118 through 119:

118 (a) intimidate or otherwise cause a minor to commit or attempt to commit any misdemeanor criminal

119 offense; or ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 73**, WRONGFUL DEATH AMENDMENTS, by Senator S. McCoy; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 75**, PROHIBITING GANG ACTIVITY, by Senator J. Greiner.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 125, H.B. 52, 1st Sub. H.B. 77, S.B. 63, S.B. 65, as amended, S.B. 73, and S.B. 75 were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President:

January 29, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 155, PUNITIVE DAMAGES

AMENDMENTS, by Senator L. Hillyard, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 4, Lines 93 through 96

93 (ii) In pursuing collection, the state may exercise any of its collection rights under

94 <u>Section 63A-3-301 et seq., Section 63A-8-201 et seq., and any</u> other statutory provisions. Any

95 <u>amounts collected on these judgments by either party shall be held</u> <u>in trust and distributed as</u>

96 set forth in Subsection (3)  $\left\{-\frac{(d)(iv)}{2}\right\}$  (e) .

1. Page 4, Lines 101 through 102:

101 (i) to the judgment for compensatory damage and any applicable judgment for attorney fees and

102 costs; ; and

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 155** was considered read the second time and placed on the Consent Calendar.

#### **INTRODUCTION OF BILLS**

S.B. 80, Ski and Snowboard Education, Development, and Promotion Special Group License Plate (K. VanTassell), read the first time by short title and referred to the Rules Committee.

**S.B. 93**, **Licensed Direct Entry Midwife Amendments** (M. Dayton), read the first time by short title and referred to the Rules Committee.

**S.B. 170, Board of Water Resources Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.

# S.B. 171, Repeal of Certain Reporting by Financial Institutions

(K. VanTassell), read the first time by short title and referred to the Rules Committee.

**S.B. 172**, **Funding for Medicaid Vision Care** (A. Christensen), read the first time by short title and referred to the Rules Committee.

**S.B. 173**, **Renewable Energy Provisions** (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 174, Dentist and Dental Hygienist Practice Act Amendments

(P. Knudson), read the first time by short title and referred to the Rules Committee.

**S.B. 176**, **Unemployment Insurance Contribution Rates Amendments** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

**S.B. 177, Local Government Disposal of Real Property Acquired by Exaction** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.C.R. 5, Concurrent Resolution Calling for Congress to Pass Balanced Immigration Reform (H. Stephenson), read the first time by short title and referred to the Rules Committee.

**S.J.R. 8, Joint Rules Resolution – Base Budget Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

#### THIRD READING CALENDAR

**S.B. 50**, MEDICAL BENEFITS RECOVERY AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Eastman	Greiner	Hickman	Hillyard	
Jenkins	Killpack	Knudson	Madsen	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker	Valentine			
Voting in the negative were: Senators				
Davis	Dayton	Dmitrich	Fife	
Goodfellow	Jones	Mayne		

S.B. 50 was transmitted to the House for consideration.

#### SECOND READING CALENDAR

**S.B. 35**, DIFFERENTIATED PAY FOR TEACHERS, was read the second time. Senator Stephenson explained the bill. Senators Bramble, Dayton, Jones, Romero, Hillyard, Knudson, Eastman, Goodfellow, Killpack, Dmitrich, Van Tassell, and Madsen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Dayton	Eastman	Fife	Greiner	
Hickman	Hillyard	Jenkins	Jones	
Killpack	Knudson	Madsen	McCoy	
Niederhauser	Peterson	Stephenson	Van Tassell	
Waddoups	Walker	Valentine		
Voting in the neg	ative were: Senators			
Davis	Dmitrich	Goodfellow	Mayne	

Absent or not voting was: Senator Stowell

\* \* \*

**S.B. 39**, MATHEMATICS, SCIENCE, AND TECHNOLOGY EDUCATION TASK FORCE, was read the second time. Senator Stephenson explained the bill. Senators Jones and Hillyard commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Voting in the negative was: Senator Romero

Romero

Absent or not voting was: Senator Buttars

\* \* \*

On motion of Senator Niederhauser, the Senate voted to lift **S.B. 136**, APPORTIONMENT OF BUSINESS INCOME AMENDMENTS, from the Business and Labor Standing Committee and reassign it to the Revenue and Taxation Standing Committee

\* \* \*

**S.B. 41**, EXTENDED SCHOOL YEAR INCENTIVE, was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 3, Lines 79 through 84

79 (2) (a) From monies appropriated in Subsection (1), the State Board of Education shall

80 award a grant of up to:

81  $\{-\underline{(a)}\}$   $\underline{(i)}$   $\underline{\$20,000,000 \text{ to }} \{-\underline{a}\}$  <u>one</u> school district with an enrollment of 30,000 or more students; 82  $\{-\underline{(b)}\}$  (ii)  $\underline{\$10,000,000 \text{ to }} \{-\underline{a}\}$  <u>one</u>

school district with an enrollment of 5,000 to 29,999 students; and

83 { $-\underline{(c)}$ } <u>(iii)</u> <u>\$2,000,000 to</u> { $-\underline{a}$  -} <u>:</u> <u>(A) one</u> rural school district with an enrollment of fewer than 5,000

 84 <u>students</u> : or <u>(B) a consortium of two or more rural school districts</u> . <u>(b) The State Board of Education may make grants in the amounts</u> <u>specified in Subsection (2)(a) to additional school districts to the extent</u> monies appropriated in Section (1) are available.

Senator Stephenson's motion to amend passed on a voice vote. Senators Hickman, Jones, Madsen, Jenkins, Mayne, Valentine, Buttars, and Waddoups commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Hillyard

\* \* \*

On motion of Senator Christensen, under suspension of the rules, the Senate voted to lift **S.B. 172**, FUNDING FOR MEDICAID VISION CARE, from the Rules Committee and place it at the top of the Second Reading Calendar. Senators Hickman, Valentine, Bramble, and Davis commented.

\* \* \*

On motion of Senator Christensen, under suspension of the rules, **S.B. 172**, FUNDING FOR MEDICAID VISION CARE, was considered read the second and third times. Senator Christensen explained the bill. This bill did not have a Senate standing committee hearing. The bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

Buttars	Christensen	Davis
Dmitrich	Eastman	Fife
Greiner	Hickman	Jenkins
Killpack	Knudson	Madsen
McCoy	Niederhauser	Peterson
Stephenson	Stowell	Van Tassell
Walker	Valentine	
	Dmitrich Greiner Killpack McCoy Stephenson	DmitrichEastmanGreinerHickmanKillpackKnudsonMcCoyNiederhauserStephensonStowell

Absent or not voting were: Senators Bell Hillyard

S.B. 172 was transmitted to the House.

#### **INTRODUCTION OF BILLS**

**S.B. 175**, **Death Certificate Procedure Amendments** (J. Greiner), read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Dayton, the Senate voted to lift **H.B. 31**, CHILD WELFARE DEFINITIONS, from the Consent Calendar and place it on the Second Reading Calendar.

On motion of Senator Eastman, the Senate voted to lift **1st Sub. S.B. 48**, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, from the Second Reading Calendar and return it to the Revenue and Taxation Standing Committee for the purpose of substitution.

\* \* \*

On motion of Senator Bramble and at 12:00 p.m., the Senate adjourned until 10:00 a.m., Thursday, January 31, 2008.

# **ELEVENTH DAY**

## MORNING SESSION

### **JANUARY 31, 2008**

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

**Prayer** – Former State Senator Karl Snow Pledge of Allegiance – Senator Jon Greiner **Roll Call** – All Senators present

#### **READING OF TITLES OF BILLS AND RESOLUTIONS** (PLEASE REFER TO DAY 1, PAGE 64)

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President:

January 30, 2008

The House passed, S.B. 111, REVISOR'S STATUTE, by Senator J. Hickman, which has been signed by the Speaker and it is transmitted for the signature of the President: and

The House passed, S.J.R. 2, RESOLUTION APPROVING THE APPOINTMENT OF LEGISLATIVE FISCAL ANALYST, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

S.J.R. 3, RESOLUTION APPROVING The House passed, COMPENSATION OF IN-SESSION EMPLOYEES, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk S.B. 111, S.J.R. 2, and S.J.R. 3 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

January 30, 2008 The House passed H.B. 46, ADOPTION AND TERMINATION OF PARENTAL RIGHTS, by Representative S. Allen, and it is transmitted for consideration: and

The House passed, as substituted, **1st Sub. H.B. 47**, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 64**, DISCLOSURE OF INFORMATION BY THE DEPARTMENT OF WORKFORCE SERVICES, by Representative P. Neuenschwander, and it is transmitted for consideration; and

The House passed **H.B. 67**, EXTENDED YEAR FOR SPECIAL EDUCATORS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 98**, UTAH EMPLOYMENT VERIFICATION ACT, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed **H.B. 99**, BUSINESS REGISTRATION – OPTIONAL INCLUSION OF OWNERSHIP DATA, by Representative M. Wheatley, and it is transmitted for consideration; and

The House passed **H.B. 126**, ELECTION LAW – BALLOT PROPOSITION AMENDMENTS, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed **H.B. 253**, HIGHER EDUCATION INFORMATION TECHNOLOGY APPROPRIATION, by Representative S. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 46, 1st Sub. H.B. 47, H.B. 64, H.B. 67, H.B. 98, H.B. 99, H.B. 126**, and **H.B. 253** were read the first time and referred to the Rules

Committee.

#### **RULES COMMITTEE REPORTS**

To the Members of the Senate: January 30, 2008 The Rules Committee recommends assignment of the following bills to standing committees:

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

S.B. 79	Small Business Access Amendments (Sen. R. Romero)
S.B. 171	Repeal of Certain Reporting by Financial Institutions
	(Sen. K. VanTassell)
S.B. 176	Unemployment Insurance Contribution Rates
	Amendments (Sen. H. Stephenson)

1st Sub. H.B. 37	Utah Business Resource Centers Act (Rep. D. Clark)
	(Sen. C. Bramble)
<b>Education Commit</b>	
H.B. 81	Task Force to Study Performance Incentives for Teachers
	(Rep. B. Last) (Sen. S. Killpack)
H.B. 269	Scott B. Lundell Military Survivors' Tuition Waiver
	Amendments (Rep. M. Morley) (Sen. M. Dayton)
<b>Government Opera</b>	tions and Political Subdivisions Committee
S.B. 167	Alcoholic Beverages on Election Day (Sen. S. McCoy)
S.B. 177	Local Government Disposal of Real Property Acquired by
	Exaction (Sen. W. Niederhauser)
H.B. 264	Prohibition of Citation Quotas (Rep. N. Hansen)
	(Sen. H. Stephenson)
S.J.R. 8	Joint Rules Resolution – Base Budget Amendments
	(Sen. W. Niederhauser)
Health and Human	Services Committee
S.B. 174	Dentist and Dental Hygienist Practice Act Amendments
	(Sen. P. Knudson)
H.B. 82	Notice of Changes to the State Medicaid Plan
	(Rep. M. Newbold) (Sen. A. Christensen)
Judiciary, Law Enf	orcement, and Criminal Justice Committee
H.B. 11	Parole Amendments (Rep. C. Oda) (Sen. J. Greiner)
1st Sub. H.B. 18	Material Harmful to Minors Amendments (Rep. P. Ray)
	(Sen. D. Peterson)
Natural Resources	Agriculture and Environment Committee
S.B. 170	Board of Water Resources Amendments (Sen. D. Stowell)
H.B. 132	Waste Tire Recycling Amendments
	(Rep. N. Hendrickson) (Sen. B. Goodfellow)
H.B. 249	Vehicles Covered by New Motor Vehicle Warranties
	(Rep. K. Gibson) (Sen. D. Peterson)
Transportation, Pu	blic Utilities and Technology Committee
S.B. 168	Highway Funding Amendments (Sen. D. Stowell)
H.B. 61	Designation of State Highways Amendments
	(Rep. T. Kiser) (Sen. C. Walker)

Workforce Services and Community and Economic Development			
Committee			
S.B. 80	Ski and Snowboard Education, Development, and		
	Promotion Special Group License Plate		
	(Sen. K. VanTassell)		
S.B. 169	Renewable Energy Zone Task Force (Sen. D. Stowell)		
H.B. 20	Economic Development Incentives Modifications		
	(Rep. S. Mascaro) (Sen. S. Jenkins)		

Bill Hickman

Rules Committee Chair

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

#### STANDING COMMITTEE REPORTS

Mr. President: January 29, 2008 The Business and Labor Committee reports a favorable recommendation on S.B. 98, LICENSING OF SECURITY SERVICES, by Senator D. Eastman; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 108**, OFFSET OF WORKERS' COMPENSATION AND SOCIAL SECURITY, by Senator J. Hickman; and

The Business and Labor Committee recommends **S.B. 134**, RESIDENTIAL MORTGAGE FRAUD ACT, by Senator S. Killpack, be replaced and favorably recommends **2nd Sub. S.B. 134**, MORTGAGE FRAUD ACT; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 151**, TRADEMARK PROTECTION ACT AMENDMENTS, by Senator D. Eastman; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 159**, WORKERS' COMPENSATION AMENDMENTS, by Senator D. Eastman; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 55**, CAPTIVE INSURANCE COMPANY AMENDMENTS, by Representative J. Dunnigan

Kevin T. Van Tassell, Chair

Mr. President:

January 29, 2008

The Health and Human Services Committee reports a favorable recommendation on **H.B. 15**, CONTROL AND PREVENTION OF SEXUALLY

TRANSMITTED DISEASES, by Representative P. Riesen, with the following amendments:

- Page 1, Line 24: Delete "2007–08" and insert "2008–09"
- Page 1, Line 76: Delete "2007–08" and insert "2008–09"; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 22**, EXPEDITED PARENT–TIME ENFORCEMENT, by Representative Julie Fisher, with the following amendments:

1. Page 1, Lines 18 through 19:

18 Other Special Clauses:

2. Page 2, Line 48:

48 <u>Unless the court rules otherwise, a parent residing outside of the</u> <u>state is not unavailable</u>. <u>The director of the program for the courts, the</u> <u>court, or the mediator may excuse either party from the requirement to</u> <u>mediate for good cause.</u>

3. Page 4, Line 116 through Page 5, Line 137:

116 {-(7) If a parent fails to cooperate in good faith in mediation or services to facilitate

117 parent-time, a court may order, in subsequent proceedings, a temporary change in custody or

118 parent-time. }

119  $\{-(8)-\}$  (2) (a) The Judicial Council may make rules to implement and administer the

120 provisions of this [pilot] program related to mediation.

121 (b) The Department of Human Services may make rules to implement and administer

122 the provisions of this [pilot] program related to services to facilitate parent-time.

123  $\{-(9)-\}$  (8) (a) The Administrative Office of the Courts shall adopt outcome measures to

124 evaluate the effectiveness of the mediation component of this [pilot] program. Progress reports

\* \* \* Some lines not shown \* \* \*

133 may adopt joint outcome measures and file joint reports to satisfy the requirements of

134 Subsections  $\{-(8)-\}$  (a) and (b).

135  $\{-(10)-\}$  (9) [(a)] The Department of Human Services shall, by following the procedures and

136 requirements of Title 63, Chapter 38e, Federal Funds Procedures, apply for federal funds as

137 available.

4. Page 6, Line 169:

169 of any fiscal year shall lapse into the General Fund.
 <u>Section 3. Coordinating H.B. 22 with S.B. 111.</u>
 <u>If this bill and S.B. 111, Revisor's Statute, both pass, it is the intent</u>
 <u>of the Legislature that Section 30–3–38 not be repealed and the</u>
 <u>amendments in this H.B. 22 take effect.</u>; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 36**, CHILD WELFARE AMENDMENTS, by Representative W. Harper; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 71**, PARENT–TIME AMENDMENTS, by Representative L. Fowlke, with the following amendments:

 Page 3, Line 74: After "<u>parent</u>" delete the rest of line 74 Delete lines 75 and 76 and insert a period

D. Chris Buttars, Chair

Mr. President:

January 29, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 67**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, et al; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 144**, PARAMETERS ON GOVERNOR'S ABILITY TO ENTER AGREEMENTS BINDING THE STATE, by Senator S. Jenkins, be replaced and favorably recommends **1st Sub. S.B. 144**, PARAMETERS ON GOVERNOR'S ABILITY TO ENTER AGREEMENTS BINDING THE STATE; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 145**, STATE FAMILY DAY HOLIDAY, by Senator J. Hickman; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 147**, CANDIDATE FILING REQUIREMENTS, by Senator P. Knudson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 156**, UTAH RELOCATION ASSISTANCE ACT AMENDMENTS, by Senator L. Hillyard, with the following amendment:

 Page 2, Line 40: After "assistance" reinstate "authorized" and Delete "<u>required</u>"; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 129**, APPROPRIATION FOR CONSTRUCTION OF A VETERANS' NURSING HOME IN OGDEN, by Representative B. Dee.

Peter C. Knudson, Chair

Mr. President:

January 30, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 76**, STATE PARKS AND RECREATION AMENDMENTS, by Senator B. Goodfellow, with the following amendments:

1. Page 4, Lines 93 through 100:

93 (1) (a) A [\$2] fee set by the board in accordance with Section 63-38-3.2 shall be added

94 to the registration fee required to register an off-highway vehicle under Section 41-22-8 to help

95 fund the off-highway vehicle safety and education program.

96 (b) The division may also collect a fee [not to exceed \$10] set by the board in

97 accordance with Section 63–38–3.2 from each person who:

98 (i) receives the training and takes the knowledge and skills test[, or a fee not to exceed

99 \$5 from each person who] for off-highway vehicle use; or

100 (ii) takes the knowledge and skills test for off-highway vehicle use.

(c) If the board modifies the fee under Subsection (1)(a), the modification shall take effect on the first day of the calendar quarter after 90 days from the day on which the board provides the State Tax Commission:

(i) notice from the board stating that the board will modify the fee: and

(ii) a copy of the fee modification.

Darin G. Peterson, Chair

Mr. President:

January 30, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 13**, CRIMINAL STATUTE OF LIMITATIONS AMENDMENTS, by Representative C. Wimmer; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 32**, AFFIRMATIVE DEFENSE FOR AGRI–TOURISM ACTIVITY, by Representative M. Morley, with the following amendments:

1. Page 2, Lines 47 through 48:

47 (b) any equipment, animals, or appliance used by the injured person during the activity

48 were used in a manner or for a purpose other than that for which <u>a</u> reasonable person should have known they were intended.

2. Page 2, Lines 49 through 51:

49 {-<u>(3) There is a rebuttable presumption that an owner or</u> operator of an agri-tourism

50 <u>activity operated the activity in conformity with all applicable</u> <u>statutes, rules, and regulations</u> 51 governing the operation of the activity. }

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 98, S.B. 108, 2nd Sub. S.B. 134, S.B. 151, S.B. 159, 1st Sub. H.B. 55, H.B. 15, as amended, H.B. 22, as amended, H.B. 36, H.B. 71, as amended, S.B. 67, 1st Sub. S.B. 144, S.B. 145, S.B. 147, S.B. 156, as amended, H.B. 129, S.B. 76, H.B. 13, and H.B. 32, as amended, were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President: January 29, 2008 The Health and Human Services Committee reports a favorable recommendation on **S.B. 161**, ADVANCE HEALTH CARE DIRECTIVE AMENDMENTS, by Senator A. Christensen, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President:

January 30, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 164**, COMPUTER ASSISTED REMOTE HUNTING PROHIBITED, by Senator M. Waddoups, and recommends it be considered read for the second time and placed on the Consent Calendar.

Darin G. Peterson, Chair

On motion of Senator Hickman, the committee report was adopted. **S.B. 161** and **S.B. 164** were considered read the second time and placed on the Consent Calendar.

#### **INTRODUCTION OF BILLS**

**S.B. 178, Senior Citizen Property Tax Safe Harbor** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

**S.B. 179**, **Salvage Vehicle Amendments** (C. Walker), read the first time by short title and referred to the Rules Committee.

**S.B. 180, Regents' Scholarship Program** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 181, Off-highway Vehicle Use on Public Highways** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

**S.B. 182**, **Survival Action upon Injury or Death** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

**S.B. 183, Child Pornography Amendment** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

**S.J.R.** 9, Joint Resolution Amending Rules of Evidence Relating to Information Contained in the Management Information System (G. Davis), read the first time by short title and referred to the Rules Committee.

#### CONSENT CALENDAR

**H.B. 78**, TITLE 78 RECODIFICATION AND REVISION, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Buttars Fife

**H.B. 78** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

#### THIRD READING CALENDAR

S.B. 35, DIFFERENTIATED PAY FOR TEACHERS, was read the third time.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

**S.B. 39**, MATHEMATICS, SCIENCE, AND TECHNOLOGY EDUCATION TASK FORCE, was read the third time.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

**S.B. 41**, EXTENDED SCHOOL YEAR INCENTIVE, was read the third time.

On motion of Senator Stephenson, the bill was circled.

#### SECOND READING CALENDAR

**H.B. 16**, MEDICAID COVERAGE FOR CERTAIN TELEHEALTH SERVICES, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

**H.B. 63**, RECODIFICATION OF TITLE 63 STATE AFFAIRS IN GENERAL, was read the second time.

On motion of Senator Bell, the bill was circled.

\* \* \*

**H.B. 21**, EMPLOYMENT SECURITY ACT AMENDMENTS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

\* \* \*

**H.B. 56**, REPEAL PROVISIONS RELATED TO ASSUMPTION OF INDEBTEDNESS ON RESIDENTIAL REAL PROPERTY, was read the second time.

On motion of Senator Jenkins, the bill was circled.

\* \* \*

**H.B. 74**, MEDICAID 340B DRUG PRICING PROGRAMS, was read the second time.

On motion of Senator Christensen, the bill was circled.

\* \* \*

On motion of Senator Bell, the circle was removed from **H.B. 63**, RECODIFICATION OF TITLE 63 STATE AFFAIRS IN GENERAL, and it was before the Senate. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hickman	
Hillyard	Jenkins	Jones	Killpack	
Knudson	Madsen	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				

\* \* \*

**H.B. 52**, RESEARCH ACTIVITIES TAX CREDITS AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Buttars Killpack

On motion of Senator Hillyard, **H.B. 52** was placed on Third Reading Table due to fiscal impact.

\* \* \*

1st Sub. H.B. 77, PERSONAL PROPERTY TAX AMENDMENTS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

#### **COMMITTEE OF THE WHOLE**

On motion of Senator Greiner, former Senator Ed Allen spoke in Committee of the Whole and introduced members of the Weber State Alumni Association.

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

\* \* \*

On motion of Senator Christensen, the circle was removed from **H.B. 16**, MEDICAID COVERAGE FOR CERTAIN TELEHEALTH SERVICES, and it was before the Senate. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

#### Absent or not voting were: Senators

Killpack

Eastman

\* \* \*

On motion of Senator Jenkins, the circle was removed from **H.B. 21**, EMPLOYMENT SECURITY ACT AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill. The bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Killpack \* \* \*

On motion of Senator Hickman, the Senate voted to lift **H.B. 264**, PROHIBITION OF CITATION QUOTAS, from the Government Operations and Political Subdivisions Standing Committee and reassign it to the Judiciary, Law Enforcement and Criminal Justice Standing Committee.

\* \* \*

H.B. 31, CHILD WELFARE DEFINITIONS, was read the second time.

On motion of Senator Dayton, the bill was circled.

\* \* \*

**S.B. 34**, CONFIDENTIALITY OF REPORTS TO DRIVER LICENSE DIVISION, was read the second time. Senator Christensen explained the bill. Senators Greiner, Dayton, Jenkins, Buttars, Mayne, Walker, and Jones commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Eastman	Greiner	Hillyard	Jones
Killpack	Knudson	Madsen	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Waddoups	Walker	Valentine
Voting in the negative were: Senators			
Davis	Dayton	Dmitrich	Fife
Goodfellow	Hickman	Jenkins	Mayne

Absent or not voting was: Senator Van Tassell

\* \* \*

On motion of Senator Eastman, under suspension of the rules, **S.B. 100**, MOTOR VEHICLE DEALER DISCLOSURE REQUIREMENTS AMENDMENTS, was considered read the second and third times. Senator Eastman explained the bill. The bill passed on the following roll call:

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

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

#### Voting in the affirmative were: Senators

Absent or not voting were:SenatorsBellWaddoupsWalker

S.B. 100 was transmitted to the House.

\* \* \*

On motion of Senator Eastman, under suspension of the rules, **S.B. 115**, MOTOR VEHICLE SAFETY INSPECTION ADVISORY COUNCIL AMENDMENTS, was considered read the second and third times. Senator Eastman explained the bill. The bill passed on the following roll call:

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

### Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Walker	Valentine		
Absent or not voti	ng were: Senators		
Bell	Christensen	Waddoups	

S.B. 115 was transmitted to the House.

\* \* \*

On motion of Senator Stowell, the circle was removed from **S.B. 25**, MUNICIPAL INCORPORATION AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill.

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

### 2nd Sub. S.B. 25 Municipal Incorporation Amendments (D. Stowell)

On motion of Senator Stowell, the bill was circled.

\* \* \*

**S.B. 130**, UTILITY IMPROVEMENT DISTRICT REVISIONS, was read the second time. Senator Van Tassell explained the bill. Senator Hickman commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis	
Dayton	Dmitrich	Fife	Goodfellow	
Greiner	Hickman	Hillyard	Jenkins	
Jones	Killpack	Knudson	Madsen	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Stowell	Van Tassell	
Walker	Valentine			
Absent or not voting were: Senators				
Christensen	Eastman	Waddoups		

\* \* \*

**1st Sub. S.B. 21**, CAMPAIGN FINANCE DISCLOSURE REVISIONS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Eastman

\* \* \*

On motion of Senator Bramble, and at 11:45 a.m., the Senate recessed.

### **EVENING SESSION**

The Senate reassembled at 5:10 p.m., with President Valentine presiding.

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President: January 31, 2008 The House passed, S.B. 112, LEGISLATIVE SPACE IN THE CAPITOL, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk S.B. 112 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

January 31, 2008 The House passed H.B. 10, DISCLOSURE OF IDENTITY TO OFFICER, by Representative C. Oda, and it is transmitted for consideration; and

The House passed H.B. 12, CONTROLLED SUBSTANCES AND PARAPHERNALIA, by Representative C. Oda, and it is transmitted for consideration: and

The House passed, as amended, H.B. 14, DISCHARGE OF FIREARM AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as amended, H.B. 35, MOTOR AND SPECIAL FUEL TAX AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration: and

The House passed H.B. 59, COMMUNITY AND ECONOMIC DEVELOPMENT TECHNICAL CHANGES, by Representative S. Mascaro, et al, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 62, CLEAN FUEL SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 95**, DOCUMENT FRAUD, by Representative K. Morgan, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 107**, EMERGENCY MANAGEMENT ADMINISTRATIVE COUNCIL, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 235**, COUNTY MERIT SYSTEM AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.B. 256**, CRIMINAL PENALTIES AMENDMENTS – INCLUDING JESSICA'S LAW, by Representative C. Wimmer, et al, and it is transmitted for consideration; and

The House passed **H.B. 270**, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE CENTERS, by Representative R. Bigelow, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 10, H.B. 12, H.B.14, H.B. 35, H.B. 59, 1st Sub. H.B. 62, 1st Sub. H.B. 95, H.B. 107, H.B. 235, H.B. 256**, and **H.B. 270** were read the first time and referred to the Rules Committee.

#### **RULES COMMITTEE REPORTS**

To the Members of t The Rules Con standing committees	mittee recommends assignment of the	January 31, 2008 following bills to
<b>Education Commit</b>	tee	
H.B. 234	Kindergarten Assessment Amendments (Sen. P. Jones)	(Rep. L. Shurtliff)
<b>Government Opera</b>	tions and Political Subdivisions Comm	nittee
H.B. 27	Lieutenant Governor Powers - Adminis	tration of Oaths

H.B. 27 Lieutenant Governor Powers – Administration of Oaths (Rep. G. Donnelson) (Sen. P. Knudson)
H.B. 43 Allowance of Polling Places for Early Voting (Rep. G. Donnelson) (Sen. P. Knudson)

#### Health and Human Services Committee

S.B. 93 Licensed Direct Entry Midwife Amendments (Sen. M. Dayton)

S.B. 175	Death Certificate Procedure Amendments
	(Sen. J. Greiner)
H.B. 38	Education and Outreach Regarding Substances Harmful
	During Pregnancy (Rep. R. Menlove) (Sen. C. Walker)
Judiciary, Law Enf	orcement, and Criminal Justice Committee
S.B. 117	Animal Cruelty Amendments (Sen. A. Christensen)
S.B. 102	Animal Torture Offense (Sen. G. Davis)
S.B. 180	Regents' Scholarship Program (Sen. L. Hillyard)
S.B. 182	Survival Action upon Injury or Death
	(Sen. M. Waddoups)
S.J.R. 9	Joint Resolution Amending Rules of Evidence Relating to
	Information Contained in the Management Information
	System (Sen. G. Davis)
H.B. 23	Child and Family Protection (Rep. L. Fowlke)
	(Sen. C. Bramble)
H.B. 34	Email Information Required of Registered Sex Offenders
	(Rep. J. Bird) (Sen. S. Jenkins)
Natural Resources,	Agriculture and Environment Committee
H.B. 42	Water Right Application for Electrical Cooperative
	(Rep. G. Snow) (Sen. K. VanTassell)
H.B. 50	Underground Storage Tank Amendments
	(Rep. S. Andersen) (Sen. W. Niederhauser)
Revenue and Taxati	ion Committee
S.B. 178	Senior Citizen Property Tax Safe Harbor
	(Sen. D. C. Buttars)
Transportation Pul	blic Utilities and Technology Committee
S.B. 179	Salvage Vehicle Amendments (Sen. C. Walker)
S.B. 181	Off-highway Vehicle Use on Public Highways
<b>DIDIDI</b>	on ingivity vehicle ose on rubile ingivitys
	(Sen. S. Jenkins)
H.B. 57	(Sen. S. Jenkins) Transportation Administrative Rules – Criminal and Civil
H.B. 57	(Sen. S. Jenkins) Transportation Administrative Rules – Criminal and Civil Penalty Amendments (Rep. T. Kiser) (Sen. C. Walker)

### Workforce Services and Community and Economic Development Committee

S.B. 173 Renewable Energy Provisions (Sen. S. McCoy)

Bill Hickman

Rules Committee Chair

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

### STANDING COMMITTEE REPORTS

 Mr. President: January 31, 2008 The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 78, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS, by Senator W. Niederhauser, with the following amendments:

1. Page 1, Lines 14 through 15:

14 persons appointed by an elected county officer to {-supervise or oversee departmental

15 or-} <u>administer</u> division functions in furtherance of the performance of the elected officer's

2. Page 3, Line 79:

79 (A) appointed by an elected county officer to {-supervise or oversee departmental or } administer

3. Page 4, Line 102:

102 to exempt or tenured, the {-<u>county legislative</u> body } <u>career service council</u> shall, after giving due notice, hold <u>a public</u>; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 160**, CANDIDATE REPLACEMENT DEADLINE FOR GENERAL ELECTION, by Senator P. Knudson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 29**, ELECTION LAW – FINANCIAL REPORTING, by Representative B. Daw; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 79**, SUNSET REAUTHORIZATIONS AND AMENDMENTS, by Representative D. Clark; and

Day 11

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 5**, JOINT RESOLUTION AMENDING LEGISLATIVE APPORTIONMENT, by Senator C. Bramble; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 6**, JOINT RESOLUTION ENCOURAGING THE GOVERNOR'S BOARD APPOINTMENTS TO REFLECT UTAH GEOGRAPHIC BALANCE, by Senator D. Stowell; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 7**, JOINT RULES RESOLUTION – AUTHORIZING ELECTRONIC COMMITTEE MEETINGS, by Senator L. Hillyard.

Peter C. Knudson, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 78, as amended, S.B. 160, H.B. 29, H.B. 79, S.J.R. 5, S.J.R. 6, and S.J.R. 7 were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President:

January 31, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 77**, REVISIONS TO GOVERNMENT RECORDS ACCESS MANAGEMENT ACT, by Senator M. Dayton, with the following amendment and recommends it be considered read for the second time and placed on the Consent Calendar.

 Page 5, Line 144: At the beginning of the line, Delete "<u>bidding or application period is closed,"</u> Insert "<u>contract or grant has been awarded</u>" and After "<u>a bid</u>" Insert "<u>, proposal,</u>"; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 158**, STATEWIDE RURAL BOARDS AND COMMITTEES, by Senator D. Stowell, be replaced and favorably recommends **1st Sub. S.B. 158**, GOVERNOR'S RURAL PARTNERSHIP BOARD AND RURAL

COORDINATING COMMITTEE AMENDMENTS and that it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 77, as amended, and 1st Sub. S.B. 158 were considered read the second time and placed on the Consent Calendar.

### **INTRODUCTION OF BILLS**

**S.B. 81**, **Illegal Immigration** (J. Hickman), read the first time by short title and referred to the Rules Committee.

**S.B. 82**, **Ambulatory Surgical Centers Amendments** (A. Christensen), read the first time by short title and referred to the Rules Committee.

**S.B. 83**, Check Cashing and Deferred Deposit Lending Registration Act (K. Mayne), read the first time by short title and referred to the Rules Committee.

**S.B. 91**, **Benefits to American Board Certified Teachers** (M. Madsen), read the first time by short title and referred to the Rules Committee.

**S.B. 92**, **Real Property Recording Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.

**S.B. 184**, **Child Care Licensing Exemptions** (J. Greiner), read the first time by short title and referred to the Rules Committee.

**S.B. 185, Economic Incentive Revisions** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 186**, **Custody and Parent-time for Non-parents** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 187**, **Bail in Capital Offense Cases** (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 188, Pilot Program for Summer School and after School Programs for Children with a Disability (G. Bell), read the first time by short title and referred to the Rules Committee.

**S.J.R. 10, Joint Resolution Amending Constitution Regarding Taxes of the Elderly** (G. Davis), read the first time by short title and referred to the Rules Committee.

#### \* \* \*

On motion of Senator Knudson, **H.B. 129**, APPROPRIATION FOR CONSTRUCTION OF A VETERANS' NURSING HOME IN OGDEN, will be considered Friday, February 19, 2008 at 10:00 a.m.

#### SECOND READING CALENDAR

**S.B. 32**, LOCAL GOVERNMENT BONDING ACT – PUBLIC HEARINGS, was read the second time. Senator Jenkins explained the bill.

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

**2nd Sub. S.B. 32 Local Government Bonding Act – Public Hearings** (S. Jenkins)

The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Bramble

\* \* \*

On motion of Senator Waddoups, legislative staff was authorized to draft a bill regarding condominiums.

\* \* \*

**S.B. 123**, FILLING VACANCIES IN THE SENATE, was read the second time. Senator Hickman explained the bill.

Senator Romero proposed the following amendment:

Page 1, Lines 13 through 15

13  $\blacktriangleright$  provides that <u>beginning on January 1, 2008</u>, when a vacancy {-occurs-} <u>exists</u> in the state Senate, the person appointed to fill

14 the vacancy shall serve for the entire unexpired term rather than only until the next

15 regular general election;

1. Page 2, Lines 37 through 41:

37 (3) [<del>(a)</del>] {-When-} <u>Beginning on January 1, 2008,</u> <u>when</u> a vacancy {-occurs-} <u>exists</u> for any reason in the office of senator in the

38 Legislature, [it shall be filled] the governor shall fill the vacancy for the unexpired term [at the

39 next regular general election. (b) The governor shall fill the vacancy until the next regular

40 general election] by immediately appointing the person whose name was submitted by the party

41 liaison of the same political party as the prior senator.

Senator Romero's motion to amend passed on a voice vote. Senators Killpack, McCoy, Buttars, Hillyard, and Bramble commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	Niederhauser	Peterson	Romero
Stowell	Van Tassell	Walker	Valentine
Voting in the nega	tive were: Senators		
Bell	Eastman	McCoy	Stephenson
Waddoups			

\* \* \*

**S.B. 31**, INCOME TAX AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senators Dayton, Walker, Bramble, and Hickman commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

\* \* \*

**S.B. 96**, MULTI–CHANNEL VIDEO OR AUDIO SERVICE TAX ACT AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senators Goodfellow, Van Tassell, Bramble, Jenkins, and Hickman commented. Senator Hickman declared a conflict of interest. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Buttars

\* \* \*

On motion of Senator Niederhauser, under suspension of the rules, **S.B. 99**, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR

PROSTHETIC DEVICES, was considered read the second and third times. Senator Niederhauser explained the bill. The bill passed on the following roll call:

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

Voting in	the	affirmative	were:	Senators
-----------	-----	-------------	-------	----------

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine		1	

S.B. 99 was transmitted to the House.

\* \* \*

**S.B. 124**, SALES AND USE TAX – DEFINITIONS OF PERMANENTLY ATTACHED TO REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY, was read the second time.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

On motion of Senator Niederhauser, under suspension of the rules, **S.B. 135**, EXTENDING THE SALES AND USE TAX EXEMPTION FOR POLLUTION CONTROL FACILITIES, was considered read the second and third times. Senator Niederhauser explained the bill. Senator Valentine commented. The bill passed on the following roll call:

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

voting in the arr	irmative were: Sel	liators	
Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

#### Voting in the affirmative were: Senators

Absent or not voting was: Senator Christensen

**S.B. 135** was transmitted to the House.

\* \* \*

**S.B. 137**, MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

\* \* \*

**S.B. 52**, IDENTIFY THEFT AMENDMENT, was read the second time. Senator Walker explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Dmitrich

\* \* \*

**S.B. 94**, BURGLARY OF A RAILROAD CAR, was read the second time. Senator Peterson explained the bill. Senators Greiner, Valentine, Jenkins, and Christensen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hickman	Hillyard	

Jenkins Mayne Romero Walker	Jones McCoy Stowell Valentine	Killpack Niederhauser Van Tassell	Knudson Peterson Waddoups
<b>Absent or not voti</b> Davis	<b>ng were:</b> Senators Madsen	Stephenson	

\* \* \*

**S.B. 114**, NORATY PUBLIC REVISIONS, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators Bell Bramble Buttars Christensen Dayton Dmitrich Eastman Fife Goodfellow Greiner Hillyard Jones Killpack Knudson Mayne McCov Peterson Romero Stephenson Stowell Van Tassell Walker Valentine Waddoups Absent or not voting were: Senators Davis Hickman Jenkins Madsen Niederhauser

\* \* \*

On motion of Senator Stephenson, the circle was removed from **S.B. 124**, SALES AND USE TAX – DEFINITIONS OF PERMANENTLY ATTACHED TO REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY, and it was before the Senate. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hillyard	
Jenkins	Jones	Killpack	Knudson	
Madsen	Mayne	McCoy	Niederhauser	
Peterson	Romero	Stephenson	Stowell	
Van Tassell	Waddoups	Walker	Valentine	

Absent or not voting was: Senator Hickman

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **S.B. 137**, MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill. Senator Valentine commented.

On motion of Senator Niederhauser, the bill was circled.

\* \* \*

**S.B. 120**, DEPARTMENT OF CORRECTIONS EMPLOYEE VEHICLE USE, was read the second time. Senator Peterson explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Hickman

\* \* \*

**S.B. 122**, UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT, was read the second time. Senator Hillyard explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	

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

\* \* \*

On motion of Senator Greiner, under suspension of the rules, **S.C.R. 3**, RESOLUTION SUPPORTING OBSERVANCE OF PEACE OFFICERS MEMORIAL DAY, was considered read the second and third times. Senator Greiner explained the bill. The bill passed on the following roll call:

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

### Voting in the affirmative were: Senators

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

S.C.R. 3 was transmitted to the House.

\* \* \*

**S.B. 58**, WORKERS' COMPENSATION RELATED AMENDMENTS, was read the second time. Senator Dmitrich explained the bill.

Senator Dmitrich proposed the following amendment:

 Page 4, Lines 90 through 100 Senate Committee Amendments 1–25–2008

 90
 (2)
 (a)
 {-If
 Subject to Title 63, Chapter 46b,

 Administrative
 Procedures
 Act, if
 the
 division

 {-believes}
 finds
 that an employer is violating or has violated

 Subsection

91 (1), the division shall send written notice to the employer of the requirements of this section

92 and Section 34A-2-201.

93 (b) The division shall send the notice described in Subsection (2)(a) to the last address

94 on the records of the commission for the employer.

95 (3) (a) If, after the division mails the notice required by Subsection (2) to an employer,

96 <u>the employer</u> <u>again</u> <u>violates Subsection (1), the division</u> {<u>-shall</u>} <u>may</u> <u>impose a penalty against the employer</u>

97 of up to \$1,000 for each violation.

98 (b) If, after the division imposes a penalty under Subsection (3)(a) against the

99 <u>employer</u>, the employer <u>again</u> violates Subsection (1), the <u>division</u> {-<u>shall</u> } <u>may</u> impose a penalty of up to

100 \$5,000 for each violation.

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

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

### Voting in the affirmative were: Senators

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

\* \* \*

On motion of Senator Bramble and at 7:00 p.m., the Senate adjourned until 10:00 a.m., Friday, February 1, 2008.

# **TWELFTH DAY**

# **MORNING SESSION**

# **FEBRUARY 1, 2008**

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

Prayer – Former State Senator Patrice Arent Pledge of Allegiance – Senator Fred Fife Roll Call – All Senators present

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

### **INTRODUCTION OF BILLS**

**S.B. 84**, **Net Metering Programs** (K. VanTassell), read the first time by short title and referred to the Rules Committee.

**S.B. 89, Preventing Catastrophic Wildland Fires** (D. Stowell), read the first time by short title and referred to the Rules Committee.

**S.B. 90**, **Payment in Lieu of Property Taxes Act** (G. Davis), read the first time by short title and referred to the Rules Committee.

**S.B. 189, Independent Contractor Database** (D. Eastman), read the first time by short title and referred to the Rules Committee.

**S.B. 190, Public Classroom Displays** (A. Christensen), read the first time by short title and referred to the Rules Committee.

**S.B. 191, Judicial Conduct Commission Amendments** (G. Davis), read the first time by short title and referred to the Rules Committee.

**S.B. 192**, **Sex Offense Amendments** (J. Greiner), read the first time by short title and referred to the Rules Committee.

**S.B. 193, Election Law Changes** (P. Knudson), read the first time by short title and referred to the Rules Committee.

**S.B. 194**, **Metal Theft Amendments and Penalties** (J. Greiner), read the first time by short title and referred to the Rules Committee.

### THIRD READING CALENDAR

**H.B. 63**, RECODIFICATION OF TITLE 63 STATE AFFAIRS IN GENERAL, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators					
Bell	Bramble	Buttars	Christensen		
Davis	Dayton	Dmitrich	Fife		
Greiner	Hickman	Hillyard	Jenkins		
Jones	Killpack	Knudson	Madsen		
Mayne	McCoy	Niederhauser	Peterson		
Romero	Stowell	Van Tassell	Waddoups		
Walker	Valentine				

Absent or not	t voting were: Senators	
Eastman	Goodfellow	Stephenson

**H.B. 63** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

### CONSENT CALENDAR

**1st Sub. H.B. 24**, AMENDMENTS TO UTAH DIGITAL HEALTH SERVICE COMMISSION ACT, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Goodfellow Stephenson

**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.

### THIRD READING CALENDAR

**H.B. 16**, MEDICAID COVERAGE FOR CERTAIN TELEHEALTH SERVICES, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting	in	the	affirmative	were:	Senators
--------	----	-----	-------------	-------	----------

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

**H.B.** 16 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 21**, EMPLOYMENT SECURITY ACT AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

### Voting in the affirmative were: Senators

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

**H.B. 21** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**S.B. 34**, CONFIDENTIALITY OF REPORTS TO DRIVER LICENSE DIVISION, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Voting in the affirmative were: Senators					
Bell	Bramble	Buttars	Christensen		
Eastman	Greiner	Hillyard	Jones		
Killpack	Madsen	McCoy	Niederhauser		
Peterson	Romero	Stephenson	Stowell		
Van Tassell	Waddoups	Walker	Valentine		
Voting in the neg	sative were: Senators				
Davis	Dayton	Dmitrich	Fife		
Goodfellow	Hickman	Jenkins	Knudson		
Mayne					

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

\* \* \*

**S.B. 130**, UTILITY IMPROVEMENT DISTRICT REVISIONS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

### Voting in the affirmative were: Senators

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

Absent or not voting were:SenatorsBrambleStephenson

**S.B. 130** was transmitted to the House for consideration.

\* \* \*

1st Sub. S.B. 21, CAMPAIGN FINANCE DISCLOSURE REVISIONS, was read the third time.

On motion of Senator Knudson, the bill was circled.

## Yeas, 20; Nays, 9; Absent, 0.

\* \* \*

**2nd Sub. S.B. 32**, LOCAL GOVERNMENT BONDING ACT – PUBLIC HEARINGS, 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

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

Absent or not voting were: Senators Bramble Stephenson

2nd Sub. S.B. 32 was transmitted to the House for consideration.

\* \* \*

**S.B. 123**, FILLING VACANCIES IN THE SENATE, was read the third time and explained by Senator Hickman.

Senator Hickman proposed the following amendment:

 Page 1, Lines 21 through 22 Senate 2nd Reading Amendments 1-31-2008

21 Other Special Clauses:

22 {-None-} <u>This bill provides an immediate effective</u> <u>date.</u>

 Page 2, Line 41 Senate 2nd Reading Amendments 1–31–2008:

41 liaison of the same political party as the prior senator.<u>Section 2. Effective date.</u><u>If approved by two-thirds of all the members elected to each house, this</u>

bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

Senator Hickman's motion to amend passed on a voice vote. Senator McCoy commented and the bill passed on the following roll call:

Yeas, 21; Nays, 5; Absent, 3.

Voting in the affirmative were: Senators

voting in the arm	manye were. Senate	13	
Buttars	Davis	Dayton	Dmitrich
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	Niederhauser
Peterson	Romero	Stowell	Walker
Valentine			
<b>Voting in the nega</b> Bell Waddoups	<b>tive were:</b> Senators Eastman	МсСоу	Van Tassell
Absent or not voti Bramble	<b>ng were:</b> Senators Christensen	Stephenson	

S.B. 123, as amended, was transmitted to the House for consideration.

\* \* \*

On motion of Senator Niederhauser the Senate voted to lift **H.B. 52**, RESEARCH ACTIVITIES TAX CREDITS AMENDMENTS, from the Third Reading Table and place it at the top of the Third Reading Calendar.

**H.B. 52**, RESEARCH ACTIVITIES TAX CREDITS AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson

Madsen	Mayne
Peterson	Romero
Waddoups	Walker

McCoy Stowell Valentine Niederhauser Van Tassell

Absent or not voting were:SenatorsChristensenStephenson

**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.

\* \* \*

**S.B. 31**, INCOME TAX AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

### Voting in the affirmative were: Senators

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

Absent or not voting were:SenatorsHickmanKillpack

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

\* \* \*

**S.B. 96**, MULTI–CHANNEL VIDEO OR AUDIO SERVICE TAX ACT AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne

McCoy Stephenson Walker	Niederhauser Stowell Valentine	Peterson Van Tassell	Romero Waddoups
Absent or not v	oting were: Senators		
Bramble	Hickman	Killpack	

S.B. 96 was transmitted to the House for consideration.

\* \* \*

S.B. 52, IDENTITY THEFT AMENDMENT, was read the third time.

On motion of Senator Walker, the bill was circled.

\* \* \*

S.B. 94, BURGLARY OF A RAILROAD CAR, was read the third time.

On motion of Senator Peterson, the bill was circled.

\* \* \*

**S.B. 114**, NOTARY PUBLIC REVISION, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Buttars	Christensen	Davis	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hillyard	Jenkins	
Jones	Knudson	Madsen	Mayne	
McCoy	Peterson	Romero	Stowell	
Van Tassell	Waddoups	Walker	Valentine	
Absent or not voting were: Senators				
Bramble	Hickman	Killpack	Niederhauser	
Stephenson				

S.B. 114 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Van Tassell, the circle was removed from **S.B. 110**, FOREIGN BUSINESS ENTITIES AND TRIBAL LAW, and it was before the Senate. Senator Van Tassell explained the bill.

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

# **1st Sub. S.B. 110 Foreign Business Entities and Tribal Law** (K. Van Tassell)

On motion of Senator Van Tassell, the bill was circled.

\* \* \*

**S.B. 124**, SALES AND USE TAX – DEFINITIONS OF PERMANENTLY ATTACHED TO REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY, 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

		ators	
Bell	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	Valentine
Absent or not vo	oting were: Senator	S	
Bramble	Christensen	Hickman	Killpack

S.B. 124 was transmitted to the House for consideration.

\* \* \*

**S.B. 120**, DEPARTMENT OF CORRECTIONS EMPLOYEE VEHICLE USE, was read the third time, explained by Senator Peterson, and passed on the following roll call:

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

Stephenson

Bell	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Waddoups
Walker	Valentine		

### Absent or not voting were: Senators

Bramble	Christensen	Hickman	Killpack
Madsen	Stowell	Van Tassell	

S.B. 120 was transmitted to the House for consideration.

\* \* \*

**S.B. 122**, UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT, 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 Bell Buttars Davis Dayton Goodfellow Dmitrich Eastman Fife Greiner Hillyard Jenkins Jones Knudson Mayne McCov Niederhauser Peterson Romero Stephenson Waddoups Valentine Walker Absent or not voting were: Senators Bramble Christensen Hickman Killpack Madsen Stowell Van Tassell

S.B. 122 was transmitted to the House for consideration.

\* \* \*

**S.B. 58**, WORKERS' COMPENSATION RELATED AMENDMENTS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

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

### Absent or not voting were: Senators

Bramble Christensen	Hickman	Madsen
---------------------	---------	--------

S.B. 58 was transmitted to the House for consideration.

### SECOND READING CALENDAR

**S.B. 68**, WORKERS' COMPENSATION – DEATH BENEFITS, was read the second time. Senator Mayne explained the bill. Senators Greiner, Bell, and Valentine commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators Bell Bramble Buttars Davis Dmitrich Eastman Fife Dayton Goodfellow Greiner Hillyard Jenkins Jones Knudson Mayne McCoy Niederhauser Peterson Romero Stephenson Valentine Van Tassell Waddoups Walker Absent or not voting were: Senators Christensen Hickman Killpack Madsen Stowell

\* \* \*

**1st Sub. S.B. 56**, NATUROPATHIC PHYSICIAN AMENDMENTS, was read the second time. Senator McCoy explained the bill. The bill passed second reading on the following roll call:

### Yeas, 23; Nays, 0; Absent, 6.

Bell Dayton Greiner Knudson Peterson Waddoups	Bramble Eastman Hickman Mayne Romero Walker	Buttars Fife Jenkins McCoy Stephenson Valentine	Christensen Goodfellow Jones Niederhauser Van Tassell
<b>Absent or not voti</b> Davis Madsen	<b>ng were:</b> Senators Dmitrich Stowell	Hillyard	Killpack

### \* \* \*

**S.B. 62**, HEALTH INSURANCE – MEDICAL COMPLICATION EXCLUSIONS, was read the second time. Senator Knudson explained the bill. Senators Valentine and Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Van Tassell	Waddoups	Walker
Valentine			
Absent or not voting were: Senators			
Christensen	Killpack	Madsen	Stowell
	*	* *	

On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 77**, PERSONAL PROPERTY TAX AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill.

On motion of Senator Niederhauser, the bill was circled.

\* \* \*

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. 52**, IDENTITY THEFT AMENDMENT, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 1, Line 12:

12  $\blacktriangleright$  {-authorizes-} <u>directs</u> the court to order restitution to the victim of an identity fraud offense <u>or state on the</u> record why restitution is not appropriate ;

2. Page 3, Lines 66 through 67:

66 (5) When a defendant is convicted of a violation of this section, the court {-may } shall order the

67 <u>defendant to make restitution to any victim of the offense</u> <u>or state</u> <u>on the record the reason the court does not find ordering restitution to be</u> <u>appropriate</u> <u>.</u>

(6) Restitution under Subsection (5) may include:

Senator Hillyard's motion to amend passed on a voice vote. The bill, as amended, passed on the following roll call:

### Yeas, 20; Nays, 0; Absent, 9.

### Voting in the affirmative were: Senators

, or and the t		inatoro	
Buttars	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Hickman	Hillyard	Jenkins	Jones
Knudson	Mayne	Niederhauser	Peterson
Romero	Stephenson	Van Tassell	Walker
Absent or not	voting were: Senator	rs	
Bell	Bramble	Greiner	Killpack
Madsen	McCoy	Stowell	Waddoups
Valentine			

S.B. 52 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Hillyard, the Senate voted to move to Second Reading Calendar.

### SECOND READING CALENDAR

**S.B. 66**, UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

young in the a	minative were. Sei	lators	
Bramble	Christensen	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Knudson	Mayne	Niederhauser	Peterson
Romero	Stephenson	Van Tassell	Waddoups
Walker	Valentine		
Absent or not voting were: Senators			
Bell	Buttars	Davis	Killpack
Madsen	McCoy	Stowell	
		* * *	

### Voting in the affirmative were: Senators

On motion of Senator Jenkins, the Senate voted to move **1st Sub. S.B. 144**, PARAMETERS ON GOVERNOR'S ABILITY TO ENTER AGREEMENTS BINDING THE STATE, to the top of the Second Reading Calendar.

**1st Sub. S.B. 144**, PARAMETERS ON GOVERNOR'S ABILITY TO ENTER AGREEMENTS BINDING THE STATE, was read the second time. Senator Jenkins explained the bill. Senators Jones, Bramble, and Romero commented. The bill passed second reading on the following roll call:

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

### Voting in the affirmative were: Senators

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

Voting in the negative were:SenatorsJonesRomero

Absent or not voting was: Senator McCoy

\* \* \*

**S.B. 146**, AMENDMENT TO UNIFORM ANATOMICAL GIFT ACT, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Christensen	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Van Tassell	Waddoups	Walker	Valentine
Absent or not voting were: SenatorsButtarsDavisKillpackMcCoyStowell			

\* \* \*

On motion of Senator Bramble and at 12:00 p.m., the Senate adjourned until 10:00 a.m., Monday, February 4, 2008.

# **FIFTEENTH DAY**

# MORNING SESSION

# **FEBRUARY 4, 2008**

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Reverend Handi Jo Dolloff–Holt, Trinity United Methodist Church
Pledge of Allegiance – Senator Kevin Van Tassell
Roll Call – All Senators present except Senator Hickman, excused.

### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 1, 2008 The House passed, as amended, **H.B. 26**, NOTARY PUBLIC REVISIONS, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 33**, WAIVERS OF IMMUNITY – EXCEPTIONS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 44**, DECLARATION OF CANDIDACY REVISIONS, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 65**, CRIME OF STRANGULATION OR SMOTHERING, by Representative J. Seelig, et al, and it is transmitted for consideration; and

The House passed **H.B. 144**, MOTOR VEHICLE INSURANCE AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 258**, MEDICAID DRUG UTILIZATION AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed **H.B. 265**, OFFICE OF RECOVERY SERVICES – ELECTRONIC FUNDS TRANSFER, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.J.R. 1**, RESOLUTION ADDRESSING INTERNATIONAL TRADE ISSUES, by Representative S. Allen, and it is transmitted for consideration; and

The House passed **H.J.R. 5**, JOINT RESOLUTION URGING SUPPORT OF MEDICAID LONG-TERM CARE FUNDING OF HOME AND COMMUNITY-BASED SUPPORTS, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 26, H.B. 33, H.B. 44, H.B. 65, H.B. 144, H.B. 258, H.B. 265, H.J.R. 1,** and **H.J.R. 5** were read the first time and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate: February 1, 2008 The Rules Committee recommends assignment of the following bills to standing committees:

### **Business and labor Committee**

S.B. 83	Check Cashing and Deferred Deposit Lending
	Registration Act (Sen. K. Mayne)
S.B. 166	Nondiscrimination Amendments (Sen. S. McCoy)
1st Sub. H.B. 95	Document Fraud (Rep. K. Morgan) (Sen. L. Hillyard)
H.B. 99	Business Registration – Optional Inclusion of Ownership
	Data (Rep. M. Wheatley) (Sen. R. Romero)

### **Education Committee**

S.B. 91	Benefits to American Board Certified Teachers
	(Sen. M. Madsen)
H.B. 67	Extended Year for Special Educators (Rep. R. Menlove)
	(Sen. L. Hillyard)
H.B. 253	Higher Education Information Technology Appropriation
	(Rep. S. Clark) (Sen. C. Bramble)

### **Government Operations and Political Subdivisions Committee**

S.B. 81	Illegal Immigration (Sen. J. Hickman)
S.B. 92	Real Property Recording Amendments (Sen. D. Stowell)
H.B. 107	Emergency Management Administrative Council
	(Rep. C. Oda) (Sen. P. Knudson)
H.B. 126	Election Law – Ballot Proposition Amendments
	(Rep. C. Johnson) (Sen. M. Dayton)

Н.В. 235	County Merit System Amendments (Rep. B. Dee)
	(Sen. J. Greiner)

### Health and Human Services Committee

S.B. 82	Ambulatory Surgical Centers Amendments
	(Sen. A. Christensen)
S.B. 184	Child Care Licensing Exemptions (Sen. J. Greiner)
S.B. 186	Custody and Parent-time for Non-parents
	(Sen. L. Hillyard)
S.B. 188	Pilot Program for Summer School and after School
	Programs for Children with a Disability (Sen. G. Bell)
1st Sub. H.B. 47	Standards for Electronic Exchange of Clinical Health
	Information (Rep. R. Menlove) (Sen. P. Knudson)

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

Judicial J, Davi Din	or community and or minimur substice committee
S.B. 183	Child Pornography Amendment (Sen. D. C. Buttars)
S.B. 187	Bail in Capital Offense Cases (Sen. J. Greiner)
H.B. 10	Disclosure of Identity to Officer (Rep. C. Oda)
	(Sen. J. Greiner)
H.B. 12	Controlled Substances and Paraphernalia (Rep. C. Oda)
	(Sen. J. Greiner)
H.B. 14	Discharge of Firearm Amendments (Rep. C. Wimmer)
	(Sen. M. Madsen)
H.B. 46	Adoption and Termination of Parental Rights
	(Rep. S. Allen) (Sen. C. Walker)
H.B. 256	Criminal Penalties Amendments - Including Jessica's
	Law (Rep. C. Wimmer) (Sen. H. Stephenson)

# Natural Resources, Agriculture and Environment Committee

S.B. 89 Preventing Catastrophic Wildland Fires (Sen. D. Stowell)

### **Revenue and Taxation Committee**

S.J.R. 10	Joint Resolution Amending Constitution Regarding Taxes
	of the Elderly (Sen. G. Davis)
H.B. 35	Motor and Special Fuel Tax Amendments (Rep. C. Frank)
	(Sen. W. Niederhauser)

### Transportation, Public Utilities and Technology Committee

1st Sub. H.B. 62Clean Fuel Special Group License Plate Amendments<br/>(Rep. T. Kiser) (Sen. C. Walker)

Workforce Service Committee	es and Community and Economic Development
S.B. 185	Economic Incentive Revisions (Sen. L. Hillyard)
H.B. 59	Community and Economic Development Technical
	Changes (Rep. S. Mascaro) (Sen. S. Jenkins)
H.B. 64	Disclosure of Information by the Department of
	Workforce Services (Rep. P. Neuenschwander)
	(Sen. W. Niederhauser)
H.B. 270	Utah Science Technology and Research Initiative Centers
	(Rep. R. Bigelow) (Sen. L. Hillyard)
	Bill Hickman
	Rules Committee Chair

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

### STANDING COMMITTEE REPORTS

Mr. President: February 1, 2008
 The Business and Labor Committee reports a favorable recommendation on
 S.B. 69, UNIFORM LIMITED COOPERATIVE ASSOCIATION ACT, by
 Senator L. Hillyard, with the following amendments:

1. Page 14, Lines 408 through 410:

408 (2) { <u>The</u> } <u>Notwithstanding Section 48–2a–102, the</u> name of a limited cooperative association must contain the words "limited

409 <u>cooperative association</u>" or "limited cooperative" or the abbreviation "L.C.A." or "LCA".

410 <u>"Limited" may be abbreviated as "Ltd.". "Cooperative" may be</u> abbreviated as "Co-op" or

2. Page 25, Line 771 through Page 26, Line 775:

771 (3) The first annual report must be delivered to the division between January 1 and

772 <u>April 1 of the year following the calendar year in which the limited</u> <u>cooperative association is</u>

773 formed or the foreign cooperative is authorized to transact businessin this state.{-An}For subsequent years, anannual

774 <u>report must be delivered to the division</u> {- <u>between January 1</u> <u>and April 1 of each subsequent</u> 775 <u>calendar year</u> } <u>during the month in which falls the</u> <u>anniversary of the limited cooperative association's organization or the</u> <u>foreign cooperative's authorization to transact business</u> \_; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 143**, INSURANCE FINANCIAL REQUIREMENTS, by Senator K. VanTassell; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 165**, ALCOHOLIC BEVERAGE SINGLE EVENT PERMITS, by Senator S. McCoy; and

The Business and Labor Committee reports a favorable recommendation on **H.J.R. 2**, RESOLUTION ENCOURAGING MANUFACTURED AND MOBILE HOME PARKS AS AFFORDABLE HOUSING, by Representative N. Hendrickson.

Kevin T. Van Tassell, Chair

Mr. President:

February 1, 2008

The Health and Human Services Committee reports a favorable recommendation on **H.B. 73**, CHILD CARE PROVIDERS, by Representative K. Morgan; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 82**, NOTICE OF CHANGES TO THE STATE MEDICAID PLAN, by Representative M. Newbold.

D. Chris Buttars, Chair

Mr. President:

February 1, 2008

The Education Committee reports a favorable recommendation on **H.B. 68**, EDUCATOR RELICENSURE INITIATIVE, by Representative R. Menlove; and

The Education Committee reports a favorable recommendation on **H.B. 118**, VETERANS HIGH SCHOOL DIPLOMAS, by Representative L. Hemingway; and

The Education Committee reports a favorable recommendation on **H.B. 245**, ADMINISTRATION OF MEDICATION TO STUDENTS AMENDMENTS, by Representative R. Lockhart.

Margaret Dayton, Chair

 Mr. President: February 1, 2008 The Natural Resources, Agriculture, and Environment Committee
 recommends S.B. 46, ANTI–FLOW CONTROL AMENDMENTS, by Senator
 D. Eastman, be replaced and favorably recommends 1st Sub. S.B. 46, ANTI–FLOW CONTROL AMENDMENTS with the following amendments:

1. Page 1, Lines 13 through 15:

13  $\blacktriangleright$  prohibits a public entity from requiring solid waste to be stored, recovered, or

14 disposed of at a specific waste facility {-unless the public entity has physical custody

- 15 of the solid waste } except in certain circumstances ;
- 2. Page 181, Line 181 through Page 7, Line 184:
  - 181 <u>owned or operated by a public entity if</u> : (a) <u>the solid waste is in the physical custody of</u>:
  - 182  $\{-(a)\}$  (i) the public entity; or

183  $\{-(b)\}$  (ii) a person with whom the public entity has an agreement to provide solid

184 waste management {-: } : or (b) no other solid waste management facility exists within: (i) the county in which the public entity is located; or (ii) 25 miles outside the geographic boundary of the county described in Subsection (2)(b)(i).

Darin G. Peterson, Chair

Mr. President:

February 1, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 148**, ENFORCEMENT OF FRONT

LICENSE PLATE DISPLAY REQUIREMENT AMENDMENTS, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 168**, HIGHWAY FUNDING AMENDMENTS, by Senator D. Stowell; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 179**, SALVAGE VEHICLE AMENDMENTS, by Senator C. Walker, with the following amendments:

1. Page 1, Line 17:

17• {-pays off the-}<br/>owner of the vehicle;issues settlement payment to

2. Page 2, Line 57:

57 (B) {- pays off the } issues settlement payment to the registered owner of the vehicle; ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 181**, OFF–HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS, by Senator S. Jenkins, with the following amendments:

1. Page 3, Lines 78 through 84:

78 (2) Unless the street or highway is designated as open for off-highway vehicle use by

79 the municipality or county in accordance with Section 41–22–10.5, a person may not operate an

80 <u>off-highway vehicle on a street or highway in accordance with</u> <u>Subsection (1)(d) if the street or</u>

81 <u>highway is under the jurisdiction of:</u>

82 (a) a county of the first {-<u>or second</u> } class;

83 (b) a municipality that is within a county of the first {-or second } class; or

84 (c) a municipality with a population of 30,000 or more people.; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 57**, TRANSPORTATION

ADMINISTRATIVE RULES – CRIMINAL AND CIVIL PENALTY AMENDMENTS, by Representative T. Kiser; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 61**, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, by Representative T. Kiser.

Carlene M. Walker, Chair

Mr. President: February 1, 2008 The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 18**, MATERIAL HARMFUL TO MINORS AMENDMENTS, by Representative P. Ray; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 30**, VEHICLE CONCEALING ILLEGAL ITEMS, by Representative P. Ray.

Gregory S. Bell, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 69, as amended, S.B. 143, S.B. 165, H.J.R. 2, H.B. 73, H.B. 82, H.B. 68, H.B. 118, H.B. 245, 1st Sub. S.B. 46, as amended, S.B. 148, S.B. 168, S.B. 179, as amended, S.B. 181, as amended, H.B. 57, H.B. 61, 1st Sub. H.B. 18, and H.B. 30 were placed on Second Reading Calendar.

### STANDING COMMITTEE REPORTS

 Mr. President: February 1, 2008 The Business and Labor Committee reports a favorable recommendation on
 S.B. 163, CERTIFIED PUBLIC ACCOUNTANT LICENSING ACT AMENDMENTS, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

Mr. President:

February 1, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 249**, VEHICLES COVERED BY NEW MOTOR VEHICLE WARRANTIES, by Representative K. Gibson, and

recommends it be considered read for the second time and placed on the Consent Calendar.

Darin G. Peterson, Chair

Mr. President:

February 1, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 11**, PAROLE AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 139**, UTAH ANTITRUST ACT AMENDMENTS, by Senator L. Hillyard, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 163, H.B. 249, H.B. 11,** and **S.B. 139** were considered read the second time and placed on the Consent Calendar.

### **INTRODUCTION OF BILLS**

**S.B. 195**, **Use of Campaign Contributions** (G. Bell), read the first time by short title and referred to the Rules Committee.

## COMMITTEE OF THE WHOLE

On motion of Senator Dmitrich, Jill Stevens, Miss Utah, spoke in Committee of the Whole. Senators Walker and Dmitrich commented.

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

## CONSENT CALENDAR

**S.B. 155**, PUNITIVE DAMAGES AMENDMENTS, was read the third time, explained by Senator , and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Eastman	Fife	

Goodfellow Jones McCoy Stowell Valentine	Greiner Killpack Niederhauser Van Tassell	Hillyard Madsen Peterson Waddoups	Jenkins Mayne Romero Walker
<b>Absent or not voti</b> Dmitrich	<b>ng were:</b> Senators Hickman	Knudson	Stephenson

S.B. 155 was transmitted to the House for consideration.

### THIRD READING CALENDAR

**S.B. 68**, WORKERS' COMPENSATION – DEATH BENEFITS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

### Voting in the affirmative were: Senators

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

# Absent or not voting were: Senators

Hickman Stephenson

S.B. 68 was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 56**, NATUROPATHIC PHYSICIAN LICENSING AMENDMENTS, was read the third time, explained by Senator McCoy, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hillyard	

Jenkins Madsen	Jones Mayne	Killpack McCoy	Knudson Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were:SenatorsHickmanStephenson

1st Sub. S.B. 56 was transmitted to the House for consideration.

\* \* \*

**S.B. 62**, HEALTH INSURANCE – MEDICAL COMPLICATION EXCLUSIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hickman Stephenson

S.B. 62 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Knudson, the circle was removed from **1st Sub. S.B. 21**, CAMPAIGN FINANCE DISCLOSURE REVISIONS, and it was before the Senate. Senator Knudson explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	

Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were:SenatorsHickmanStephenson

1st Sub. S.B. 21 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Van Tassell, the circle was removed from **1st Sub. S.B. 110**, FOREIGN BUSINESS ENTITIES AND TRIBAL LAW, and it was before the Senate. Senator Van Tassell explained the bill. The bill passed on the following roll call:

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

### Voting in the affirmative were: Senators

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

Absent or not voting were:SenatorsHickmanStephenson

1st Sub. S.B. 110 was transmitted to the House for consideration.

\* \* \*

**S.B. 66**, UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT, was read the third time and explained by Senator Hillyard.

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

**1st Sub. S.B. 66 Uniform Emergency Volunteer Health Practitioners Act** (L. Hillyard)

The bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators Bramble Christensen Bell Buttars Davis Dmitrich Dayton Eastman Fife Goodfellow Greiner Hillyard Jenkins Knudson Jones Killpack Madsen Mayne McCoy Niederhauser Peterson Romero Stowell Van Tassell Valentine Walker Waddoups

Absent or not voting were:SenatorsHickmanStephenson

1st Sub. S.B. 66 was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 144**, PARAMETERS ON GOVERNOR'S ABILITY TO ENTER AGREEMENTS BINDING THE STATE, was read the third time and explained by Senator Jenkins. Senators McCoy and Romero commented and the bill passed on the following roll call:

Yeas, 25; Nays, 3; Absent, 1.

### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hillyard	
Jenkins	Killpack	Knudson	Madsen	
Mayne	Niederhauser	Peterson	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				
Voting in the negative were: Senators				

Jones McCoy Romero

Absent or not voting was: Senator Hickman

1st Sub. S.B. 144 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Eastman, legislative staff was authorized to draft a bill regarding liquor law amendments.

On motion of Senator Bramble, legislative staff was authorized to draft a bill regarding financial institution amendments.

\* \* \*

**S.B. 146**, AMENDMENT TO UNIFORM ANATOMICAL GIFT ACT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Hickman

S.B. 146 was transmitted to the House for consideration.

### SECOND READING CALENDAR

**S.B. 36**, CHARTER AND ONLINE SCHOOLS – PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, was read the second time. Senator Madsen explained the bill.

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

1st Sub. S.B. 36 Charter and Online Schools – Participation in Extracurricular Activities (M. Madsen)

Senators Hillyard, Bell, and Dayton commented. The bill passed second reading on the following roll call:

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Dayton	Eastman	Fife	Goodfellow	
Greiner	Hillyard	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
Niederhauser	Peterson	Romero	Stephenson	
Van Tassell	Waddoups	Walker		
Absent or not voting were: Senators				
Davis	Dmitrich	Hickman	McCoy	
Stowell	Valentine			

### Yeas, 23; Nays, 0; Absent, 6.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **S.B. 137**, MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill.

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

1st Sub. S.B. 137 Mineral Production Tax Withholding Amendments (W. Niederhauser)

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub. S.B. 137**, MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS, was considered read the second and third times. Senator Niederhauser explained the bill. The bill passed on the following roll call:

### Yeas, 23; Nays, 0; Absent, 6.

Bramble	Christensen	Dayton	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	
Absent or not voti	ng were: Senators		
Bell	Buttars	Davis	Dmitrich
Hickman	McCoy		

1st Sub. S.B. 137 was transmitted to the House.

\* \* \*

**S.B. 118**, EDUCATION TRANSPORTATION AMENDMENTS, was read the second time. Senator Peterson 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	Dayton	Eastman	
Fife	Goodfellow	Greiner	Hillyard	
Jenkins	Jones	Killpack	Knudson	
Madsen	Mayne	Niederhauser	Peterson	
Romero	Stephenson	Stowell	Van Tassell	
Waddoups	Walker	Valentine		
Absent or not voting were: SenatorsBellButtarsDavisHickmanMcCoy				

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 77**, PERSONAL PROPERTY TAX AMENDMENTS, and it was before the Senate.

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

### 2nd Sub. H.B. 77 Personal Property Tax Amendments (J. Dougall)

On motion of Senator Niederhauser, the bill was circled.

\* \* \*

**1st Sub. S.B. 53**, USE OF INITIATIVE AND REFERENDUM FOR ADMINISTRATIVE LAND USE AND ZONING MATTERS, was read the second time. Senator Goodfellow explained the bill. Senators Bell, Buttars, and Niederhauser commented. The bill passed second reading on the following roll call:

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

voting in the amrmative were: Senators				
Bramble	Christensen	Dayton		
Fife	Goodfellow	Greiner		
Jenkins	Jones	Killpack		
Madsen	Mayne	Niederhauser		
Romero	Stephenson	Stowell		
Waddoups	Walker	Valentine		
ting were: Senators				
Davis	Dmitrich	Hickman		
* * *				
	Bramble Fife Jenkins Madsen Romero Waddoups ting were: Senators Davis	BrambleChristensenFifeGoodfellowJenkinsJonesMadsenMayneRomeroStephensonWaddoupsWalkerting were: SenatorsDmitrich		

Voting in the affirmative were: Senators

**1st Sub. S.B. 54**, INITIATIVE AND REFERENDUM PETITION AMENDMENTS, was read the second time. Senator Goodfellow explained the bill. The bill passed second reading on the following roll call:

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

### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Eastman	Fife	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Absent or not voti Buttars McCoy	<b>ng were:</b> Senators Davis	Dmitrich	Hickman

\* \* \*

**S.B. 113**, ACCESS TO RESEARCH WORKERS' PERSONAL INFORMATION, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones

Killpack Niederhauser Van Tassell	Knudson Peterson Waddoups	Madsen Romero Walker	Mayne Stowell Valentine	
Voting in the negative was: Senator Stephenson				
Absent or not vot	ing were: Senators			
Davis	Dmitrich	Hickman	McCoy	
	*	* *		

**S.B. 28**, APPORTIONMENT OF BUSINESS INCOME, ATTRIBUTING SALES TO THE STATE, AND DEDUCTION OF NET LOSSES BY A UNITARY GROUP, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen	
Dayton	Eastman	Fife	Goodfellow	
Greiner	Hillyard	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				
Absent or not voting were: Senators				
Davis	Dmitrich	Hickman	McCoy	

\* \* \*

1st Sub. S.B. 38, TRANSPARENCY IN GOVERNMENT FINANCE, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

\* \* \*

On motion of Senator Niederhauser, under suspension of the rules, **S.B. 64**, INCOME TAX – CAPITAL GAIN TRANSACTIONS, was considered read the second and third times. Senator Niederhauser explained the bill. The bill passed on the following roll call:

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Dayton	Eastman	Fife	Goodfellow	
Greiner	Hillyard	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				
Absent or not voting were: Senators				
Davis	Dmitrich	Hickman	McCoy	
S.B. 64 was transmitted to the House.				

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

\* \* \*

On motion of Senator Bramble and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 5, 2008.

## SIXTEENTH DAY

## MORNING SESSION

### **FEBRUARY 5, 2008**

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

**Prayer** – Pastor Eric Morgan, Living Waters Christian Fellowship Church Pledge of Allegiance – Senator Greg Bell Roll Call – All Senators present

#### **READING OF TITLES OF BILLS AND RESOLUTIONS** (PLEASE REFER TO DAY 1, PAGE 64)

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 4, 2008 The House passed, S.B. 26, FIRE MANAGEMENT AREAS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk **S.B.** 26 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, 2008 The House passed, as amended, H.B. 28, HONORING HEROES SPECIAL GROUP LICENSE PLATE, by Representative P. Ray, and it is transmitted for consideration: and

The House passed, as amended, H.B. 41, CAMPAIGN REPORT AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 49, BUDGET RESERVE ACCOUNT AND DISASTER RECOVERY ACCOUNT AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed H.B. 97, COURT-ORDERED RESTITUTION FOR COSTS OF INCARCERATION, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 237**, ILLEGAL IMMIGRATION ENFORCEMENT ACT, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed **H.B. 238**, CAMPAIGN FINANCE FILING REQUIREMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 275**, VEHICLE TOWING REQUIREMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 294**, APPROPRIATION LIMIT AMENDMENTS – FIRE SUPPRESSION, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed **H.J.R. 7**, JOINT RESOLUTION RECOGNIZING UNREINFORCED MASONRY BUILDINGS, by Representative L. Wiley, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 28, H.B. 41, 1st Sub. H.B. 49, H.B. 97, H.B. 237, H.B. 238, H.B. 275, 1st Sub. H.B. 294,** and **H.J.R. 7** were read the first time and referred to the Rules Committee.

#### STANDING COMMITTEE REPORTS

Mr. President: February 4, 2008 The Government Operations and Political Subdivisions Committee recommends **1st Sub. S.B. 20**, MUNICIPAL GOVERNMENT AMENDMENTS, by Senator C. Walker, be replaced and favorably recommends **2nd Sub. S.B. 20**, MUNICIPAL GOVERNMENT AMENDMENTS; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 45**, ACCOUNTING FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, by Senator H. Stephenson, be replaced and favorably recommends **1st Sub. S.B. 45**, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 167**, ALCOHOLIC BEVERAGES ON ELECTION DAY, by Senator S. McCoy, with the following amendments:

1. Page 1, Lines 18 through 19:

18 Other Special Clauses:

19 {<u>None</u>} <u>This bill coordinates with H.B. 344.</u> <u>Alcoholic Beverage Enforcement Provisions, by providing superseding</u> <u>amendments.</u>

2. Page 47, Line 1436:

1436 only an immediate and unrecorded right of replay not exchangeable for value.

Section 7. Coordinating S.B. 167 with H.B. 344 -- Superseding amendments.

If this S.B. 167 and H.B. 344, Alcoholic Beverage Enforcement Provisions, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel in preparing the Utah Code database for publication shall have the amendments to:

(1) Subsection 32A-4-106(9)(a) in this bill supersede the amendments to Subsection 32A-4-106(9)(a) in H.B. 344;

(2) Subsection 32A-4-307(9)(a) in this bill supersede the amendments to Subsection 32A-4-307(9)(a) in H.B. 344; and

(3) Subsection 32A-5-107(27)(a) in this bill supersede the amendments to Subsection 32A-5-107(27)(a) in H.B. 344. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 177**, LOCAL GOVERNMENT DISPOSAL OF REAL PROPERTY ACQUIRED BY EXACTION, by Senator W. Niederhauser, with the following amendments:

1. Page 1, Lines 14 through 17:

14  $\blacktriangleright$  extends from five years to  $\{-15-\}$  <u>25</u> years the period of time that a county or municipality

15 may own surplus real property acquired by exaction in order for the county or

16 municipality to be subject to a requirement that the county or municipality offer to

17 reconvey the property to the original owner.

2. Page 2, Lines 36 through 39:

36 (2) (a) If a municipality plans to dispose of surplus real property that was acquired

37 under this section and has been owned by the municipality for less than [five]  $\{-\underline{15}\}$   $\underline{25}$  years, the

38 municipality shall first offer to reconvey the property, without receiving additional

39 consideration, to the person who granted the property to the municipality.

3. Page 2, Lines 54 through 57:

54 (2) (a) If a county plans to dispose of surplus real property under Section 17–50–312

55 that was acquired under this section and has been owned by the county for less than [five]  $\{-15\}$   $\frac{25}{25}$ 

56 years, the county shall first offer to reconvey the property, without receiving additional

57 consideration, to the person who granted the property to the county. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 8**, JOINT RULES RESOLUTION – BASE BUDGET AMENDMENTS, by Senator W. Niederhauser; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 107**, EMERGENCY MANAGEMENT ADMINISTRATIVE COUNCIL, by Representative C. Oda.

Peter C. Knudson, Chair

Mr. President: February 4, 2008 The Revenue and Taxation Committee recommends **S.B. 29**, TRUTH IN TAXATION AMENDMENTS, by Senator W. Niederhauser, be replaced and favorably recommends **1st Sub. S.B. 29**, TRUTH IN TAXATION AMENDMENTS; and

The Revenue and Taxation Committee recommends **1st Sub. S.B. 48**, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, by Senator D. Eastman, be replaced and favorably recommends **2nd Sub. S.B. 48**, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 136**, APPORTIONMENT OF BUSINESS INCOME AMENDMENTS, by Senator W. Niederhauser, with the following amendments:

1. Page 2, Lines 47 through 54:

47 (3) (a) Subject to Subsection (3)(b), a receipt from the performance of a service is

48 considered to be in this state if  $\{-\frac{1}{2}\}$ 

 $\begin{array}{cccc} 49 & (\underline{i}) \end{array} \\ \underline{a} \\ \underline{a}$ 

50 {-(ii) the receipt is otherwise attributable to this state's marketplace. }

51 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

52 commission may by rule prescribe the circumstances under which  $\{-\frac{1}{2}$ 

53 (i) } a purchaser of a service receives  $\{-\frac{\text{the}}{\text{the}}\}$  a greater benefit of the service in this state  $\{-\frac{1}{2} \text{ or }\}$  than in any other state.

54 {<u>(ii) a receipt is otherwise attributable to this state's</u> marketplace.}

Wayne L. Niederhauser, Chair

Mr. President:

February 4, 2008

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 80**, SKI AND SNOWBOARD EDUCATION, DEVELOPMENT, AND PROMOTION SPECIAL GROUP LICENSE PLATE, by Senator K. VanTassell, with the following amendments:

1. Page 8, Lines 215 through 217:

215(1) renumber Section 63–38f–206 enacted in this S.B. 80 toSection{-63M-1-205 } 63M-1-206 ; and216(2) change any internal cross references from Section63-38f-206 to Section

217 {-<u>63M-1-205</u> } <u>63M-1-206</u> .; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 169**, RENEWABLE ENERGY ZONE TASK FORCE, by Senator D. Stowell, with the following amendments: 1. Page 3, Lines 66 through 68:

66 (b) identify {- and } <u>map</u> and maintain in the <u>State Geographic Information Database</u> the location of areas in the <u>state with the potential for</u>

67 <u>economically feasible electrical power generation from wind,</u> solar, geothermal, hydroelectric,

68 and biomass resources:

Mark B. Madsen, Chair

On motion of Senator Hickman, the committee reports were adopted. 2nd Sub. S.B. 20, 1st Sub. S.B. 45, S.B. 167, as amended, S.B. 177, as amended, S.J.R. 8, H.B. 107, 1st Sub. S.B. 29, 2nd Sub. S.B. 48, S.B. 136, as amended, S.B. 80, as amended, and S.B. 169, as amended, were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President:

February 4, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 92**, REAL PROPERTY RECORDING AMENDMENTS, by Senator D. Stowell, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 27**, LIEUTENANT GOVERNOR POWERS – ADMINISTRATION OF OATHS, by Representative G. Donnelson, 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. 43**, ALLOWANCE OF POLLING PLACES FOR EARLY VOTING, by Representative G. Donnelson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President:

February 4, 2008

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 20**, ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS, by Representative S. Mascaro, et al, and recommends it be considered read for the second time and placed on the Consent Calendar.

#### Mark B. Madsen, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 92**, **H.B. 27**, **H.B. 43**, and **H.B. 20** were considered read the second time and placed on the Consent Calendar.

#### INTRODUCTION OF BILLS

**S.B. 88**, **Uniform Model Registered Agent Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 220**, **Cause of Action for Defective Construction** (C. Bramble), read the first time by short title and referred to the Rules Committee.

**S.B. 223**, **Standards for Acceptance of School Transfer Applications** (M. Madsen), read the first time by short title and referred to the Rules Committee.

#### CONSENT CALENDAR

**S.B. 161**, ADVANCE HEALTH CARE DIRECTIVE AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	Niederhauser	Peterson	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			
Absent or not voti	ng were: Senators		
Buttars	Fife	McCoy	Romero

S.B. 161 was transmitted to the House for consideration.

\* \* \*

**S.B. 164**, COMPUTER ASSISTED REMOTE HUNTING PROHIBITED, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or	not voting were: Senators	
Buttars	Fife	McCoy

S.B. 164 was transmitted to the House for consideration.

\* \* \*

**S.B. 77**, REVISIONS TO GOVERNMENT RECORDS ACCESS MANAGEMENT ACT, 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

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

Absent or not voting were:SenatorsBellMcCoy

S.B. 77 was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 158**, GOVERNOR'S RURAL PARTNERSHIP BOARD AND RURAL COORDINATING COMMITTEE AMENDMENTS, was read the first, second and third time, explained by Senator Stowell, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not ve	oting were: Senators	
Bramble	Jenkins	McCoy

1st Sub. S.B. 158 was transmitted to the House for consideration.

#### THIRD READING CALENDAR

**1st Sub. S.B. 36**, CHARTER AND ONLINE SCHOOLS – PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, was read the third time and explained by Senator Madsen. Senator Mayne commented and the bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

0			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	

Absent or not voting were:SenatorsHickmanValentine

1st Sub. S.B. 36 was transmitted to the House for consideration.

\* \* \*

**S.B. 118**, EDUCATION TRANSPORTATION AMENDMENTS, was read the third time, explained by Senator Peterson, and passed on the following roll call:

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Jenkins	
Jones	Killpack	Knudson	Madsen	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Stowell	Van Tassell	
Waddoups	Walker			
Absent or not voting were: Senators				
Hickman	Hillyard	Valentine		

**S.B. 118** was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 53**, USE OF INITIATIVE AND REFERENDUM FOR ADMINISTRATIVE LAND USE AND ZONING MATTERS, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Buttars Valentine

Senator Niederhauser declared a conflict of interest.

1st Sub. S.B. 53 was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 54**, INITIATIVE AND REFERENDUM PETITION AMENDMENTS, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Knudson Valentine

1st Sub. S.B. 54 was transmitted to the House for consideration.

\* \* \*

**S.B. 113**, ACCESS TO RESEARCH WORKERS' PERSONAL INFORMATION, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Valentine

S.B. 113 was transmitted to the House for consideration.

\* \* \*

**S.B. 28**, APPORTIONMENT OF BUSINESS INCOME, ATTRIBUTING SALES TO THE STATE, AND DEDUCTION OF NET LOSSES BY A UNITARY GROUP, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hickman	
Hillyard	Jenkins	Jones	Killpack	
Knudson	Madsen	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	

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

Absent or not voting was: Senator

Valentine

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

\* \* \*

On motion of Senator Stephenson, the circle was removed from **S.B. 39**, MATHEMATICS, SCIENCE, AND TECHNOLOGY EDUCATION TASK FORCE, and it was before the Senate. Senator Stephenson explained the bill. Senator Fife commented. The bill passed on the following roll call:

#### Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

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

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

Absent or not voting were:SenatorsButtarsKillpackValentine

S.B. 39 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Stephenson, the circle was removed from **S.B. 35**, DIFFERENTIATED PAY FOR TEACHERS, and it was before the Senate. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 15 through 17

15  $\blacktriangleright$  directs the Legislature to annually appropriate money for market incentives in the

16 form of additional compensation for mathematics and science teachers who  $\underline{:}$ 

•\_\_\_\_\_\_fill

17 positions for which there is a critical shortage of qualified personnel; <u>and</u>

• have a major or a course work equivalent of a major in the subject taught or a related academic area:

2. Page 1, Lines 21 through 23:

21 requires a school district or charter school to provide a salary supplement of \$5,000

22 to a teacher who  $\underline{:}$ 

 $\underline{\bullet}$  fills a mathematics or science position for which there is a critical

23 shortage of qualified personnel {---} <u>: and</u>
 <u>• has a major or a course work equivalent of a major in the subject</u>
 <u>taught or a related academic area.</u>

3. Page 2, Lines 37 through 38:

37 shortage.

(1) As used in this section, "course work equivalent of a major" means 30 semester hours or 45 quarter hours of university or college work in a single academic area.

38 {-(1) } (2) Subject to future budget constraints, the Legislature shall annually appropriate

4. Page 2, Line 42:

5. Page 2, Line 45:

45 {-(3) } (4) The State Board of Education shall annually:

6. Page 2, Lines 50 through 55:

50  $\{-\underline{(4)}\}$  <u>(5)</u> <u>A school district or charter school shall</u> provide a salary supplement equal to the

51 amount specified in Subsection  $\{-(5)\}$  (6) to a teacher who:

52 (a) fills a mathematics or science position for which there is a critical shortage of

53 <u>qualified personnel as identified by the board pursuant to</u> <u>Subsection</u>  $\{-(3)\}$  <u>(4)</u> :  $\{-and\}$ 

54 (b) {-<u>is designated NCLB highly qualified for the position</u> <u>under rules of the State Board</u>

55 <u>of Education.</u> } (i) has a bachelor's degree major, master's degree, or doctoral degree in:

(A) the subject taught; or

(B) a related academic area specified by the State Board of

Education in rule; or

<u>(ii) has:</u>

(A) a bachelor's degree in any major; and

(B) a course work equivalent of a major in:

(I) the subject taught; or

(II) a related academic area as specified by the State Board of Education in rule; and

(c)(i) is a new employee; or

(ii) has received a satisfactory rating or above on the teacher's most recent evaluation.

7. Page 2, Line 56 through Page 3, Line 66:

56  $\{-(5)\}$  (6) (a) Beginning in fiscal year 2008–09, the salary supplement is \$5,000 for a person

57 <u>who :</u>

(i) teaches full-time in a mathematics or science position for which there is a critical shortage

(ii) meets the qualifications of Subsection (5)(b) for each of the courses taught.

59 {-(b) A person who teaches part-time in a mathematics or science position for which

60 <u>there is a critical shortage of qualified personnel shall receive a</u> <u>partial salary supplement based</u>

61 <u>on the number of hours worked in the position.</u> }

((b) A partial salary supplement shall be awarded to a teacher who meets the qualifications of Subsections (5)(a) and (b) for some of the courses taught, based upon the number of hours of qualifying courses taught.

 $62 \left\{-\frac{6}{6}\right\}$  <u>(7)</u> The salary supplement is part of the teacher's base pay and is awarded to the teacher</u>

63 each year the teacher :

<u>(a)</u> is employed by the school district or charter school  $\{-\frac{1}{2}, \frac{1}{2}\}$ 

(b) fills a mathematics or science position that had qualified for a salary supplement under Subsection (4).

64 (7) The State Board of Education {-may } shall make rules to administer this section, in

65 <u>accordance with Title 63, Chapter 46a, Utah Administrative</u> <u>Rulemaking Act.</u>

66 Section 2. Appropriation.

Senator Stephenson's motion to amend passed on a voice vote. Senator Mayne commented. The bill passed on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

#### Voting in the affirmative were: Senators Bell Bramble Buttars Christensen Davton Eastman Greiner Hillyard Jenkins Jones Knudson Madsen Niederhauser Stowell Peterson Stephenson Van Tassell Walker Waddoups Voting in the negative were: Senators Davis Dmitrich Fife Goodfellow Mayne McCoy Romero Absent or not voting were: Senators Hickman Killpack Valentine

S.B. 35 was transmitted to the House for consideration.

#### \* \* \*

On motion of Senator Stephenson, the circle was removed from **S.B. 41**, EXTENDED SCHOOL YEAR INCENTIVE, and it was before the Senate. Senator Stephenson explained the bill. The bill passed on the following roll call:

#### Yeas, 25; Nays, 1; Absent, 3.

#### Voting in the affirmative were: Senators

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

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

#### Absent or not voting were: Senators

Hickman	Knudson	Valentine
HICKMAN	Knudson	valentine

S.B. 41 was transmitted to the House for consideration.

#### SECOND READING CALENDAR

**S.B. 105**, JUDICIAL PERFORMANCE EVALUATION COMMISSION, was read the second time. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 20, Line 615 through Page 21, Line 617

615 (c) The commission may elect to make no recommendation on whether the voters

616 <u>should retain a judge if the commission determines that the</u> <u>information concerning the judge is</u>

617 {-<u>not sufficiently clear</u> } <u>insufficient</u> to make a recommendation.

2. Page 21, Lines 618 through 621:

618 (d) (i) If the commission deviates from a presumption for or against recommending the

619 <u>voters retain a judge or elects to make no recommendation on</u> whether the voters should retain

620 <u>a judge, the commission shall provide a detailed explanation of the</u> reason for that deviation or

- 621 <u>election in the commission's report under Section 78–63–206.</u> (ii) If the commission makes no recommendation because of a tie vote, the commission shall note that fact in the commission's report.
- 3. Page 22, Line 665:

665 (iv) grasp of the practical impact on the parties of the judge's rulings \_including the effect of delay and increased litigation expense :

4. Page 23, Lines 679 through 681:

679 {-<u>(8) The survey shall also include a question that inquires</u> whether the respondent would

680 recommend that the judge be retained. }

 $681 \left\{-\frac{(9)}{(9)}\right\}$  (8) (a) If the commission determines that a certain survey question or topic is not

5. Page 23, Lines 687 through 688:

687 {-<u>(10) With the exception of the question concerning</u> whether a respondent would

688 <u>recommend that the judge be retained, the</u> } (9) The survey shall allow respondents to indicate responses

6. Page 23, Line 694:

 $694 \left\{-\frac{(11)}{(11)}\right\}$  <u>(10)</u> The commission shall compile and make available to each judge that judge's

7. Page 23, Line 696:

696 {-<u>(12)</u> } (<u>11)</u> The commission may make rules in accordance with Title 63, Chapter 46a, Utah

8. Page 23, Lines 704 through 708:

704 (b) the judge receive a minimum score on the judicial performance survey as follows:

705 (i) an average score of at least a 3.0 on at least 80% of the questions, excluding litigant

706 and witness respondents, for questions scored on the numerical scale; and

707 <u>(ii)</u> {-<u>affirmative responses by at least 70% of respondents,</u> <u>excluding litigant and witness</u>

708 respondents, to all questions that do not use the numerical scale  $\}$  if the commission includes a question on the survey that does not use the numerical scale, the commission shall establish the minimum performance standard for all questions, excluding any question to litigant and witness respondents, that do not use the numerical scale to be substantially equivalent to the standard required under Subsection (1)(b)(i) .

9. Page 25, Lines 744 through 746:

744 (c) information concerning any formal or informal discipline against a judge that is not

745 subject to restrictions on disclosure under Title  $\{-\frac{78}{8}\}$  <u>78A</u>, <u>Chapter</u>  $\{-\frac{8}{8}\}$  <u>11</u>, <u>Judicial Conduct</u> <u>Commission</u>

746 {-<u>and Supreme Court Oversight of Judges</u> } :

Senator Buttars' motion to amend passed on a voice vote. Senators Bell, Jenkins, and Waddoups commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman
Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack
Madsen	Mayne	McCoy
Peterson	Romero	Stephenson
Van Tassell	Waddoups	Walker
	Dayton Goodfellow Jenkins Madsen Peterson	DaytonDmitrichGoodfellowGreinerJenkinsJonesMadsenMaynePetersonRomero

Absent or not voting was: Senator Valentine

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **2nd Sub. H.B. 77**, PERSONAL PROPERTY TAX AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Dayton Valentine

\* \* \*

**S.B. 138**, UTAH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL AMENDMENTS, was read the second time. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were:SenatorsDaytonHickman

Valentine

\* \* \*

**S.B. 150**, CRIMINAL PENALTIES REVISIONS, was read the second time. Senator Jenkins explained the bill. Senators Greiner and McCoy commented. The bill passed second reading on the following roll call:

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		
Absent or not voti	ng were: Senators		
Eastman	Hickman	Valentine	
	*	* *	

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

**S.B. 152**, PRESUMPTIVE PERSONAL REPRESENTATIVE, was read the second time. Senator Bell explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Davis Valentine

\* \* \*

**S.B. 132**, CONSUMER CREDIT PROTECTION ACT – ATTORNEY GENERAL POWERS, was read the second time. Senator Walker explained the bill.

Senator Walker proposed the following amendment:

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1. Page 2, Line 49: After "<u>person</u>" delete "<u>who is found</u>" and insert "<u>alleged</u>"

Senator Walker'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 affir	mative were: Senate	ors	
Bell	Bramble	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			
Absent or not voti	ng were: Senators		
Buttars	Christensen	Peterson	Valentine
	*	* *	

On motion of Senator Bramble, and at 11:50 a.m., the Senate recessed.

## **AFTERNOON SESSION**

The Senate reassembled at 2:00 p.m., with President Valentine presiding.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

The House concurred in the Senate amendments and passed **1st Sub. H.B. 24**, AMENDMENTS TO UTAH DIGITAL HEALTH SERVICE COMMISSION ACT, by Representative R. Menlove, and it is transmitted for the signature of the President.

**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.

\* \* \*

Mr. President: February 5, 2008 The House passed, as substituted and amended, **1st Sub. H.B. 48**, MOBILE HOME OWNERS' RIGHTS, by Representative P. Riesen, et al, and it is transmitted for consideration: and

The House passed **H.B. 83**, SECURITIES AMENDMENTS, by Representative J. Bird, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 86**, FUNDING OF INMATE POSTSECONDARY EDUCATION, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 106**, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES, by Representative R. McGee, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 135**, GRANTS FROM DEPARTMENT OF COMMUNITY AND CULTURE, by Representative S. Allen, and it is transmitted for consideration; and

The House passed **H.B. 248**, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR CERTAIN PROPERTY INCORPORATED INTO REAL PROPERTY, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 251**, SALES AND USE TAX REVISIONS, by Representative J. Dougall, and it is transmitted for consideration; and

February 5, 2008

Sandy D. Tenney, Chief Clerk

The House passed **H.B. 259**, GOLD STAR FAMILY SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 291**, OFF–HIGHWAY VEHICLE AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. 1st Sub. H.B. 48, H.B. 83, H.B. 86, H.B. 106, 1st Sub. H.B. 135, H.B. 248, H.B. 251, H.B. 259, and H.B. 291 were read the first time and referred to the Rules Committee.

#### **RULES COMMITTEE REPORTS**

To the Members of the Senate: February 5, 2008 The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and labor Committee**

S.B. 88	Uniform Model Registered Agent Act (Sen. L. Hillyard)
S.B. 189	Independent Contractor Database (Sen. D. Eastman)
S.B. 220	Cause of Action for Defective Construction
	(Sen. C. Bramble)
H.B. 26	Notary Public Revisions (Rep. G. Donnelson)
	(Sen. P. Knudson)

#### **Education Committee**

S.B. 190	Public Classroom Displays (Sen. A. Christensen)
S.B. 223	Standards for Acceptance of School Transfer Applications
	(Sen. M. Madsen)

S.B. 193	Election Law Changes (Sen. P. Knudson)
H.B. 41	Campaign Report Amendments (Rep. S. Allen)
	(Sen. P. Knudson)
H.B. 44	Declaration of Candidacy Revisions (Rep. G. Donnelson)
	(Sen. P. Knudson)
1st Sub. H.B. 49	Budget Reserve Account and Disaster Recovery Account
	Amendments (Rep. W. Harper) (Sen. L. Hillyard)
H.B. 238	Campaign Finance Filing Requirements (Rep. G. Hughes)
	(Sen. S. Killpack)

#### Health and Human Services Committee

H.B. 265	Office of Recovery	Services -	Electronic	Funds	Transfer
	(Rep. P. Ray) (Sen.	C. Walker)	)		

#### Judiciary, Law Enforcement, and Criminal Justice Committee S.B. 191 Judicial Conduct Commission Amendments (Sen. G. Davis) S.B. 192 Sex Offense Amendments (Sen. J. Greiner) S.B. 194 Metal Theft Amendments and Penalties (Sen. J. Greiner) Waivers of Immunity - Exceptions (Rep. G. Hughes) H.B. 33 (Sen. D. Eastman) H.B. 65 Crime of Strangulation or Smothering (Rep. J. Seelig) (Sen. S. Killpack) H.B. 97 Court-ordered Restitution for Costs of Incarceration (Rep. C. Oda) (Sen. J. Greiner)

Natural Resources,	Agriculture and Environment Committee
1st Sub. H.B. 294	Appropriation Limit Amendments - Fire Suppression
	(Rep. B. Ferry) (Sen. D. Stowell)

Transportation, Public Utilities and Technology Committee		
S.B. 84	Net Metering Programs (Sen. K. VanTassell)	
H.B. 28	Honoring Heroes Special Group License Plate	
	(Rep. P. Ray) (Sen. C. Walker)	
H.B. 144	Motor Vehicle Insurance Amendments (Rep. T. Kiser)	
	(Sen. K. VanTassell)	

#### Workforce Services and Community and Economic Development Committee H.J.R. 1 Resolution Addressing International Trade Issues

1 Resolution Addressing International Trade Issue (Rep. S. Allen) (Sen. M. Madsen)

Bill Hickman

Rules Committee Chair

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

#### STANDING COMMITTEE REPORTS

Mr. President:

February 5, 2008

The Business and Labor Committee reports a favorable recommendation on **S.B. 79**, SMALL BUSINESS ACCESS AMENDMENTS, by Senator R. Romero; and

The Business and Labor Committee reports a favorable recommendation on S.B. 171. REPEAL OF CERTAIN REPORTING BY FINANCIAL INSTITUTIONS, by Senator K. VanTassell; and

The Business and Labor Committee reports a favorable recommendation on S.B. 176, UNEMPLOYMENT INSURANCE CONTRIBUTION RATES AMENDMENTS, by Senator H. Stephenson.

Kevin T. Van Tassell, Chair

February 5, 2008 The Health and Human Services Committee reports a favorable recommendation on S.B. 70, EMOTIONAL SUPPORT ANIMALS, by Senator S. McCoy, with the following amendments:

1. Page 5, Line 127 through Page 6, Line 153:

{<u>127</u> (4) "Veterinarian" means a person:

(a) licensed as a veterinarian in Utah under Title 58. 128 Occupations and Professions; or

129 (b) licensed and in good standing as a veterinarian in another state.--}

130 Section 5. Section 62A-5b-202 is enacted to read:

131 <u>62A–5b–202</u>. Documentation of emotional support animal.

132  $\{-(1)\}$  A mental health therapist may provide a person with a disability with

133 documentation that:

134	{- <u>(a)</u> }	<u>(1)</u>	is signed by the mental health therapist;
135	{- <u>(b)</u> }	<u>(2)</u>	is dated; and
136 health the	{- <u>(c)</u> } rapist:	<u>(3)</u>	certifies that in the opinion of the mental
137 Section 62	$\{-\underline{(i)}\}$ A-5b-102;	<u>(a)</u> and	the person has a disability as defined in
138	{- <u>(ii)</u> }	<u>(b)</u>	the person with the disability:
139 <u>support an</u>	{- <u>(A)</u> } imal; and	<u>(i)</u>	needs a particular type of emotional
140 particular	{- <u>(B)</u> } location ider	<u>(ii)</u> ntified	needs the emotional support animal in a in Section

Mr. President:

141 62A-5b-103, except for restaurants or hospitals.

{<u>142</u> (2) (a) A veterinarian may provide a person with a disability with documentation that:

143 (i) is signed by the veterinarian;

144 (ii) is dated; and

145 (iii) states that:

146 <u>(A) the emotional support animal has received all</u> recommended vaccinations; and

147 (B) in the opinion of the veterinarian, the emotional support animal is socialized or

148 <u>trained to behave appropriately in the particular locations in which</u> <u>the mental health therapist</u>

149 has certified the emotional support animal is needed.

150 <u>(b) A veterinarian who provides a statement under Subsection</u> (2)(a) is not liable for

151 <u>the actions of the animal that is the subject of the statement issued</u> <u>under Subsection (2)(a).</u>

152 (3) The documentation authorized by this section is valid for one year from the date the

153 document is signed. }; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 74**, HEALTH CARE PROVIDER ACCESS, by Senator D. C. Buttars; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 121**, ACCESS TO QUALIFIED HEALTH CARE PROVIDERS, by Senator D. C. Buttars; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 174**, DENTIST AND DENTAL HYGIENIST PRACTICE ACT AMENDMENTS, by Senator P. Knudson; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 175**, DEATH CERTIFICATE PROCEDURE AMENDMENTS, by Senator J. Greiner, with the following amendments:

1. Page 1, Line 27 through Page 2, Line 28:

#### 27 AMENDS:

28 26–2–13, as last amended by Laws of Utah 2007, Chapter 32 <u>26–2–16, as last amended by Laws of Utah 2006, Chapter 56</u>

2. Page 4, Line 107:

107 (ii) identify the court and date of the order.

Section 2. Section 26-2-16 is amended to read:

26–2–16. Certificate of death — Duties of a custodial funeral service director or agent — Medical certification — Records of funeral service director — Information filed with local registrar — Unlawful signing of certificate of death.

(1) The custodial funeral service director shall sign the certificate of death prior to any disposition of a dead body or dead fetus.

(2) The custodial funeral service director or an agent of the custodial funeral service director shall:

(a) obtain personal and statistical information regarding the decedent from the available persons best qualified to provide the information;

(b) present the certificate of death to the attending physician, if any, or to the medical examiner who shall certify the cause of death and other information required on the certificate of death;

(c) provide the address of the custodial funeral service director;  $\underline{and}$ 

(d) certify the date and place of burial {-; and

(e) file the certificate of death with the state or local registrar  $\}$  .

(3) A funeral service director, embalmer, or other person who removes from the place of death or transports or is in charge of final disposal of a dead body or dead fetus, shall keep a record identifying the dead body or dead fetus, and containing information pertaining to receipt, removal, and delivery of the dead body or dead fetus as prescribed by department rule.

(4) (a) Not later than the tenth day of each month, every licensed funeral service establishment shall send to the local registrar and the department a list of the information required in Subsection (3) for each casket furnished and for funerals performed when no casket was furnished, during the preceding month.

(b) The list described in Subsection (4)(a) shall be in the form prescribed by the state registrar.

(5) Any person who intentionally signs the portion of a

certificate of death that is required to be signed by a funeral service director under Subsection (1) is guilty of a class B misdemeanor, unless the person:

(a) is a funeral service director; and

(b) is employed by a licensed funeral establishment.

Renumber remaining sections accordingly.

D. Chris Buttars, Chair

Mr. President:

February 5, 2008

The Education Committee reports a favorable recommendation on **S.B. 71**, SCHOOL DISTRICT AMENDMENTS, by Senator C. Walker, with the following amendments:

1. Page 1, Lines 23 through 24:

23 allocation of school district property;

<u>b</u> modifies the required content of an inventory that an existing district is required to provide;

▶ requires transition teams to consider the value of school buildings and associated property in making the allocation of other existing district property:

24 requires an existing school district to make money available to  $\{-\mathbf{a}-\}$  the remaining district and the new district,

2. Page 2, Lines 35 through 36:

35 Other Special Clauses:

36 {-None-} <u>This bill provides an immediate effective</u> <u>date.</u>

3. Page 12, Line 339:

339 a new school district, to elect] date . to elect :

- 4. Page 14, Line 406:
  - 406 (i) prepare an inventory of the existing district's {-assets-} :
    (A) property, both tangible and intangible, real and personal: and (B) liabilities; and
- 5. Page 14, Lines 412 through 414:

412 district and the new district in accordance with Subsection  $(4)(c)(ii)[-]_{:}$ 

413 (II) prepare a written report detailing how the existing district's property {-is } .assets, and liabilities are to be

414 allocated, including:

6. Page 15, Lines 438 through 440:

438 (Bb) the school district board of the new district.

439(ii) Subject to Subsection (4)(c)(iii), all property [of]. assets.and liabilitiesthat the existing district owns on

440 <u>the allocation date</u>, both tangible and intangible, real and personal, shall be allocated between

7. Page 15, Lines 449 through 450:

449 (D) any money made available for the use of the new district under Subsection (5);

(E) the appraised or agreed value of school buildings and associated property allocated to the remaining district and the new district under Subsection (4)(c)(iii)(A); and

450 [(D)]  $\{-(E)\}$  (F) any other factors that the transition teams consider relevant in dividing the

8. Page 16, Line 486 through Page 17, Line 504:

486 (5) (a) Within 30 days after the canvass date, the existing district shall make <u>half of its General Fund, to a maximum of \$20,000,000</u>, available

487 <u>for the</u> { $-\underline{\text{new district's}}$  } <u>use</u> { $-\underline{\cdot}$  } <u>of the remaining</u> <u>district and the new district, as provided in this Subsection (5).</u>

488 {-(i) \$2,500,000, if the balance of the existing district's fund used for school district

489 operations is \$5,000,000 or more on the allocation date; or

490 <u>(ii) 50% of the balance of the existing district's fund used for</u> school district operations.

491 <u>if the balance of that fund on the allocation date is less than</u> <u>\$5,000,000.</u> }

492 (b) Theexisting district shall make themoney{-made}underSubsection (5)(a)availabletoremainingdistrictandthenewdistrict{-underSubsectionSubsection(5)(a)subsection

 (5)(a):
 proportionately based on student population.

 (c) The money made available under Subsection (5)(a):

493 (i) shall be used to further the purposes of this part; and

494 (ii) may be accessed and spent by:

495 (A) before July 15 of the year following the creation election date:

(I) for the remaining district, the members of the existing district board who reside within the area of the remaining district, in consultation with:

(Aa) the legislative bodies of all municipalities in the area of the remaining district; and

(Bb) the legislative body of the county in which the remaining district is located, if the remaining district includes one or more unincorporated areas of the county; and

496  $\{-\underline{(I)} -\}$  <u>(II) for the existing district:</u>

(Aa) the legislative body of the city in which the new district was created or the

497 <u>legislative body's designee, if the new district is located entirely</u> within the boundary of a single

498 city; or

499 {-(II) } (Bb) the legislative bodies of all interlocal agreement participants or the legislative

500 <u>bodies' designee, if the new district was created as a result of an interlocal agreement under</u>

501 Subsection (2); {-or } and

502 (B) {-the school district board of the new school district, } on or after July 15 of the year

503 <u>following the creation election date</u>  $\{-\frac{1}{2}, \frac{1}{2}\}$  <u>(I) for the remaining district, the school district board of the</u>

remaining district; and

(II) for the new district, the school district board of the new district.

504 (6) (a) The existing district shall transfer title or, if applicable, partial title of property

9. Page 18, Line 527:

527 (ii) the school district board of the new district.
Section 5. Effective date.
If approved by two-thirds of all the members elected to each house
this bill takes effect upon approval by the governor, or the day following
the constitutional time limit of Utah Constitution Article VII, Section 8
without the governor's signature, or in the case of a veto, the date of veto
override. ; and

The Education Committee reports a favorable recommendation on **S.B. 91**, BENEFITS TO AMERICAN BOARD CERTIFIED TEACHERS, by Senator M. Madsen.

Margaret Dayton, Chair

On motion of Senator Eastman, the committee reports were adopted. S.B. 79, S.B. 171, S.B. 176, S.B. 70, as amended, S.B. 74, S.B. 121, S.B. 174, S.B. 175, as amended, S.B. 71, as amended, and S.B. 91 were placed on Second Reading Calendar.

#### **INTRODUCTION OF BILLS**

**S.B. 85**, **Water Rights Board** (D. Stowell), read the first time by short title and referred to the Rules Committee.

**S.B. 88**, **Uniform Model Registered Agent Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

#### SECOND READING CALENDAR

**S.B. 149**, MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS, was read the second time.

On motion of Senator Killpack, the bill was circled.

\* \* \*

**S.B. 37**, HOME SCHOOL AND EXTRA CURRICULAR ACTIVITIES AMENDMENTS, was read the second time.

On motion of Senator Madsen, the bill was circled.

\* \* \*

**S.B. 61**, FINANCIAL LITERACY EDUCATION, was read the second time. Senator Jones explained the bill. The bill passed second reading on the following roll call:

#### 284

Yeas,	24;	Nays,	0;	Absent, 5.	
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Voting in the affirmative were: Senators					
Bell	Buttars	Christensen	Davis		
Dayton	Dmitrich	Eastman	Fife		
Goodfellow	Greiner	Hillyard	Jenkins		
Jones	Killpack	Knudson	Madsen		
Mayne	Niederhauser	Romero	Stowell		
Van Tassell	Waddoups	Walker	Valentine		
Absent or not voting were: Senators					
Bramble	Hickman	McCoy	Peterson		
Stephenson					

\* \* \*

**S.B. 103**, HIGHER EDUCATION ENHANCEMENTS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Buttars	Christensen	Davis	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hillyard	Jones	
Knudson	Mayne	Niederhauser	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker	Valentine			
Absent or not voting were: SenatorsBrambleHickmanJenkinsKillpackMadsenMcCoyPeterson				

\* \* \*

On motion of Senator Dayton, under suspension of the rules, S.C.R. 2, RESOLUTION PROMOTING LEGISLATORS BACK TO SCHOOL PROGRAM, was considered read the second and third times. Senator Dayton explained the bill. Senator Waddoups commented. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

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

#### Voting in the affirmative were: Senators

Absent or not voting were: Senators					
Bramble	Jenkins	Madsen	McCoy		
Peterson	Stowell				

S.C.R. 2 was transmitted to the House.

\* \* \*

**S.B. 125**, HIGH SCHOOL VOTER REGISTRATION, was read the second time. Senator Van Tassell 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

Bell Dayton Goodfellow Killpack Romero Waddoups	Buttars Dmitrich Greiner Knudson Stephenson Walker	Christensen Eastman Hillyard Mayne Stowell Valentine	Davis Fife Jones Niederhauser Van Tassell
Absent or not voti Bramble McCoy	ng were: Senators Hickman Peterson	Jenkins	Madsen

\* \* \*

**S.B. 63**, ADULT PROTECTIVE SERVICES AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

#### Yeas, 23; Nays, 0; Absent, 6.

# Voting in the affirmative were: SenatorsBellButtarsChristensenDavisDaytonEastmanFifeGoodfellow

Greiner Knudson Romero	Hillyard Mayne Stephenson	Jones Niederhauser Stowell	Killpack Peterson Van Tassell
Waddoups	Walker	Valentine	
Absent or not voting were: Senators			
Bramble	Dmitrich	Hickman	Jenkins
Madsen	McCoy		
* * *			

**S.B. 65**, SOLICITING GANG MEMBERS PROHIBITED, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Buttars	Christensen	Davis	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hillyard	Jones	
Killpack	Knudson	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				
Absent or not voting were: Senators				
Bramble	Hickman	Jenkins	Madsen	
	* * *			

S.B. 73, WRONGFUL DEATH AMENDMENTS, was read the second time.

On motion of Senator McCoy, the bill was circled.

\* \* \*

**S.B. 75**, PROHIBITING GANG ACTIVITY, was read the second time. Senator Greiner explained the bill. Senator Romero commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 4; Absent, 5.

Voting in the affirmative were: Senators				
Bell	Buttars	Christensen	Davis	
Dayton	Dmitrich	Eastman	Goodfellow	

Greiner Madsen Van Tassell	Hillyard Mayne Waddoups	Jones Niederhauser Walker	Knudson Peterson Valentine
<b>Voting in the nega</b> Fife	tive were: Senators McCoy	Romero	Stephenson
Absent or not voting were:SenatorsBrambleHickmanStowell		Jenkins	Killpack

\* \* \*

**S.B. 98**, LICENSING OF SECURITY SERVICES, was read the second time. Senator Eastman explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Van Tassell	Waddoups	Walker	Valentine
Absent or not voti Bramble Stowell	<b>ng were:</b> Senators Hickman	Jenkins	Killpack

\* \* \*

**S.B. 108**, OFFSET OF WORKERS' COMPENSATION AND SOCIAL SECURITY, was read the second time.

On motion of Senator Eastman, the bill was circled.

\* \* \*

2nd Sub. S.B. 134, MORTGAGE FRAUD ACT, was read the second time.

On motion of Senator Eastman, the bill was circled.

\* \* \*

S.B. 151, TRADEMARK PROTECTION ACT AMENDMENTS, was read the second time. Senator Eastman explained the bill. Senator McCoy declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Buttars	Christensen	Davis	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hickman	Hillyard	
Jones	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker	Valentine			
Absent or not v	oting were: Senators	8		
<b>D</b> 11	<b>T</b> 1 1	*****		

Hosene of not	toting were benu	1015
Bramble	Jenkins	Killpack
		* * *

S.B. 159, WORKERS' COMPENSATION AMENDMENTS, was read the second time. Senator Eastman explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Killpack

\* \* \*

S.B. 67, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, was read the second time. Senator Madsen explained the bill. Senators Bell, Jones, Mayne, and Fife commented. The bill passed second reading on the following roll call:

# Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators			
Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mayne	Niederhauser	Peterson	Stephenson
Stowell	Waddoups	Walker	Valentine
Voting in the nega	tive were: Senators		
Bell	Jones	Romero	
Absent or not votin McCoy	<b>ng were:</b> Senators Van Tassell		

\* \* \*

**S.B. 145**, STATE FAMILY DAY HOLIDAY, was read the second time. Senator Hickman explained the bill. Senators Waddoups, Eastman, Knudson, Jones, Romero, and Greiner commented. The bill passed second reading on the following roll call:

# Yeas, 16; Nays, 10; Absent, 3.

Voting in the affirmative were: Senators			
Bramble	Davis	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Knudson
Madsen	Mayne	Peterson	Valentine
<b>Voting in the nega</b> Bell	tive were: Senators Christensen	Jones	Killpack
Niederhauser	Romero	Stephenson	Stowell
Waddoups	Walker		
<b>Absent or not voti</b> Buttars	<b>ng were:</b> Senators McCoy	Van Tassell	

\* \* \*

S.B. 147, CANDIDATE FILING REQUIREMENTS, was read the second time.

On motion of Senator Knudson, the bill was circled.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, **S.B. 156**, UTAH RELOCATION ASSISTANCE ACT AMENDMENTS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

# Absent or not voting were: Senators

Buttars McCoy Van Tassell

S.B. 156 was transmitted to the House.

\* \* \*

On motion of Senator Hickman, the circle was removed from **S.B. 108**, OFFSET OF WORKERS' COMPENSATION AND SOCIAL SECURITY, and it was before the Senate. Senator Hickman explained the bill. Senator Dmitrich commented. The bill passed second reading on the following roll call:

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

# Voting in the affirmative were: Senators

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

Absent or not voting were:SenatorsButtarsMcCoy

\* \* \*

On motion of Senator Killpack, the circle was removed from **2nd Sub. S.B. 134**, MORTGAGE FRAUD ACT, and it was before the Senate. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		
Absent or not voting were: Senators			

ribbent of no	or roung were benators	
Buttars Eastman		McCoy

\* \* \*

**S.B. 76**, STATE PARK AND RECREATION AMENDMENTS, was read the second time. Senator Goodfellow explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Absent or not voting were: Senators			
Bell	Bramble	Buttars	Christensen
McCoy			

\* \* \*

On motion of Senator Davis, the circle was removed from **S.B. 17**, CHILD ABUSE AND NEGLECT REGISTRY – MANAGEMENT AND LICENSING INFORMATION SYSTEMS AMENDMENTS, and it was before the Senate.

Senator Eastman proposed the following amendment:

- Page 1, Line13–14: After "and the" delete "Juvenile Court Act of 1996" and insert "Government Records Access and Management Act"
- Page 1, Lines 18–27: Delete lines 18 through 27
- 3. Page 1, Line 27: After line 27 insert: "➤ modifies provisions related to access to records in the Management Information System;
  ➤ establishes a procedure for providing an alleged perpetrator of child abuse, neglect, or dependency with notice and an opportunity to challenge:
  - a finding of unsupported or without merit by the division; and
  - the listing of the finding in the Management Information System;"
- 4. Page 2, Lines 39–40: Delete Lines 39 through 40
- Page 2, Line 40: After line 40 insert: "62A-4a-412, as last amended by Laws of Utah 2006, Chapters 77 and 281"
- 6. Page 2, Lines 41–42: Delete lines 41 through 42
- Page 2, Line 43: After line 43 insert:
  "63-2-202, as last amended by Laws of Utah 2005, Chapter 201
  63-2-304, as last amended by Laws of Utah 2007, Chapters 66 and 352"
- 8. Page 2, Line 44: After line 44 insert:
  "78–3a–314, as last amended by Laws of Utah 2007, Chapter 152 "
- 9. Page 2, Lines 44–47: Delete lines 44–47
- 10. Pages 2–7, Lines 50–204: Delete lines 50 through 204

- 11. Pages 7–13, Lines 205–381: Delete lines 205 through 381
- 12. Page 7, Line 204:

After line 204 insert:

"Section 1. Section 62A-4a-412 is amended to read:

62A-4a-412. Reports and information confidential.

(1) Except as otherwise provided in this chapter, reports made pursuant to this part, as well as any other information in the possession of the division obtained as the result of a report are private, protected, or controlled records under Title 63, Chapter 2, Government Records Access and Management Act, and may only be made available to:

(a) a police or law enforcement agency investigating a report of known or suspected child abuse or neglect;

(b) a physician who reasonably believes that a child may be the subject of abuse or neglect;

(c) an agency that has responsibility or authority to care for, treat, or supervise a minor who is the subject of a report;

(d) a contract provider that has a written contract with the division to render services to a minor who is the subject of a report;

(e) [**any**] **except as provided in Subsection 63–2–202(10), a** subject of the report, the natural parents of the child, and the guardian ad litem; (f) a court, upon a finding that access to the records may be necessary for the determination of an issue before the court, provided that in a divorce, custody, or related proceeding between private parties, the record alone is:

(i) limited to objective or undisputed facts that were verified at the time of the investigation; and

(ii) devoid of conclusions drawn by the division or any of the division's workers on the ultimate issue of whether or not a person's acts or omissions constituted any level of abuse or neglect of another person;(g) an office of the public prosecutor or its deputies in performing an official duty;

(h) a person authorized by a Children's Justice Center, for the purposes described in Section 67–5b–102;

(i) a person engaged in bona fide research, when approved by the director of the division, if the information does not include names and addresses;

(j) the State Office of Education, acting on behalf of itself or on behalf of a school district, for the purpose of evaluating whether an individual should be permitted to obtain or retain a license as an educator or serve as an employee or volunteer in a school, limited to information with substantiated findings involving an alleged sexual offense, an alleged felony or class A misdemeanor drug offense, or any alleged offense against the person under Title 76, Chapter 5, Offenses Against the Person, and with the understanding that the office must provide the subject of a report received under Subsection (1)(k) with an opportunity to respond to the report before making a decision concerning licensure or employment;

(k) any person identified in the report as a perpetrator or possible perpetrator of child abuse or neglect, after being advised of the screening prohibition in Subsection (2);

(1) <u>except as provided in Subsection 63–2–202(10)</u>, a person filing a petition for a child protective order on behalf of a child who is the subject of the report; and

(m) a licensed child–placing agency or person who is performing a preplacement adoptive evaluation in accordance with the requirements of Section 78–30–3.5.

(2) (a) A person, unless listed in Subsection (1), may not request another person to obtain or release a report or any other information in the possession of the division obtained as a result of the report that is available under Subsection (1)(k) to screen for potential perpetrators of child abuse or neglect.

(b) A person who requests information knowing that it is a violation of Subsection (2)(a) to do so is subject to the criminal penalty in Subsection (4).

(3) (a) Except as provided in Section 62A-4a-1007 and Subsection (3)(b), the division and law enforcement officials shall ensure the anonymity of the person or persons making the initial report and any others involved in its subsequent investigation.

(b) Notwithstanding any other provision of law, excluding Section 78–3a–314, but including this chapter and Title 63, Chapter 2, Government Records Access and Management Act, when the division makes a report or other information in its possession available under Subsection (1)(e) to a subject of the report or a parent of a child, the division shall remove from the report or other information only the names, addresses, and telephone numbers of individuals or specific information that could:

(i) identify the referent;

(ii) impede a criminal investigation; or

(iii) endanger a person's safety.

(4) Any person who willfully permits, or aides and abets the release of data or information obtained as a result of this part, in the possession of

the division or contained on any part of the Management Information System, in violation of this part or Sections 62A-4a-1003 through 62A-4a-1007, is guilty of a class C misdemeanor.

(5) The physician-patient privilege is not a ground for excluding evidence regarding a child's injuries or the cause of those injuries, in any proceeding resulting from a report made in good faith pursuant to this part.

(6) A child-placing agency or person who receives a report in connection with a preplacement adoptive evaluation pursuant to Section 78-30-3.5:

(a) may provide this report to the person who is the subject of the report; and

(b) may provide this report to a person who is performing a preplacement adoptive evaluation in accordance with the requirement of Section 78-30-3.5, or to a licensed child-placing agency or to an attorney seeking to facilitate an adoption."

13. Page13, Line 383:

After "challenge" delete "supported"; after "finding" insert "of supported, unsupported, or without merit"

- Page 13, Line 386: After "makes a" bracket "supported" and after "finding" insert <u>of</u> <u>supported</u>, <u>unsupported</u>, <u>or without merit</u>"
- Page 13, Line 399: After "in Subsection (1)" insert "<u>, relating to a supported finding</u>,"
- 16. Page 14, Line 416: After "this section," insert "<u>based on a challenge to a supported finding.</u>"
- 17. Page 14, Line 420: After "agency action" insert "<u>under this section, regardless of whether</u> <u>the finding is supported, unsupported, or without merit,</u>"
- 18. Page 14, Line 425: After line 425 insert: <u>"(6) (a) If, after receiving a report of alleged child abuse, neglect, or dependency, the division makes a finding that the report is unsupported or without merit, the division shall serve notice of the finding, described in Subsection (6)(b), on the alleged perpetrator. (b) The notice described in Subsection (6)(a):
  </u>

(i) shall state that:

(A) the division has conducted an investigation regarding a report of alleged child abuse, neglect, or dependency;

(B) the division has made a finding that the report is unsupported or without merit:

(C) the alleged perpetrator's name, information, and the report have been entered into the Management Information System, together with an indication that the report was found to be unsupported or without merit;

(D) the information described in Subsection (6)(b)(i)(C):

(I) will not be included in the Licensing Information System; and

(II) may not be accessed and used to disqualify the alleged perpetrator from adopting a child or being licensed by:

(Aa) the department;

(Bb) a human services licensee;

(Cc) a child care provider or program; or

(Dd) a covered health care facility;

(E) the alleged perpetrator has the rights described in Subsection (7); and

(F) failure to take the action described in Subsection (7)(a) within two years after service of the notice will result in the action described in Subsection (7)(b);

(ii) shall include a general statement of the nature of the findings; and (iii) may not include:

(A) the name of a victim or witness; or

(B) any privacy information related to the victim or a witness.

(7) (a) Upon receipt of the notice described in Subsection (6), the alleged perpetrator shall have the right to:

(i) except as provided in Subsection (7)(c), submit a request for agency review to the division, requesting one or both of the following:

(A)if the finding described in Subsection (6)(a) is a finding of unsupported, that the division reduce the finding to a finding of without merit; or

(B) if the finding described in Subsection (6)(a) is a finding of unsupported or without merit, that the division remove the alleged perpetrator's name and information, the finding, and the report to which it relates, from the Management Information System; or

(ii) sign a written consent to:

(A) the finding made under Subsection (6)(a); and

(B) entry into the Management Information System of the alleged perpetrator's name and information, the finding, and the report.

(b) The alleged perpetrator's name and information, the finding, and the report shall remain in the Management Information System:

(i) if the alleged perpetrator fails to submit a request for agency review under Subsection (7)(a)(i) within two years after service of the notice described in Subsection (6);

(ii) during the time that the division awaits a request for agency review from the alleged perpetrator pursuant to Subsection (7)(a); and (iii) unless:

(A) in response to a request for agency review, the division determines, under Subsection (7)(a)(i)(B), to remove the alleged perpetrator's name and information, including the finding and the report, from the Management Information System;

(B) the division refuses to take the action described in Subsection (7)(b)(iii)(A) and the division's decision is overturned; or

(C) a court orders that the perpetrator's name and information, the finding, and the report be removed from the Management Information System.

(c) The alleged perpetrator has no right to submit a request for agency review to the division under Subsection (7)(a)(i) if a court previously held a hearing on the same alleged incident of abuse, neglect, or dependency, pursuant to the filing of a petition under Section 78–3a–305, by some other party.

(d) Consent under Subsection (7)(a)(ii) by a child shall be given by the child's parent or guardian.

(e) In considering a request described in Subsection (7)(a)(i)(A), the agency shall have the burden of proving, by a preponderance of the evidence, that the finding should be unsupported, rather than without merit.

(f) In considering a request described in Subsection (7)(a)(i)(B), the person who submitted the request for review shall have the burden of proving, by a preponderance of the evidence, that the person's interest in having the report and finding removed from the Management Information System outweighs the interest of the division or an alleged victim in maintaining the report and finding in the Management Information System.

(g) If the division refuses to take the action requested under Subsection (7)(a)(i), the person who submitted the request for agency review may challenge the decision pursuant to Title 63, Chapter 46b, Administrative Procedures Act."

- Page 14, Line 426: Bracket "(6)" and Insert "(8)"
- Page 14, Line 427: After "challenge a" bracket "supported" and after "finding" insert "<u>of</u> <u>supported</u>, <u>unsupported</u>, <u>or without merit</u>,"
- 21. Page 15, Line 433: At the beginning of line 15 bracket "(7)" and insert "(9)" and after "in Subsection" bracket "(7)" and insert "(9)"
- 22. Page 15, Line 434: After "Subsection (4)" insert "<u>or (7)(a)(i)</u>"; after "challenge a" bracket "supported"; and after "finding" insert "<u>of supported, unsupported, or</u> without merit,"
- 23. Page 15, Lines 435–436: After "that" insert: ": (i)"
- 24. Page 14, Line 437: Bracket period at end of line and insert:
  "<u>: or</u>
  (ii) the report was unsubstantiated or without merit."
- 25. Page 14, Line 438: Bracket "(7)" and insert "(9)"
- Page 14, Line 439: After "Subsection (5)" insert "<u>or (7)</u>"
- 27. Page 14, Line 441: Bracket "(8)" and insert "(10)"

28. Page 15, Line 444: After line 444 insert: "Section 8. Section 63–2–202
63–2–202. Access to private, controlled, and protected documents.
(1) Upon request, a governmental entity shall disclose a private record to:
(a) the subject of the record;
(b) the protocological data and protected documents is to be in the subject of the record;

(b) the parent or legal guardian of an unemancipated minor who is the subject of the record;

(c) the legal guardian of a legally incapacitated individual who is the subject of the record;

(d) any other individual who:

(i) has a power of attorney from the subject of the record;

(ii) submits a notarized release from the subject of the record or his legal representative dated no more than 90 days before the date the request is made; or

(iii) if the record is a medical record described in Subsection 63-2-302(1)(b), is a health care provider, as defined in Section 26-33a-102, if releasing the record or information in the record is consistent with normal professional practice and medical ethics; or

(e) any person to whom the record must be provided pursuant to:

(i) court order as provided in Subsection (7); or

(ii) a legislative subpoena as provided in Title 36, Chapter 14.

(2) (a) Upon request, a governmental entity shall disclose a controlled record to:

(i) a physician, psychologist, certified social worker, insurance provider or producer, or a government public health agency upon submission of:

(A) a release from the subject of the record that is dated no more than 90 days prior to the date the request is made; and

(B) a signed acknowledgment of the terms of disclosure of controlled information as provided by Subsection (2)(b); and

(ii) any person to whom the record must be disclosed pursuant to:

(A) a court order as provided in Subsection (7); or

(B) a legislative subpoena as provided in Title 36, Chapter 14.

(b) A person who receives a record from a governmental entity in accordance with Subsection (2)(a)(i) may not disclose controlled information from that record to any person, including the subject of the record.

(3) If there is more than one subject of a private or controlled record, the portion of the record that pertains to another subject shall be segregated from the portion that the requester is entitled to inspect.

(4) Upon request, <u>and except as provided in Subsection (10)</u>, a governmental entity shall disclose a protected record to:

(a) the person who submitted the record;

(b) any other individual who:

(i) has a power of attorney from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification; or

(ii) submits a notarized release from all persons, governmental entities,

or political subdivisions whose interests were sought to be protected by the protected classification or from their legal representatives dated no more than 90 days prior to the date the request is made;

(c) any person to whom the record must be provided pursuant to:

(i) a court order as provided in Subsection (7); or

(ii) a legislative subpoena as provided in Title 36, Chapter 14; or (d) the owner of a mobile home park, subject to the conditions of Subsection 41-1a-116(5).

(5) A governmental entity may disclose a private, controlled, or protected record to another governmental entity, political subdivision, another state, the United States, or a foreign government only as provided by Section 63-2-206.

(6) Before releasing a private, controlled, or protected record, the governmental entity shall obtain evidence of the requester's identity.

(7) A governmental entity shall disclose a record pursuant to the terms of a court order signed by a judge from a court of competent jurisdiction, provided that:

(a) the record deals with a matter in controversy over which the court has jurisdiction;

(b) the court has considered the merits of the request for access to the record; and

(c) the court has considered and, where appropriate, limited the requester's use and further disclosure of the record in order to protect:(i) privacy interests in the case of private or controlled records;

(ii) business confidentiality interests in the case of records protected under Subsection 63-2-304(1), (2), (40)(a)(ii), or (40)(a)(vi); and (iii) privacy interests or the public interest in the case of other protected records;

(d) to the extent the record is properly classified private, controlled, or protected, the interests favoring access, considering limitations thereon, outweigh the interests favoring restriction of access; and

(e) where access is restricted by a rule, statute, or regulation referred to in Subsection 63-2-201(3)(b), the court has authority independent of this chapter to order disclosure.

(8) (a) A governmental entity may disclose or authorize disclosure of private or controlled records for research purposes if the governmental entity:

(i) determines that the research purpose cannot reasonably be accomplished without use or disclosure of the information to the researcher in individually identifiable form;

(ii) determines that:

(A) the proposed research is bona fide; and

(B) the value of the research outweighs the infringement upon personal privacy;

(iii) (A) requires the researcher to assure the integrity, confidentiality, and security of the records; and

(B) requires the removal or destruction of the individual identifiers associated with the records as soon as the purpose of the research project has been accomplished;

(iv) prohibits the researcher from:

(A) disclosing the record in individually identifiable form, except as provided in Subsection (8)(b); or

(B) using the record for purposes other than the research approved by the governmental entity; and

(v) secures from the researcher a written statement of the researcher's understanding of and agreement to the conditions of this Subsection (8) and the researcher's understanding that violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution under Section 63-2-801.

(b) A researcher may disclose a record in individually identifiable form if the record is disclosed for the purpose of auditing or evaluating the research program and no subsequent use or disclosure of the record in individually identifiable form will be made by the auditor or evaluator except as provided by this section.

(c) A governmental entity may require indemnification as a condition of permitting research under this Subsection (8).

(9) (a) Under Subsections 63-2-201(5)(b) and 63-2-401(6), a governmental entity may disclose to persons other than those specified in this section records that are:

(i) private under Section 63-2-302; or

(ii) protected under Section 63-2-304 subject to Section 63-2-308 if a claim for business confidentiality has been made under Section 63-2-308.

(b) Under Subsection 63-2-403(11)(b), the records committee may require the disclosure to persons other than those specified in this section of records that are:

(i) private under Section 63–2–302;

(ii) controlled under Section 63-2-303; or

(iii) protected under Section 63-2-304 subject to Section 63-2-308 if a claim for business confidentiality has been made under Section 63-2-308.

(c) Under Subsection 63-2-404(8), the court may require the

disclosure of records that are private under Section 63-2-302, controlled under Section 63-2-303, or protected under Section 63-2-304 to persons other than those specified in this section.

(10) A record contained in the Management Information System, created in Section 62A–4a–1003, that is found to be unsubstantiated, unsupported, or without merit may not be disclosed to any person except the person who is alleged in the report to be a perpetrator of abuse, neglect, or dependency.

Section 9. Section 63–2–304

63-2-304. Protected records.

The following records are protected if properly classified by a governmental entity:

(1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63-2-308;

(2) commercial information or nonindividual financial information obtained from a person if:

(a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;

(b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and

(c) the person submitting the information has provided the governmental entity with the information specified in Section 63-2-308;

(3) commercial or financial information acquired or prepared by a governmental entity to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the governmental entity or cause substantial financial injury to the governmental entity or state economy;

(4) records the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11–13–103(4);
(5) test questions and answers to be used in future license, certification, registration, employment, or academic examinations;

(6) records the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity, except that this Subsection (6) does not restrict the right of a person to see bids submitted to or by a governmental entity after bidding has closed;

(7) records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:

(a) public interest in obtaining access to the information outweighs the governmental entity's need to acquire the property on the best terms possible;

(b) the information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

(c) in the case of records that would identify property, potential sellers of the described property have already learned of the governmental entity's plans to acquire the property;

(d) in the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the governmental entity's estimated value of the property; or

(e) the property under consideration for public acquisition is a single family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire the property as required under Section 78-34-4.5;

(8) records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:

(a) the public interest in access outweighs the interests in restricting access, including the governmental entity's interest in maximizing the financial benefit of the transaction; or

(b) when prepared by or on behalf of a governmental entity, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

(9) records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:

(a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;

(b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;

(c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;

(d) reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or

(e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;

(10) records the disclosure of which would jeopardize the life or safety of an individual;

(11) records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;

(12) records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;

(13) records that, if disclosed, would reveal recommendations made to the Board of Pardons and Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons and Parole, or the Department of Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;

(14) records and audit workpapers that identify audit, collection, and operational procedures and methods used by the State Tax Commission, if disclosure would interfere with audits or collections; (15) records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;

(16) records prepared by or on behalf of a governmental entity solely in anticipation of litigation that are not available under the rules of discovery;

(17) records disclosing an attorney's work product, including the mental impressions or legal theories of an attorney or other representative of a governmental entity concerning litigation;

(18) records of communications between a governmental entity and an attorney representing, retained, or employed by the governmental

entity if the communications would be privileged as provided in Section 78-24-8;

(19) (a) (i) personal files of a state legislator, including personal correspondence to or from a member of the Legislature; and

(ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of legislative action or policy may not be classified as protected under this section; and

(b) (i) an internal communication that is part of the deliberative process in connection with the preparation of legislation between:

(A) members of a legislative body;

(B) a member of a legislative body and a member of the legislative body's staff; or

(C) members of a legislative body's staff; and

(ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of legislative action or policy may not be classified as protected under this section;

(20) (a) records in the custody or control of the Office of Legislative Research and General Counsel, that, if disclosed, would reveal a particular legislator's contemplated legislation or contemplated course of action before the legislator has elected to support the legislation or course of action, or made the legislation or course of action public; and (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the Office of Legislative Research and General Counsel is a public document unless a legislator asks that the records requesting the legislation be maintained as protected records until such time as the legislator elects to make the legislation or course of action public;

(21) research requests from legislators to the Office of Legislative Research and General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared in response to these requests; (22) drafts, unless otherwise classified as public;

(23) records concerning a governmental entity's strategy about collective bargaining or pending litigation;

(24) records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund, or similar divisions in other governmental entities;

(25) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;

(26) records that reveal the location of historic, prehistoric,

paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;

(27) records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;

(28) records of an institution within the state system of higher education defined in Section 53B–1–102 regarding tenure evaluations, appointments, applications for admissions, retention decisions, and promotions, which could be properly discussed in a meeting closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted, may not be classified as protected under this section;

(29) records of the governor's office, including budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the governor's contemplated policies or contemplated courses of action before the governor has implemented or rejected those policies or courses of action or made them public;

(30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas; (31) records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;

(32) transcripts, minutes, or reports of the closed portion of a meeting of a public body except as provided in Section 52–4–206;

(33) records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;

(34) memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi-judicial function;

(35) records that would reveal negotiations regarding assistance or incentives offered by or requested from a governmental entity for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing

# a final contract;

(36) materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;

(37) the name of a donor or a prospective donor to a governmental entity, including an institution within the state system of higher education defined in Section 53B-1-102, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:

(a) the donor requests anonymity in writing;

(b) any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the governmental entity under this Subsection (37); and

(c) except for an institution within the state system of higher education defined in Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of the donor's immediate family, or any entity owned or controlled by the donor or the donor's immediate family;

(38) accident reports, except as provided in Sections 41–6a–404, 41–12a–202, and 73–18–13;

(39) a notification of workers' compensation insurance coverage described in Section 34A-2-205;

(40) (a) the following records of an institution within the state system of higher education defined in Section 53B-1-102, which have been developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution:

(i) unpublished lecture notes;

(ii) unpublished notes, data, and information:

(A) relating to research; and

(B) of:

(I) the institution within the state system of higher education defined in Section 53B-1-102; or

(II) a sponsor of sponsored research;

(iii) unpublished manuscripts;

(iv) creative works in process;

(v) scholarly correspondence; and

(vi) confidential information contained in research proposals;

(b) Subsection (40)(a) may not be construed to prohibit disclosure of public information required pursuant to Subsection 53B-16-302(2)(a)

# or (b); and

(c) Subsection (40)(a) may not be construed to affect the ownership of a record;

(41) (a) records in the custody or control of the Office of Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit prior to the date that audit is completed and made public; and

(b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the Office of the Legislative Auditor General is a public document unless the legislator asks that the records in the custody or control of the Office of Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit be maintained as protected records until the audit is completed and made public;

(42) records that provide detail as to the location of an explosive, including a map or other document that indicates the location of:

(a) a production facility; or

(b) a magazine;

(43) information contained in the database described in Section 62A-3-311.1;

(44) information contained in the Management Information System and Licensing Information System described in Title 62A, Chapter 4a, Child and Family Services;

(45) information regarding National Guard operations or activities in support of the National Guard's federal mission;

(46) records provided by any pawn or secondhand business to a law enforcement agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act;

(47) information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food;

(48) except to the extent that the record is exempt from this chapter pursuant to Section 63-2-106, records related to an emergency plan or program prepared or maintained by the Division of Homeland Security the disclosure of which would jeopardize:

(a) the safety of the general public; or

(b) the security of:

(i) governmental property;

(ii) governmental programs; or

(iii) the property of a private person who provides the Division of Homeland Security information;

(49) records of the Department of Agriculture and Food relating to the National Animal Identification System or any other program that provides for the identification, tracing, or control of livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand and Anti-theft Act or Title 4, Chapter 31, Livestock Inspection and Quarantine;

(50) as provided in Section 26–39–109:

(a) information or records held by the Department of Health related to a complaint regarding a child care program or residential child care which the department is unable to substantiate; and

(b) information or records related to a complaint received by the Department of Health from an anonymous complainant regarding a child care program or residential child care; [and]

(51) unless otherwise classified as public under Section 63-2-301 and except as provided under Section 41-1a-116, an individual's home address, home telephone number, or personal mobile phone number, if: (a) the individual is required to provide the information in order to comply with a law, ordinance, rule, or order of a government entity; and (b) the subject of the record has a reasonable expectation that this information will be kept confidential due to:

(i) the nature of the law, ordinance, rule, or order; and

(ii) the individual complying with the law, ordinance, rule, or order [ $_{\tau}$ ]: and

(52) records contained in the Management Information System, created in Section 62A-4a-1003."

29. Page 18, Line 526:

After line 526 insert:

"Section 8. Section 78–3a–314 is amended to read:

78–3a–314. All proceedings -- Persons entitled to be present.

(1) A child who is the subject of a juvenile court hearing, any person entitled to notice pursuant to Section 78-3a-306 or 78-3a-309, preadoptive parents, foster parents, and any relative providing care for the child, are:

(a) entitled to notice of, and to be present at, each hearing and proceeding held under this part, including administrative and citizen reviews; and

(b) have a right to be heard at each hearing and proceeding described in Subsection (1)(a).

(2) A child shall be represented at each hearing by the guardian ad litem appointed to the child's case by the court. The child has a right to be present at each hearing, subject to the discretion of the guardian ad

litem or the court regarding any possible detriment to the child. (3) (a) The parent or guardian of a child who is the subject of a petition under this part has the right to be represented by counsel, and to present evidence, at each hearing.

(b) When it appears to the court that a parent or guardian of the child desires counsel but is financially unable to afford and cannot for that reason employ counsel, and the child has been placed in out–of–home care, or the petitioner is recommending that the child be placed in out–of–home care, the court shall appoint counsel.

(4) In every abuse, neglect, or dependency proceeding under this chapter, the court shall order that the child be represented by a guardian ad litem, in accordance with Section 78–3a–912. The guardian ad litem shall represent the best interest of the child, in accordance with the requirements of that section, at the shelter hearing and at all subsequent court and administrative proceedings, including any proceeding for termination of parental rights in accordance with Part 4, Termination of Parental Rights Act.

(5) [Notwithstanding] (a) Except as provided in Subsection (5)(b), and notwithstanding any other provision of law[,]:

(i) counsel for all parties to the action shall be given access to all records, maintained by the division or any other state or local public agency, that are relevant to the abuse, neglect, or dependency proceeding under this chapter[-If]: and

(ii) if the natural parent of a child is representing himself, the natural parent shall have access to [those records. The above disclosures] the records described in Subsection (5)(a)(i).

(b) The disclosures described in Subsection (5)(a) are not required in the following circumstances:

[(a) The] (i) Subject to Subsection (5)(c), the division or other state or local public agency did not originally create the record being requested[. In those circumstances, the person making the request under this section shall be informed of the following:]:

[(i) the existence of all records in the possession of the division or any other state or local public agency;]

[(ii) the name and address of the person or agency that originally created the record; and]

[(iii) that the person must seek access to the record from the person or agency that originally created the record.]

[(b) Disclosure] (ii) disclosure of the record would jeopardize the life or physical safety of a child who has been a victim of child abuse or neglect, or any person who provided substitute care for the child[-1;

[(d) Disclosure] (iv) disclosure of the record would jeopardize the life or physical safety of a person who has been a victim of domestic violence[-]; or

(v) the record is a report maintained in the Management Information System, for which a finding of unsubstantiated, unsupported, or without merit has been made.

(c) If a disclosure is denied under Subsection (5)(b)(i), the division shall inform the person making the request of the following:

(i) the existence of all records in the possession of the division or any other state or local public agency;

(ii) the name and address of the person or agency that originally created the record; and

(iii) that the person must seek access to the record from the person or agency that originally created the record.

(6) (a) The appropriate foster care citizen review board shall be given access to all records, maintained by the division or any other state or local public agency, that are relevant to an abuse, neglect, or dependency proceeding under this chapter.

(b) Representatives of the appropriate foster care citizen review board are entitled to be present at each hearing held under this part, but notice is not required to be provided."

Renumber remaining sections accordingly.

Senator Eastman's motion to amend passed on a voice vote.

On motion of Senator Davis, the bill was circled.

\* \* \*

On motion of Senator Eastman and at 4:05 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 6, 2008.

# SEVENTEENTH DAY

# **MORNING SESSION**

# **FEBRUARY 6, 2008**

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

Prayer – Reverend France Davis, Calvary Baptist Church – Salt Lake City
Pledge of Allegiance – Senator Michael Waddoups
Roll Call – All Senators present

# READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 5, 2008 The House passed **H.B. 45**, SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 85**, TEACHER LOAN PROGRAM, by Representative L. Hemingway, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 101**, AMENDMENTS TO EMERGENCY INJECTION FOR ANAPHYLACTIC REACTION ACT, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed **H.B. 103**, USE OF STATE ALTERNATIVE FUEL NETWORK, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 119**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Representative B. Daw, et al, and it is transmitted for consideration; and

The House passed **H.B. 286**, PERMANENT TEACHER LICENSE REVOCATION FOR SEXUAL ACTIVITY WITH STUDENTS, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 45, H.B. 85, H.B. 101, H.B. 103, 1st Sub. H.B. 119,** and **H.B. 286** were read the first time and referred to the Rules Committee.

# **INTRODUCTION OF BILLS**

**S.B. 196, County and Municipal Land Use Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 200, Professional Engineers Licensing Amendments** (F. Fife), read the first time by short title and referred to the Rules Committee.

**S.B. 216**, **Deferred Deposit Lending Information and Reporting** (G. Bell), read the first time by short title and referred to the Rules Committee.

**S.B. 253**, **County Law Enforcement Duties** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

**S.B. 267, Local Government Authority Amendments** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

**S.B. 290**, **Private Investigators' Access to Driver Licensure Information** (M. Dayton), read the first time by short title and referred to the Rules Committee.

#### THIRD READING CALENDAR

**S.B. 105**, JUDICIAL PERFORMANCE EVALUATION COMMISSION, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or no	t voting were: Senators	
Eastman	Goodfellow	Peterson

S.B. 105 was transmitted to the House for consideration.

\* \* \*

**2nd Sub. H.B. 77**, PERSONAL PROPERTY TAX AMENDMENTS, was read the third time and explained by Senator Niederhauser.

On motion of Senator Niederhauser, the bill was circled.

\* \* \*

**S.B. 138**, UTAH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL AMENDMENTS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

# Absent or not voting were: Senators

Absent of no	were. Senators	
Eastman	Madsen	Peterson

S.B. 138 was transmitted to the House for consideration.

\* \* \*

**S.B. 150**, CRIMINAL PENALTIES REVISIONS, was read the third time and explained by Senator Jenkins. Senator Valentine commented and the bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

0			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voti	ng were: Senators	
Eastman	Niederhauser	Peterson

S.B. 150 was transmitted to the House for consideration.

\* \* \*

**S.B. 152**, PRESUMPTIVE PERSONAL REPRESENTATIVE, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Fife	
Goodfellow	Greiner	Hillyard	Jenkins	
Jones	Killpack	Knudson	Madsen	
Mayne	McCoy	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				

# Absent or not voting were: Senators

Eastman	Hickman	Niederhauser	Peterson
---------	---------	--------------	----------

S.B. 152 was transmitted to the House for consideration.

\* \* \*

**S.B. 132**, CONSUMER CREDIT PROTECTION ACT, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

# Voting in the affirmative were: Senators

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

# Absent or not voting were: Senators

Buttars	Niederhauser	Peterson
Duttais	Wedermauser	1 ctc15011

S.B. 132 was transmitted to the House for consideration.

#### \* \* \*

# S.B. 61, FINANCIAL LITERACY EDUCATION, was read the third time.

On motion of Senator Jones, the bill was circled.

\* \* \*

**S.B. 103**, HIGHER EDUCATION ENHANCEMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Buttars Peterson

S.B. 103 was transmitted to the House for consideration.

\* \* \*

**S.B. 125**, HIGH SCHOOL VOTER REGISTRATION, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

# Voting in the affirmative were: Senators

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

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

#### Absent or not voting were: Senators

Buttars Killpack Peterson

S.B. 125 was transmitted to the House for consideration.

\* \* \*

**S.B. 63**, ADULT PROTECTIVE SERVICES AMENDMENTS, 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 aff	firmative were: Senat	ors	
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Romero
Stephenson	Van Tassell	Waddoups	Walker
Valentine			
Absent or not vo	oting were: Senators		
D //	TZ'11 1		C 11

	•		
Buttars	Killpack	Peterson	Stowell

**S.B. 63** was transmitted to the House for consideration.

\* \* \*

**S.B. 65**, SOLICITING GANG MEMBERS PROHIBITED, was read the third time.

On motion of Senator Greiner, the bill was circled.

\* \* \*

**S.B. 75**, PROHIBITING GANG ACTIVITY, was read the third time and explained by Senator Greiner. Senators Stephenson and Bell commented and the bill passed on the following roll call:

Yeas, 16; Nays, 10; Absent, 3.

# Voting in the affirmative were: Senators

Christensen	Dayton	Dmitrich	Eastman
Goodfellow	Greiner	Hickman	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Van Tassell	Waddoups	Valentine

Voting in the ne	egative were: Senator	S	
Bell	Davis	Fife	Hillyard
Jenkins	McCoy	Peterson	Romero
Stephenson	Walker		
	oting were: Senators		
Bramble	Buttars	Stowell	

S.B. 75 was transmitted to the House for consideration.

\* \* \*

**S.B. 98**, LICENSING OF SECURITY SERVICES, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Stowell

S.B. 98 was transmitted to the House for consideration.

\* \* \*

**S.B. 151**, TRADEMARK PROTECTION ACT AMENDMENTS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen

Mayne Romero Walker	McCoy Stephenson Valentine	Niederhauser Van Tassell	Peterson Waddoups
Absent or not voting were: Senators Greiner Hickman		Stowell	

**S.B. 151** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Jones, the circle was removed from **S.B. 61**, FINANCIAL LITERACY EDUCATION, and it was before the Senate. Senator Jones explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 2, Lines 40 through 42

 40
 (1)
 As used in this section, "financial and economic literacy passport" means a document that tracks

41 <u>mastery of financial</u> <u>and economic</u> <u>literacy concepts and</u> <u>completion of financial</u> <u>and economic</u> <u>activities, including the</u>

42 <u>following:</u>

2. Page 2, Line 56 through Page 3, Line 86:

- 56 (m) negative financial consequences of gambling;  $\{-and\}$
- 57 <u>(n) bankruptcy</u> {--- } <u>:</u> (0) free markets:

(p) supply and demand;

(q) monetary policy; and

<u>(r) effective business plan creation, including using economic analysis in creating a plan.</u>

58 (2) The State Board of Education shall:

59 (a) in cooperation with interested private and non-profit entities:

60 <u>(i) develop a financial</u> <u>and economic</u> <u>literacy passport that</u> <u>students may elect to complete;</u>

61 (ii) develop methods of encouraging parent and educator involvement in completion of

62 the financial and economic literacy passport; and

63 (iii) develop and implement appropriate recognition and incentives for students who

64 <u>complete the financial</u> <u>and economic</u> <u>literacy passport</u>, <u>including</u> <u>:</u>

(A) a financial and economic literacy endorsement on the student's diploma of graduation:

(B) a specific designation on the student's official transcript; and (C) any incentives offered by community partners;

65 (b) more fully integrate  $\hat{S} \rightarrow \underline{existing and new} \leftarrow \hat{S} \underline{financial}$ and economic literacy education into

65a instruction in kindergarten

66 through twelfth grade by:

67 (i) coordinating financial and economic literacy instruction with existing instruction in other core

68 curriculum areas such as mathematics and social studies;

69 (ii) using curriculum mapping;

70 <u>(iii) creating training materials and staff development programs</u> that:

71 (A) highlight areas of potential coordination between financial and economic literacy education and

72 other core curriculum concepts; and

73(B) demonstrate specific examples of financialandeconomicliteracy concepts as a way of teaching

74 other core curriculum concepts; and

75 <u>(iv) using appropriate financial</u> <u>and economic</u> <u>literacy</u> <u>assessments to improve financial</u> <u>and economic</u> <u>literacy</u>

76 education and, if necessary, developing assessments;

77 (c) work with interested private and non-profit entities to  $\hat{S} \rightarrow \underline{[coordinate]} \quad \Leftrightarrow \hat{S}$ :

78 (i)  $\hat{S} \rightarrow \underline{\text{coordinate}} \quad \boldsymbol{\leftarrow} \hat{S} \underline{\text{school use of existing financial}} \underline{\text{and}} \underline{\text{economic}} \underline{\text{literacy education resources;}}$ 

78a  $\hat{S} \rightarrow \underline{(ii)}$  develop simple, clear, and consistent messaging to reinforce and link existing financial and economic

78b <u>literacy resources</u>; **€**Ŝ <u>and</u>

79  $\hat{S} \rightarrow [\underline{(iii)}] (\underline{(iii)} \text{ coordinate the efforts of school, work, private, non-profit, and other}$ 

79a <u>financial</u> <u>and economic</u> <u>education providers in implementing</u>
 ★ <u>S</u> <u>methods of appropriately communicating to</u>

79b students and parents key financial and economic

80 literacy messages; and

81 (d) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,

82 <u>make rules to develop guidelines and methods for school districts</u> and charter schools to more

83 <u>fully integrate financial</u> <u>and economic</u> <u>literacy education into</u> <u>other core curriculum courses.</u>

84 (3) The state superintendent shall annually report to the Education Interim Committee

85 <u>by November of each year on the successes and areas of needed</u> <u>improvement in financial</u> <u>and economic</u>

86 literacy education provided pursuant to this section.

3. Page 4, Lines 99 through 101:

99 <u>Uniform School Fund for fiscal year 2008–09 to the State Board of</u> Education for staff

100 developmentandassessmentsinfinancialandeconomicliteracy as provided by Subsection

101 <u>53A-13-110(2)(b); and</u>

Senator Stephenson's motion to amend passed on a voice vote.

###

Senator Stephenson proposed the following amendment:

 Page 1, Line 1: In the short title after "Financial" insert "and Economic"

Senator Stephenson's motion to amend passed on a voice vote.

On motion of Senator Jones, the bill was considered read for the first, second and third time due to the change of the short title. The bill passed, as amended, on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Bell

S.B. 61 was transmitted to the House for consideration.

\* \* \*

**S.B. 159**, WORKERS' COMPENSATION AMENDMENTS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Bell

S.B. 159 was transmitted to the House for consideration.

\* \* \*

**S.B. 67**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, was read the third time and explained by Senator Madsen.

Senator Madsen proposed the following amendment:

1. Page 5, Lines 129 through 139

129 <u>34–45–107.</u> Exemptions –– Limitations on chapter –– School premises ––

130 Government entities – Religious organizations <u>– Single</u> family detached residential units .

131 (1) (a) School premises, as defined in Subsection 76–3–203.2(1), are exempt from the

132 provisions of this chapter.

133 (b) Possession of a firearm on or about school premises is subject to the provisions of

134 <u>Section 76–10–505.5.</u>

135 (2) Government entities, including a local authority or state entity, are subject to the

136 requirements of Title 63, Chapter 98, Firearm Laws, but are otherwise exempt from the

137 provisions of this chapter.

138 (3) Religious organizations, including religious organizations acting as an employer,

139 are exempt from, and are not subject to the provisions of this chapter.

(4) Owner-occupied single family detached residential units and tenant-occupied single family detached residential units are exempt from the provisions of this chapter.

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

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

# Voting in the affirmative were: Senators

Bell	Bramble	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Killpack
Knudson	Madsen	Mayne	Niederhauser
Peterson	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Davis Jones McCoy Romero

Absent or not voting were: Senators Buttars Christensen

S.B. 67 was transmitted to the House for consideration.

\* \* \*

**S.B. 145**, STATE FAMILY DAY HOLIDAY, was read the third time and explained by Senator Hickman. Senators Waddoups, Killpack, Greiner, Stephenson, Eastman, McCoy, Goodfellow, and Davis commented.

Senator Davis made the motion to strike the enacting clause on the bill. The motion passed on a voice vote.

\* \* \*

**S.B. 108**, OFFSET OF WORKERS' COMPENSATION AND SOCIAL SECURITY, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

0			
Bell	Buttars	Christensen	Davis
Dayton	Eastman	Fife	Goodfellow
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			
Absent or not v	oting were: Senators		
Bramble	Dmitrich	Greiner	Madsen

S.B. 108 was transmitted to the House for consideration.

\* \* \*

2nd Sub. S.B. 134, MORTGAGE FRAUD ACT, was read the third time.

On motion of Senator Killpack, the bill was circled.

\* \* \*

**S.B. 76**, STATE PARKS AND RECREATION AMENDMENTS, was read the third time and explained by Senator Goodfellow.

Senator Goodfellow proposed the following amendment:

1. Page 8, Lines 239 through 244

239 (iv) a water skier that had been towed behind the operator's vessel unless the skier is

240 <u>still surfing or riding in an upright stance on the wake created by the vessel:</u>

(v) a water skier that had been towed behind another vessel and the skier is still surfing or riding in an upright stance on the wake created by the other vessel:

241	$[(iv)] \{-(v)\}$	(vi) a shore fisherman;
242	[ <del>(v)</del> ] {- <u>(vi)</u> }	(vii) a launching ramp;
243	[ <del>(vi)</del> ] {- <u>(vii)</u> }	(viii) a dock; or
244	[ <del>(vii)</del> ] {- <u>(viii)</u> }	(ix) a designated swimming area; or

Senator Goodfellow's motion to amend passed on a voice vote. The bill, as amended, passed on the following roll call:

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

#### Voting in the affirmative were: Senators

Buttars	Christensen	Davis
Eastman	Fife	Goodfellow
Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen
McCoy	Niederhauser	Peterson
Stephenson	Stowell	Waddoups
Valentine		
	Eastman Hickman Killpack McCoy Stephenson	EastmanFifeHickmanHillyardKillpackKnudsonMcCoyNiederhauserStephensonStowell

## Absent or not voting were: SenatorsBrambleDmitrichVan Tassell

**S.B. 76** was transmitted to the House for consideration.

#### SECOND READING CALENDAR

1st Sub. H.B. 55, CAPTIVE INSURANCE COMPANY AMENDMENTS, was read the second time.

On motion of Senator Greiner, the bill was circled.

\* \* \*

On motion of Senator Jenkins, the circle was removed from **H.B. 56**, REPEAL PROVISIONS RELATED TO ASSUMPTION OF INDEBTEDNESS ON RESIDENTIAL REAL PROPERTY, and it was before the Senate. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Buttars	Christensen	Davis	
Dayton	Eastman	Fife	Goodfellow	
Greiner	Hillyard	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Waddoups	Walker	
Valentine				
Absent or not voting were: Senators				
Bramble	Dmitrich	Hickman	Van Tassell	

\* \* \*

On motion of Senator Christensen, the circle was removed from **H.B. 74**, MEDICAID 340B DRUG PRICING PROGRAMS, and it was before the Senate. Senator Christensen explained the bill.

Senator Christensen proposed the following amendment:

- Page 2, Lines 35 through 38 House Floor Amendments 1–23–2008
  - 35 (2) The department shall:
  - 36 <u>(a) determine</u> :

(i) the feasibility of developing and implementing one or more 340B drug

37 pricing programs for a specific disease, similar to the department's hemophilia disease

38 <u>management services; and</u> <u>(ii) whether the 340B drug program for a specific disease results in</u> <u>greater savings for the department than other drug management</u> <u>programs for the particular disease:</u>

 Page 2, Line 58 House Floor Amendments 1–23–2008:

58 (3) If the department needs a Medicaid waiver to implement a 340B drug program for a specific disease, the department shall comply with the reporting requirements of Subsection (2)(b)(ii) of this section, and the reporting requirements of Section 26–18–3.

(4) This section shall sunset in accordance with Section 63–55–226.

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

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Waddoups
Walker	Valentine		
Voting in the nega	tive were: Senators		
Dayton	Greiner	Stephenson	Stowell
Absent or not voting were: Senators			
Hickman	Killpack	Van Tassell	

\* \* \*

On motion of Senator Eastman and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 7, 2008.

## **EIGHTEENTH DAY**

## MORNING SESSION

### **FEBRUARY 7, 2008**

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

**Prayer** – President Michael Sansom, Counselor in the Wasatch Stake Presidency, The Church of Jesus Christ of Latter–Day Saints

Pledge of Allegiance – Senator Allen Christensen Roll Call – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President:

February 6, 2008

The House passed, **S.B. 10**, SEARCH WARRANT PROCEDURE AMENDMENTS, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 12**, ELECTION LAW 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, **1st Sub. S.B. 13**, CANDIDATE RESIDENCY REQUIREMENTS, 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. 16**, EXONERATION AND INNOCENCE ASSISTANCE, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 22**, TIMING OF BALLOT ITEMS, 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. 27**, TRUSTEES SALE – PROCESS FOR EXCESS PROCEEDS, by Senator G. Davis, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 119**, DEPARTMENT OF CORRECTIONS AMENDMENTS, by Senator D. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 128**, AMENDMENTS TO THE VETERAN'S PROPERTY TAX EXEMPTION, by Senator B. Goodfellow, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 131**, WAGE WITHHOLDING FOR EMPLOYEE CONTRIBUTIONS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk S.B. 10, S.B. 12, 1st Sub. S.B. 13, S.B. 16, S.B. 22, S.B. 27, S.B. 119, S.B. 128, and S.B. 131 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President: February 6, 2008 The House passed **H.B. 17**, CANCER SCREENING AND MORTALITY REDUCTION PROGRAM, by Representative P. Ray, et al, and it is transmitted for consideration; and

The House passed **H.B. 19**, ASSAULT ON A PEACE OFFICER PENALTY AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 70**, EXPUNGEMENT LAW AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 93**, INSURANCE FRAUD AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 122**, DRIVER LICENSE – APPLICATION OF MINOR AMENDMENTS, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 262**, RECOVERY OF FEDERAL REIMBURSEMENT FOR COSTS ASSOCIATED WITH ILLEGAL IMMIGRANTS, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed **H.B. 277**, PANDEMIC PREPAREDNESS AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 301**, COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. H.B. 17, H.B. 19, H.B. 70, H.B. 93, H.B. 122, H.B. 262, H.B. 277, and H.B. 301 were read the first time and referred to the

#### Rules Committee.

#### **RULES COMMITTEE REPORTS**

To the Members of the Senate: February 6, 2008 The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and labor Committee**

H.J.R. 7	Joint Resolution Recognizing Unreinforced Masonry		
	Buildings (Rep. L. Wiley) (Sen. F. Fife)		

#### **Education Committee**

H.B. 86	Funding of Inmate Postsecondary Education
	(Rep. J. Draxler) (Sen. L. Hillyard)

#### Health and Human Services Committee

S.B. 267	Local Government Authority Amendments
	(Sen. D. C. Buttars)
H.J.R. 5	Joint Resolution Urging Support of Medicaid Long-term
	Care Funding of Home and Community-based Supports
	(Rep. M. Noel) (Sen. G. Davis)

Natural Resources,	Agriculture and Environment Committee
S.B. 85	Water Rights Board (Sen. D. Stowell)
H.B. 291	Off-highway Vehicle Amendments (Rep. M. Noel)
	(Sen. M. Dmitrich)

#### **Revenue and Taxation Committee**

Amendments to Sales and Use Tax Exemption for Certain
Property Incorporated into Real Property
(Rep. J. Dougall) (Sen. W. Niederhauser)
Sales and Use Tax Revisions (Rep. J. Dougall)
(Sen. W. Niederhauser)

Transportation,	Public Utilities and Technology Committee
H.B. 275	Vehicle Towing Requirements (Rep. B. Daw)
	(Sen. B. Goodfellow)

Workforce Services and Community and Economic Development Committee

1st Sub. H.B. 135	Grants from Department of Community and Culture		
	(Rep. S. Allen) (Sen. D. Eastman)		
H.B. 259	Gold Star Family Special Group License Plate		
	Amendments (Rep. C. Oda) (Sen. C. Walker)		

Bill Hickman

Rules Committee Chair

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

#### STANDING COMMITTEE REPORTS

 Mr. President: February 6, 2008 The Revenue and Taxation Committee reports a favorable recommendation on S.J.R. 10, JOINT RESOLUTION AMENDING CONSTITUTION REGARDING TAXES OF THE ELDERLY, by Senator G. Davis.

Wayne L. Niederhauser, Chair

Mr. President: February 6, 2008 The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 185**, ECONOMIC INCENTIVE REVISIONS, by Senator L. Hillyard; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 59**, COMMUNITY AND ECONOMIC DEVELOPMENT TECHNICAL CHANGES, by Representative S. Mascaro, et al; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 64**, DISCLOSURE OF INFORMATION BY THE DEPARTMENT OF WORKFORCE SERVICES, by Representative P. Neuenschwander; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 270**, UTAH SCIENCE

## TECHNOLOGY AND RESEARCH INITIATIVE CENTERS, by Representative R. Bigelow.

#### Mark B. Madsen, Chair

Mr. President:

February 5, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 59**, WILDLIFE AMENDMENTS, by Senator A. Christensen; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 42**, WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE, by Representative G. Snow; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 132**, WASTE TIRE RECYCLING AMENDMENTS, by Representative N. Hendrickson.

Darin G. Peterson, Chair

Mr. President:

February 5, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 62**, CLEAN FUEL SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative T. Kiser, with the following amendments:

1. Page 6, Line 178:

178 group license <u>plate</u> <u>under the rules made by the</u> <u>Department of Transportation; and</u>

Carlene M. Walker, Chair

Mr. President:

February 5, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 157**, RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY, by Senator M. Madsen, be replaced and favorably recommends **1st Sub. S.B. 157**, RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY with the following amendments:

1. Page 3, Lines 65 through 67:

#### 65 {<u>(b) The court shall award court costs and reasonable</u> attorney fees to a prevailing

66 <u>plaintiff in an action brought under Subsection (4)(a).</u> }

 $67 \quad \{-\underline{(c)}\} \quad \underline{(b)} \quad As used in this Subsection (4), "person" means an individual, the governmental; and$ 

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 180**, REGENTS' SCHOLARSHIP PROGRAM, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 182**, SURVIVAL ACTION UPON INJURY OR DEATH, by Senator M. Waddoups; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 12**, CONTROLLED SUBSTANCES AND PARAPHERNALIA, by Representative C. Oda; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **H.B. 272**, FALSE IMPERSONATION AND REPRESENTATION, by Representative G. Froerer, be replaced and favorably recommends **1st Sub. H.B. 272**, FALSE IMPERSONATION AND REPRESENTATION.

Gregory S. Bell, Chair

Mr. President:

February 6, 2008

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 116**, RETIREMENT OFFICE AMENDMENTS, by Senator C. Walker.

Curtis S. Bramble, Chair

On motion of Senator Hickman, the committee reports were adopted. S.J.R. 10, S.B. 185, H.B. 59, H.B. 64, H.B. 270, S.B. 59, H.B. 42, H.B. 132, 1st Sub. H.B. 62, as amended, 1st Sub. S.B. 157, as amended, S.B. 180, S.B. 182, H.B. 12, 1st Sub. H.B. 272, and S.B. 116 were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President:

February 6, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 126**, ELECTION LAW – BALLOT PROPOSITION AMENDMENTS, by Representative C. Johnson, 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. 235**, COUNTY MERIT SYSTEM AMENDMENTS, by Representative B. Dee, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President:

February 6, 2008

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 35**, MOTOR AND SPECIAL FUEL TAX AMENDMENTS, by Representative C. Frank, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

 Page 4, Line 92: Lilac After "(<u>B) has paid</u>" remove the brackets and reinstate "<u>the tax on</u>"

Wayne L. Niederhauser, Chair

Mr. President:

February 5, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 170**, BOARD OF WATER RESOURCES AMENDMENTS, by Senator D. Stowell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Darin G. Peterson, Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 126, H.B. 235, H.B. 35,** as amended, and **S.B. 170** were considered read the second time and placed on the Consent Calendar.

#### **INTRODUCTION OF BILLS**

**S.B. 205**, **Uniform Interstate Depositions and Discovery Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 213**, **State Contract – False Claims Act** (A. Christensen), read the first time by short title and referred to the Rules Committee.

**S.B. 283, Transportation Funding Amendments** (S. Killpack), read the first time by short title and referred to the Rules Committee.

**S.B. 292**, **Voiding Transactions Against Public Policy** (M. Dayton), read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Knudson, the Senate voted to recall **1st Sub. H.B. 24**, AMENDMENTS TO UTAH DIGITAL HEALTH SERVICE COMMISSION ACT, from the House and place it at the top of the Third Reading Calendar.

#### CONSENT CALENDAR

On motion of Senator Bramble, under suspension of the rules, the Senate voted to remove **S.B. 163**, CERTIFIED PUBLIC ACCOUNTANT LICENSING ACT AMENDMENTS, from the Consent Calendar and place it at the top of the Second Reading Calendar.

\* \* \*

**H.B. 249**, VEHICLES COVERED BY NEW MOTOR VEHICLE WARRANTIES, was read the third time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**H.B. 11**, PAROLE AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Hickman

**H.B. 11** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Peterson, the circle was removed from **H.B. 249**, and it was before the Senate. The bill passed on the following roll call:

Voting in the affirmative were: Senators Christensen Bramble Davis Bell Dayton Dmitrich Eastman Fife Goodfellow Greiner Jenkins Hillyard Jones Knudson Madsen Killpack Niederhauser Mayne McCoy Peterson Romero Stowell Van Tassell Waddoups Walker Valentine Absent or not voting ware. Senators

Absent of	not voting were. Schators	
Buttars	Hickman	Stephenson

**H.B. 249** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**S.B. 139**, UTAH ANTITRUST ACT AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Buttars

#### Voting in the affirmative were: Senators

Dmitrich

Bell	Bramble	Christensen	Davis	
Dayton	Eastman	Fife	Goodfellow	
Greiner	Hickman	Hillyard	Jenkins	
Killpack	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				
Absent or not voting were: Senators				

**S.B. 139**, as amended, was transmitted to the House for consideration.

#### THIRD READING CALENDAR

Jones

Stephenson

**1st Sub. H.B. 24**, AMENDMENTS TO UTAH DIGITAL HEALTH SERVICE COMMISSION ACT, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

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

Voting in the affirmative were: Senators				
Bell	Christensen	Davis	Dayton	
Dmitrich	Eastman	Fife	Goodfellow	
Greiner	Hillyard	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker	Valentine			
Absent or not voting were: Senators				
Bramble	Buttars	Hickman		

1st Sub. H.B. 24 was returned to the House for further consideration.

\* \* \*

On motion of Senator Killpack, the circle was removed from 2nd Sub. S.B. 134, MORTGAGE FRAUD ACT, and it was before the Senate. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 6, Lines 166 through 167

166 (1) knowingly makes any {-deliberate } material misstatement, misrepresentation, or {-material } 167 <u>omission during the mortgage lending process</u>  $\{-\underline{\text{that is}}\}$ • intending that it be relied upon by a mortgage lender,

2. Page 6, Lines 169 through 170:

169 (2) knowingly uses or facilitates the use of any {<u>deliberate</u>} material misstatement, 170 <u>misrepresentation</u>, or {- <u>material</u> } omission, during the , intending that it be mortgage lending process {<u>that is</u> } <u>relied</u>  $\{-on\}$ upon

3. Page 6, Line 173:

173 person knows contains a {-deliberate } material misstatement, misrepresentation, or {-material } omission; or

4. Page 6, Lines 175 through 176:

175 the person knows resulted from a violation of this section { : or
176 (5) assists, abets, solicits, or conspires with another to violate this section } .

Senator Killpack's motion to amend passed on a voice vote.

On motion of Senator Killpack, the bill was considered read for the first, second and third time due to the title change. The bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Buttars Hickman

2nd Sub. S.B. 134 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Greiner, the circle was removed from **S.B. 65**, SOLICITING GANG MEMBERS PROHIBITED, and it was before the Senate. Senator Greiner explained the bill. The bill passed on the following roll call:

Yeas, 21; Nays, 6; Absent, 2.

Voting in the affirmative were: Senators			
Bramble	Christensen	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jones	Killpack	Knudson	Madsen
Mayne	Niederhauser	Peterson	Romero
Stowell	Van Tassell	Waddoups	Walker
Valentine		-	

Voting in the negative were: Senators				
Bell	Davis	Dayton	Jenkins	
McCoy	Stephenson			
Absent or not voting were: Senators				

Buttars Hickman

S.B. 65 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **2nd Sub. H.B. 77**, PERSONAL PROPERTY TAX 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

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

Absent or not voting was: Senator Jones

2nd Sub. H.B. 77 was returned to the House for further consideration.

\* \* \*

**H.B. 56**, REPEAL PROVISIONS RELATED TO ASSUMPTION OF INDEBTEDNESS ON RESIDENTIAL REAL PROPERTY, 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

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen

Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Buttars Jones

**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.

\* \* \*

**H.B. 74**, MEDICAID 340B DRUG PRICING PROGRAMS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

Bramble	Buttars	Christensen
Dmitrich	Eastman	Fife
Greiner	Hickman	Hillyard
Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser
Romero	Stephenson	Stowell
Waddoups	Walker	Valentine
	Dmitrich Greiner Jones Mayne Romero	DmitrichEastmanGreinerHickmanJonesKillpackMayneMcCoyRomeroStephenson

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

H.B. 74, as amended, was returned to the House for further consideration.

#### SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, the Senate voted to consider a Senate bill on a House bill day.

On motion of Senator Bramble, under suspension of the rules, **S.B. 163**, CERTIFIED PUBLIC ACCOUNTANT LICENSING ACT AMENDMENTS, was considered read the second and third times. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 11, Line 307: Change "<u>than</u>" to <u>"that</u>"

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

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

#### Voting in the affirmative were: Senators

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

Absent or	not voting were: Senators	
Hillyard	McCoy	Niederhauser

S.B. 163 was transmitted to the House.

\* \* \*

**H.B. 15**, CONTROL AND PREVENTION OF SEXUALLY TRANSMITTED DISEASES, was read the second time.

On motion of Senator Christensen, the bill was circled.

\* \* \*

**H.B. 22**, EXPEDITED PARENT–TIME ENFORCEMENT, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

# Absent or not voting were: SenatorsBrambleHickmanMcCoyRomero

On motion of Senator Knudson, **H.B. 22** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 36**, CHILD WELFARE AMENDMENTS, was read the second time. Senator Dayton explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators					
Bell	Buttars	Christensen	Dayton		
Dmitrich	Eastman	Fife	Goodfellow		
Greiner	Hickman	Hillyard	Jenkins		
Jones	Knudson	Madsen	Mayne		
McCoy	Peterson	Romero	Stephenson		
Stowell	Van Tassell	Waddoups	Valentine		
Absent or not voting were: Senators					
Bramble	Davis	Killpack	Niederhauser		
Walker					

\* \* \*

**H.B. 71**, PARENT–TIME AMENDMENTS, was read the second time. Senator Bell explained the bill. Senator Hillyard commented.

On motion of Senator Bell, the bill was circled.

\* \* \*

On motion of Senator Dayton, the circle was removed from **H.B. 31**, CHILD WELFARE DEFINITIONS, and it was before the Senate. Senator Dayton explained the bill.

Senator Dayton proposed the following amendment:

1. Page 2, Line 29:

Bracket "None" and insert:

"This bill coordinates with H.B. 78 by providing technical amendments."

2.

Page 76, Line 2331:
After line 2331 insert:
"Section 45. Coordinating H.B. 31 with H.B. 78 Technical
Amendments.
If this H.B. 31 and H.B. 78, Title 78 Recodification and Revision,
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 as follows:
(1) in Section 62A-4a-101 of H.B. 31, change all references from
<u>"78–3a–103" to "78A–6–105";</u>
(2) amend Subsection 62A-4a-802(1)(b) to read as follows:
"(b) Safe relinquishment of a newborn child who has not otherwise
been subject to abuse or neglect shall not, in and of itself, constitute
neglect as defined in Section [62A-4a-101] 78A-6-105, and the child
shall not be considered a neglected child, as defined in Section
[78-3a-103] <u>78A-6-105</u> , so long as the relinquishment is carried out
in substantial compliance with the provisions of this part.":
(3) change the reference in Subsection 76–7–304(1)(a) from
" <u>62A-4a-101" to "78A-6-105";</u>
(4) not make the changes to Section 78–3a–103 in H.B. 31, and amend
Section 78A-6-105 in H.B. 78, to read as follows:
"[(1)] As used in this chapter:
[(a) "Abused child" includes a child who:]
[(i) has suffered or been threatened with nonaccidental physical or
mental harm, negligent treatment, or sexual exploitation; or]
[(ii) has been the victim of any sexual abuse.]
(1) (a) "Abuse" means:
(i) nonaccidental harm of a child;
(ii) threatened harm of a child;
(iii) sexual exploitation; or
(iv) sexual abuse.
(b) "Abuse" does not include:
(i) reasonable discipline or management of a child, including
Withholding privileges:
(ii) conduct described in Section 76–2–401; or
(iii) the use of reasonable and necessary physical restraint or force on a
child:
(A) in self-defense:
(B) in defense of others;
(C) to protect the child; or
(D) to remove a weapon in the possession of a child for any of the

reasons described in Subsections (1)(b)(iii)(A) through (C).

(2) "Abused child" means a child who has been subjected to abuse.

[(b)](3) "Adjudication" means a finding by the court, incorporated in a decree, that the facts alleged in the petition have been proved.

[(c)](4) "Adult" means a person 18 years of age or over, except that a person 18 years or over under the continuing jurisdiction of the juvenile court pursuant to Section [78–3a–121] 78A–6–120 shall be referred to as a minor.

[(d)](5) "Board" means the Board of Juvenile Court Judges.

[(e)](6) "Child" means a person under 18 years of age.

[(f)](7) "Child placement agency" means:

[(i)](a) a private agency licensed to receive a child for placement or adoption under this code; or

[(ii)](b) a private agency that receives a child for placement or adoption in another state, which agency is licensed or approved where such license or approval is required by law.

[(g)](8) "Clandestine laboratory operation" is as defined in Section 58–37d–3.

[(h)](9) "Commit" means, unless specified otherwise:

[(i)](a) with respect to a child, to transfer legal custody; and

[(ii)](b) with respect to a minor who is at least 18 years of age, to transfer custody.

[(i)](10) "Court" means the juvenile court.

[(j)](11) "Dependent child" includes a child who is homeless

or without proper care through no fault of the child's parent, guardian, or custodian.

[(k)](12) "Deprivation of custody" means transfer of legal custody by the court from a parent or the parents or a previous legal custodian to another person, agency, or institution.

[(1)](13) "Detention" means home detention and secure

detention as defined in Section 62A-7-101 for the temporary care of a minor who requires secure custody in a physically restricting facility: [(i)](a) pending court disposition or transfer to another jurisdiction; or [(ii)](b) while under the continuing jurisdiction of the court.

[(m)](14) "Division" means the Division of Child and Family Services. [(n)](15) "Formal referral" means a written report from a peace officer or other person informing the court that a minor is or appears to be within the court's jurisdiction and that a petition may be filed.

 $[(\Theta)](16)$  "Group rehabilitation therapy" means psychological and social counseling of one or more persons in the group, depending upon the recommendation of the therapist.

[(p)](17) "Guardianship of the person" includes the authority to consent to:

[(i)](a) marriage;

[(ii)](b) enlistment in the armed forces;

[(iii)](c) major medical, surgical, or psychiatric treatment; or

[(iv)](d) legal custody, if legal custody is not vested in another person, agency, or institution.

[(q)](18) "Habitual truant" is as defined in Section 53A-11-101. (19) "Harm" means:

(a) physical, emotional, or developmental injury or damage:

(b) sexual abuse; or

(c) sexual exploitation.

(20) (a) "Incest" means engaging in sexual intercourse with a person whom the perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin.
(b) The relationships described in Subsection (20)(a) include:

(i) blood relationships of the whole or half blood, without regard to legitimacy;

(ii) relationships of parent and child by adoption; and

(iii) relationships of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists.

[(t)](21) "Legal custody" means a relationship embodying the following rights and duties:

[(i)](a) the right to physical custody of the minor;

[(ii)](b) the right and duty to protect, train, and discipline the minor; [(iii)](c) the duty to provide the minor with food, clothing, shelter, education, and ordinary medical care;

[(iv)](d) the right to determine where and with whom the minor shall live; and

 $[(\mathbf{v})](\mathbf{e})$  the right, in an emergency, to authorize surgery or other extraordinary care.

[<del>(s)</del>](22) "Minor" means:

[(i)](a) a child; or

[(ii)](b) a person who is:

[(A)](i) at least 18 years of age and younger than 21 years of age; and [(B)](ii) under the jurisdiction of the juvenile court.

(23) "Molestation" means that a person, with the intent to arouse or gratify the sexual desire of any person:

(a) touches the anus or any part of the genitals of a child;

(b) takes indecent liberties with a child; or

(c) causes a child to take indecent liberties with the perpetrator or

another.

[(t)](24) "Natural parent" means a minor's biological or adoptive parent, and includes the minor's noncustodial parent.

[(u)(i)"Neglected child" means a child:]

[(A) whose parent, guardian, or custodian has abandoned the child, except as provided in Title 62A, Chapter 4a, Part 8, Safe Relinquishment of a Newborn Child;]

[(B) whose parent, guardian, or custodian has subjected the child to mistreatment or abuse;]

[(C) who lacks proper parental care by reason of the fault or habits of the parent, guardian, or custodian;]

[(D) whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, education, or medical care, including surgery or psychiatric services when required, or any other care necessary for health, safety, morals, or well being;]

[(E) who is at risk of being a neglected or abused child as defined in this chapter because another child in the same home is a neglected or abused child as defined in this chapter; or]

[(F) whose parent permits the minor to reside, on a permanent or temporary basis, at the location of a clandestine laboratory operation.] [(ii) The aspect of neglect related to education, described in Subsection (1)(u)(i)(D), means that, after receiving notice that a child has been frequently absent from school without good cause, or that the child has failed to cooperate with school authorities in a reasonable manner, a parent or guardian fails to make a good faith effort to ensure that the child receives an appropriate education.]

[(iii) A parent or guardian legitimately practicing religious beliefs and who, for that reason, does not provide specified medical treatment for a child, is not guilty of neglect.]

[(iv) Notwithstanding Subsection (1)(u)(i), a health care decision made for a child by the child's parent or guardian does not constitute neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.]

[(v) Nothing in Subsection (1)(u)(iv) may prohibit a parent or guardian from exercising the right to obtain a second health care opinion.] (25)(a) "Neglect" means:

(i) abandonment of a child, except as provided in Title 62A, Chapter 4a, Part 8, Safe Relinquishment of a Newborn Child;

(ii) lack of proper parental care of a child by reason of the fault or habits of the parent, guardian, or custodian;

(iii) failure or refusal of a parent, guardian, or custodian to provide proper or necessary subsistence, education, or medical care, or any other care necessary for the child's health, safety, morals, or well-being; or

(iv) a child at risk of being neglected or abused because another child in the same home is neglected or abused.

(b) The aspect of neglect relating to education, described in Subsection (25)(a)(iii), means that, after receiving a notice of compulsory education violation under Section 53A-11-101.5, or notice that a parent or guardian has failed to cooperate with school authorities in a reasonable manner as required under Subsection 53A-11-101.7(5)(a), the parent or guardian fails to make a good faith effort to ensure that the child receives an appropriate education.

(c) A parent or guardian legitimately practicing religious beliefs and who, for that reason, does not provide specified medical treatment for a child, is not guilty of neglect.

(d)(i) Notwithstanding Subsection (25)(a), a health care decision made for a child by the child's parent or guardian does not constitute neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.

(ii) Nothing in Subsection (25)(d)(i) may prohibit a parent or guardian from exercising the right to obtain a second health care opinion.

(26) "Neglected child" means a child who has been subjected to neglect.

[(v)](27) "Nonjudicial adjustment" means closure of the case by the assigned probation officer without judicial determination upon the consent in writing of:

[(i)](a) the assigned probation officer; and

[(ii)(A)](b)(i) the minor; or

[(B)](ii) the minor and the minor's parent, legal guardian, or custodian. (28) "Physical abuse" means abuse that results in physical injury or damage to a child.

[(w)](29) "Probation" means a legal status created by court order following an adjudication on the ground of a violation of law or under Section [78–3a–104] 78A–6–103, whereby the minor is permitted to remain in the minor's home under prescribed conditions and under supervision by the probation department or other agency designated by the court, subject to return to the court for violation of any of the conditions prescribed.

 $[(\mathbf{x})](\underline{30})$  "Protective supervision" means a legal status created by court order following an adjudication on the ground of abuse, neglect, or dependency, whereby the minor is permitted to remain in the minor's home, and supervision and assistance to correct the abuse, neglect, or dependency is provided by the probation department or other agency designated by the court.

[(y)(i)](31)(a) "Residual parental rights and duties" means those rights and duties remaining with the parent after legal custody or guardianship, or both, have been vested in another person or agency, including:

[(A)](i) the responsibility for support;

[(B)](ii) the right to consent to adoption;

[(C)](iii) the right to determine the child's religious affiliation; and

[(D)](iv) the right to reasonable parent-time unless restricted by the court.

[(ii)](b) If no guardian has been appointed, "residual parental rights and duties" also include the right to consent to:

[(A)](i) marriage;

[(B)](ii) enlistment; and

[(C)](iii) major medical, surgical, or psychiatric treatment.

[(z)](32) "Secure facility" means any facility operated by or under contract with the Division of Juvenile Justice Services, that provides 24–hour supervision and confinement for youth offenders committed to the division for custody and rehabilitation.

(33) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.

(34) "Severe neglect" means neglect that causes or threatens to cause serious harm to a child.

(35) "Sexual abuse" means:

(a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation directed towards a child; or

(b) engaging in any conduct with a child that would constitute an offense under any of the following, regardless of whether the person who engages in the conduct is actually charged with, or convicted of, the offense:

(i) Title 76, Chapter 5, Part 4, Sexual Offenses;

(ii) child bigamy, Section 76-7-101.5;

(iii) incest, Section 76-7-102;

(iv) lewdness or sexual battery, Section 76–9–702;

(v) lewdness involving a child, Section 76-9-702.5; or

(vi) voyeurism, Section 76–9–702.7.

(36) "Sexual exploitation" means knowingly:

(a) employing, using, persuading, inducing, enticing, or coercing any child to:

(i) pose in the nude for the purpose of sexual arousal of any person; or (ii) engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way the sexual or simulated sexual conduct;

(b) displaying, distributing, possessing for the purpose of distribution, or selling material depicting a child:

(i) in the nude, for the purpose of sexual arousal of any person; or (ii) engaging in sexual or simulated sexual conduct; or

(c) engaging in any conduct that would constitute an offense under Title 76, Chapter 5a, Sexual Exploitation of Children, regardless of whether the person who engages in the conduct is actually charged with, or convicted of, the offense.

[(aa)](37) "Shelter" means the temporary care of a child in a physically unrestricted facility pending court disposition or transfer to another jurisdiction.

[(bb)](<u>38</u>) "State supervision" means a disposition that provides a more intensive level of intervention than standard probation but is less intensive or restrictive than a community placement with the Division of Juvenile Justice Services.

(39) "Substance abuse" means the misuse or excessive use of alcohol or other drugs or substances.

[(cc)](40) "Substantiated" is as defined in Section 62A-4a-101.

[(dd)](41) "Supported" is as defined in Section 62A-4a-101.

[(ee)](42) "Termination of parental rights" means the permanent elimination of all parental rights and duties, including residual parental rights and duties, by court order.

[<del>(ff)](43)</del>

"Therapist" means:

[(i)](a) a person employed by a state division or agency for the purpose of conducting psychological treatment and counseling of a minor in its custody; or

[(ii)](b) any other person licensed or approved by the state for the purpose of conducting psychological treatment and counseling.

[(gg)](44) "Unsubstantiated" is as defined in Section 62A-4a-101.

[(hh)](45) "Without merit" is as defined in Section 62A-4a-101.

[(2) As used in Part 3, Abuse, Neglect, and Dependency Proceedings, with regard to the Division of Child and Family Services:]

[(a) "Custody" means the custody of a minor in the Division of Child and Family Services as of the date of disposition.] [(b) "Protective custody" means the shelter of a child by the Division of Child and Family Services from the time the child is removed from home until the earlier of:]

[(i) the shelter hearing; or]

[(ii) the child's return home.]

[(c) "Temporary custody" means the custody of a child in the Division of Child and Family Services from the date of the shelter hearing until disposition.]":

(5) amend Subsection 78A-6-306(13) in H.B. 78 to read as follows:

"(13) The court may not order continued removal of a child solely on the basis of educational neglect as described in Subsection [78-3a-103(1)(u)(ii)]  $\underline{78A-6-105(25)(a)(iii)}$ .":

(6) amend Subsection 78-3a-306(13) in H.B. 31 to read as follows: "(13) The court may not order continued removal of a child solely on the basis of educational neglect as described in Subsection [78-3a-103(1)(u)(ii)] 78A-6-105(25)(a)(iii).";

(7) merge the changes in Subsections 78-3a-301(1)(c) and (2)(b) of H.B. 31 into Subsections 78A-6-302(1)(c) and (2)(b) of H.B. 78;

(8) merge the changes in Subsections 78–3a–306(9)(a)(iv), (9)(b)(ii), and (12) of H.B. 31 into Subsections 78A–6–306(9)(a)(iv), (9)(b)(ii), and (12) of H.B. 78;

(9) merge the changes in Subsections 78–3a–307.1(3)(b) and (3)(c) of H.B. 31 into Subsections 78A–6–308(3)(b) and (3)(c) of H.B. 78;

(10) merge the changes in Subsections 78-3a-311(2)(a)(iii)(A) and (3)(d)(i)(C) of H.B. 31 into Subsections 78A-6-312(2)(a)(iii)(A) and (3)(d)(i)(C) of H.B. 78;

(11) merge the changes in Subsection 78–3a–314(5) of H.B. 31 into Subsection 78A–6–317(5) of H.B. 78;

(12) merge the changes in Subsection 78–3a–318(1) of H.B. 31 into Subsection 78A–6–321(1) of H.B. 78;

(13) merge the changes in Subsection 78–3a–403(3) of H.B. 31 into Subsection 78A–6–502(3) of H.B. 78;

(14) merge the changes in Subsection 78–3a–407(1)(f)(iii) of H.B. 31 into Subsection 78A–6–507(1)(f)(iii) of H.B. 78;

(15) merge the changes in Subsection 78–3a–408(6)(a) of H.B. 31 into Subsection 78A–6–508(6)(a) of H.B. 78; and

(16) merge the changes in Subsection 78–3a–801(1)(b) of H.B. 31 into Subsection 78A–6–1001(1)(b) of H.B. 78."

Senator Dayton'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 Christensen Davis Dayton Dmitrich Fife Eastman Greiner Jenkins Jones Knudson Mavne McCov Niederhauser Peterson Romero Stephenson Stowell Van Tassell Waddoups Walker Absent or not voting were: Senators Bell Buttars Goodfellow Hickman Hillyard Killpack Madsen Valentine \* \* \*

On motion of Senator Van Tassell, the circle was removed from **1st Sub. H.B. 55**, CAPTIVE INSURANCE COMPANY AMENDMENTS, and it was before the Senate. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators						
Bramble	Buttars	Christensen	Davis			
Dayton	Dmitrich	Eastman	Fife			
Goodfellow	Greiner	Jenkins	Jones			
Killpack	Knudson	Madsen	Mayne			
McCoy	Niederhauser	Peterson	Stephenson			
Stowell	Van Tassell	Waddoups	Walker			
Absent or not voting were: Senators						
Bell	Hickman	Hillyard	Romero			
Valentine						

\* \* \*

On motion of Senator Christensen, the circle was removed from **H.B. 15**, CONTROL AND PREVENTION OF SEXUALLY TRANSMITTED DISEASES, and it was before the Senate. Senator Christensen explained the bill.

Senator Buttars proposed the following amendment:

1. Page 2, Line 49: After "<u>public</u>" delete "<u>and private</u>"

- 2. Page 3, Line 60: After "<u>for"</u> insert "<u>public</u>"
- Page 3, Line 68: After "<u>public</u>," insert "<u>excluding public schools</u>"

Senator Buttars' motion to amend passed on a voice vote. Senators Buttars and McCoy commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

## Absent or not voting were: Senators

Hillyard Valentine

On motion of Senator Knudson, **H.B. 15** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 13**, CRIMINAL STATUTE OF LIMITATIONS AMENDMENTS, was read the second time. Senator Dayton explained the bill.

Senator Dayton proposed the following amendment:

1. Page 2, Lines 31 through 48

31 76–1–301. Offenses for which prosecution may be commenced at any time.

32 [A] <u>Notwithstanding any other provisions of this code</u>, prosecution for [a] <u>the following</u>

33 offenses may be commenced at any time:

\* \* \* Some lines not shown \* \* \*

45 (12) forcible sodomy; (13) sodomy on a child:

46	{- <u>(13)</u> }	<u>(14)</u>	sexual abuse of a child;
47	{- <u>(14)</u> }	<u>(15)</u>	aggravated sexual abuse of a child; or
48	{- <u>(15)</u> }	<u>(16)</u>	aggravated sexual assault.

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

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

#### Voting in the affirmative were: Senators

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

### Absent or not voting were: Senators

Bell Buttars Hillyan	rd

#### TIME CERTAIN

A citation was read in recognition of Lisa Steed, 2007 Utah Highway Patrol Trooper of the Year.

#### SECOND READING CALENDAR

**H.B. 32**, AFFIRMATIVE DEFENSE FOR AGRI–TOURISM ACTIVITY, was read the second time. Senator Dayton explained the bill.

Senator Dayton proposed the following amendment:

- Page 2, Lines 29 through 30 Senate Committee Amendments 1–31–2008
  - 29 ENACTS:

30 {-78-27-66} <u>78B-4-512</u>, Utah Code Annotated 1953

 Page 2, Lines 33 through 34 Senate Committee Amendments 1–31–2008:

33	Section	1.	Section	{-	78-27-6	6-}	<u>78B–</u>	4-512	is
enacte	d to read:								
24	( 70	27	66 )	79D	4 512	۸ ffim	motivo	dafanca	for

 $34 \left\{-\frac{78-27-66}{2}\right\} \frac{78B-4-512}{2}$ . Affirmative defense for agri-tourism industry.

Senator Dayton'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					
Bramble	Christensen	Davis	Dayton		
Dmitrich	Eastman	Fife	Goodfellow		
Greiner	Hickman	Jenkins	Jones		
Killpack	Knudson	Madsen	Mayne		
McCoy	Niederhauser	Peterson	Romero		
Stephenson	Waddoups	Walker			
<b>Absent or not voti</b> Bell Van Tassell	<b>ng were:</b> Senators Buttars Valentine	Hillyard	Stowell		

\* \* \*

**H.B. 29**, ELECTION LAW – FINANCIAL REPORTING, was read the second time.

On motion of Senator Dayton, the bill was circled.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **H.B. 79**, SUNSET REAUTHORIZATIONS AND AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Walker		

Bell	Buttars	Hillyard	Stowell
Van Tassell	Waddoups	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 Bramble and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Friday, February 8, 2008.

## NINETEENTH DAY

## MORNING SESSION

### **FEBRUARY 8, 2008**

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

**Prayer** – Claude McKinney, Counselor in the Wasatch 7th Ward Bishopric, The Church of Jesus Christ of Latter–Day Saints

Pledge of Allegiance – Senator Peter Knudson Roll Call – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 7, 2008

The House passed, **S.B. 23**, REVISION TO POLLING REQUIREMENTS, 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. 24**, RETIREMENT DEATH BENEFITS AND DIVORCE REVISIONS, 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. 30**, CONSUMER SALES PRACTICE ACT AMENDMENTS, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 1**, RESOLUTION ENCOURAGING THE ADVERTISEMENT OF ALTERNATIVE ROUTES TO TEACHING, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 23, S.B. 24, S.B. 30, and S.J.R. 1 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President:

February 7, 2008

The House passed, as substituted and amended, **1st Sub. H.B. 104**, URBAN TRAILS APPROPRIATION, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 105**, TRANSPORTATION INFRASTRUCTURE LOAN FUND AMENDMENTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 117**, INSTREAM FLOW TO PROTECT TROUT HABITAT, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 125**, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed **H.B. 143**, ADMINISTRATION OF INTERSTATE WATER, by Representative M. Brown, and it is transmitted for consideration; and

The House passed **H.B. 250**, PUBLIC EMPLOYEE BENEFIT APPROVAL PROVISIONS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 268**, HEALTH FACILITY COMMITTEE MEMBERSHIP, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed **H.B. 288**, 911 COMMITTEE, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.B. 296**, VOTING MACHINES USED BY MUNICIPALITIES, by Representative N. Hansen, and it is transmitted for consideration; and

The House passed **H.B. 310**, ABSENTEE BALLOT REVISIONS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed **H.B. 314**, SEXUAL OFFENSES – DEFINITIONS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.C.R. 2**, CONCURRENT RESOLUTION DECLARING FEBRUARY 6, 2008 RONALD REAGAN DAY, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 3**, CONCURRENT RESOLUTION – DECLARING LOVE YOUR LIBRARY WEEK, by Representative S. Clark, and it is transmitted for consideration; and

The House passed **H.J.R. 3**, RESOLUTION REAFFIRMING THE WORDS, UNDER GOD, IN THE PLEDGE OF ALLEGIANCE, by Representative K. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. 1st Sub. H.B. 104, H.B. 105, H.B. 117, 1st Sub. H.B. 125, H.B. 143, H.B. 250, H.B. 268, H.B. 288, H.B. 296, H.B. 310, H.B. 314, H.C.R. 2, H.C.R. 3, and H.J.R. 3 were read the first time and referred to the Rules Committee.

#### **RULES COMMITTEE REPORTS**

To the Members of the Senate: February 7, 2008 The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and labor Committee**

S.B. 200	Professional Engineers Licensing Amendments	
	(Sen. F. Fife)	
S.B. 216	Deferred Deposit Lending Information and Reporting	
	(Sen. G. Bell)	
1st Sub. H.B. 119	Controlled Substance Database Amendments	
	(Rep. B. Daw) (Sen. C. Bramble)	

#### **Education Committee**

H.B. 85	Teacher Loan Program (Rep. L. Hemingway)
	(Sen. G. Davis)
H.B. 286	Permanent Teacher License Revocation for Sexual
	Activity with Students (Rep. C. Wimmer)
	(Sen. D. C. Buttars)
Government (	<b>Operations and Political Subdivisions Committee</b>
S.B. 196	County and Municipal Land Use Amendments
	(Sen. W. Niederhauser)
S.B. 253	County Law Enforcement Duties (Sen. M. Waddoups)

#### Health and Human Services Committee

H.B. 45	Supported Employment Services to a Person with a
	Disability (Rep. R. Menlove) (Sen. A. Christensen)
H.B. 101	Amendments to Emergency Injection for Anaphylactic
	Reaction Act (Rep. T. Kiser) (Sen. M. Dayton)

Judiciary, Law Enforcement, and Criminal Justice Committee	
S.B. 290	Private Investigators' Access to Driver Licensure
	Information (Sen. M. Dayton)

Transportation, Public Utilities and Technology CommitteeH.B. 103Use of State Alternative Fuel Network (Rep. F. Hunsaker)<br/>(Sen. C. Walker)

Bill Hickman

Rules Committee Chair

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

#### STANDING COMMITTEE REPORTS

Mr. President: February 7, 2008 The Business and Labor Committee recommends **S.B. 57**, FRANCHISE LAW AMENDMENTS, by Senator D. Eastman, be replaced and favorably recommends **1st Sub. S.B. 57**, FRANCHISE LAW AMENDMENTS with the following amendments:

1. Page 13, Lines 385 through 387:

385 {-<u>(iv) by using a formula, computation, or process intended</u> to gauge the franchisee's

386 performance; -} or

 $387 \left\{-\frac{(v)}{(v)}\right\}$  <u>(iv)</u> if the franchisee complies with any reasonable requirement concerning the sale of

- 2. Page 18, Lines 533 through 534:
  - 533 (5) The franchisor has the burden of proof to establish <u>by</u> {-<u>clear and convincing</u> } <u>a preponderance of the</u>

534 <u>evidence</u> that under the provisions of this chapter it should be granted permission to:

Kevin T. Van Tassell. Chair

Mr. President:

February 7, 2008

The Health and Human Services Committee reports a favorable recommendation on **S.B. 93**, LICENSED DIRECT ENTRY MIDWIFE AMENDMENTS, by Senator M. Dayton, with the following amendments:

1. Page 5, Lines 132 through 134:

132 (xi) any condition, disease, or illness that would disqualify a certified nurse midwife,

133 <u>licensed under Chapter 44a, Nurse Midwife Practice Act, from</u> <u>delivering a child</u> {– <u>without</u>

134 <u>assistance under the protocols of two or more general acute</u> <u>hospitals in Utah</u> } <u>; or</u>; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 184**, CHILD CARE LICENSING EXEMPTIONS, by Senator J. Greiner, with the following amendments:

1. Page 3, Line 70:

70 person who holds a license <u>or certificate</u> issued in accordance with this chapter.

2. Page 3, Line 74:

74 (a) (i) under the age of  $\{-\underline{12}\}$  <u>13</u>; or

3. Page 3, Lines 78 through 84:

(ii) a licensed or certified residential child care provider {-78 is under the age of four: who } , if the child 79 or 80 (iii) an employee or owner of a licensed child care center {-, if the child is under the age of four. who } 81 [(4)] (5) "Residential child care" means child care provided in the home of a provider. 82 {-(6) "School" means a public or private: 83 (a) elementary school; or 84 (b) secondary school. } "Public school" means a school that is: (6) except as provided in Subsection (6)(b)(ii), directly (a) funded at public expense, including charter schools; (b) provides: (i) education to qualifying children for any grade from first grade through twelfth grade; or

(ii) preschool or kindergarten to qualifying children, regardless of whether the preschool or kindergarten is funded at public expense, if the school also provides education to qualifying children for any grade from first grade through twelfth grade.

4. Page 6, Line 182:

182 schedule for playground equipment safety standards.

(9) Nothing in this chapter may be interpreted to grant a municipality or county the authority to license or certify a child care program.

5. Page 9, Lines 258 through 264:

258 business licensed in this state; [or]

259  $\{---\}$  (6) care provided <u>to qualifying children</u> as part of a course of study at or a program administered by an

260 educational institution that is regulated by the boards of education of this state, a private

261 education institution that provides education in lieu of that provided by the public education

262 system, or by a parochial education institution.  $\{--\}$ 

263 {-(<u>6) care provided to qualifying children by a school,</u> including pre\_school programs

264 operated by a school; }

6. Page 9, Line 269 through Page 10, Line 281:

269 (8) care provided to qualifying children at a <u>public</u> school by an organization other than the <u>public</u>

270 school, if:

271 (a) the care is provided under contract with the public school or on school property ; or

272 (b) the public school accepts responsibility and oversight for the care provided by the

273 organization;

274 (9) care provided to qualifying children {-<u>that is:</u>

275 (a) under federal oversight; or

276 (b) provided under a federal permit; or –} as part of a summer camp that operates on federal land pursuant to a federal permit;

277 (10) care provided by an organization that:

278 (a) qualifies for tax exempt status under Section 501(c)(3) of the Internal Revenue

279 Code; and

280 (b) is provided pursuant to a written agreement with  $\left\{-\frac{a \text{ local}}{a \text{ local or state government entity}}\right\}$ 

(i) a municipality, as defined in Section 10–1–104, that provides oversight for the program; or

(ii) a county

281 that provides oversight for the program  $\{-\frac{1}{2}, \frac{1}{2}, \frac{1}{2}\}$  in the provided at a residential support program that is licensed by the Department of Human Services. ; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 186**, CUSTODY AND PARENT–TIME FOR NON–PARENTS, by Senator L. Hillyard; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 188**, PILOT PROGRAM FOR SUMMER SCHOOL AND AFTER SCHOOL PROGRAMS FOR CHILDREN WITH A DISABILITY, by Senator G. Bell; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 38**, EDUCATION AND OUTREACH REGARDING SUBSTANCES HARMFUL DURING PREGNANCY, by Representative R. Menlove; and

The Health and Human Services Committee recommends **1st Sub. H.B. 47**, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, by Representative R. Menlove, be replaced and favorably recommends **2nd Sub. H.B. 47**, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION with the following amendments:

1. Page 3, Lines 81 through 84:

# 81 (b) A health care provider or third party payer is not required to use the standards

adopted by the department under the provisions of Subsection (2) if 82 the health care provider or

83 third party payer engage in the {-secure } electronic exchange of clinical health information within

84 a particular health care system.

D. Chris Buttars, Chair

Mr. President:

February 7, 2008

The Education Committee reports a favorable recommendation on S.B. 162, FEDERAL EDUCATION AGREEMENT REQUIREMENTS, by Senator M. Dayton; and

The Education Committee reports a favorable recommendation on S.B. 190, PUBLIC CLASSROOM DISPLAYS, by Senator A. Christensen; and

The Education Committee reports a favorable recommendation on H.B. 67, EXTENDED YEAR FOR SPECIAL EDUCATORS, by Representative R. Menlove: and

The Education Committee reports a favorable recommendation on H.B. 81, TASK FORCE TO STUDY PERFORMANCE INCENTIVES FOR TEACHERS. by Representative B. Last.

Margaret Dayton, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 57, as amended, S.B. 93, as amended, S.B. 184, as amended, S.B. 186, S.B. 188, H.B. 38, 2nd Sub. H.B. 47, as amended, S.B. 162, S.B. 190, H.B. 67, and H.B. 81were placed on Second Reading Calendar.

# STANDING COMMITTEE REPORTS

Mr. President:

February 7, 2008

The Business and Labor Committee reports a favorable recommendation on 1st Sub. H.B. 53, IMPACT OF ADMINISTRATIVE RULES ON SMALL BUSINESSES, by Representative S. Clark, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

Mr. President:

February 7, 2008 The Education Committee reports a favorable recommendation on H.B. 269, SCOTT B. LUNDELL MILITARY SURVIVORS' TUITION WAIVER AMENDMENTS, by Representative M. Morley, and recommends it be considered read for the second time and placed on the Consent Calendar.

Margaret Dayton, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. H.B. 53** and **H.B. 269** were considered read the second time and placed on the Consent Calendar.

#### **INTRODUCTION OF BILLS**

**S.B. 219, Use of Severance Tax Revenues When a School District Division Occurs** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

**S.B. 236**, **Judiciary Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 258**, **Property Tax Committee** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 260, Disclosure of Public Employee Disciplinary Actions Amendments** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

**S.B. 274**, **Amendments to Utah Service Members' Civil Relief Act** (P. Knudson), read the first time by short title and referred to the Rules Committee.

**S.B. 275**, **Military Justice Code Amendments** (P. Knudson), read the first time by short title and referred to the Rules Committee.

**S.B. 287**, **Appropriation for the Swanson Tactical Training Center** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Bramble, **H.B. 36**, CHILD WELFARE AMENDMENTS, was placed on Third Reading Table due to fiscal impact.

# **COMMITTEE OF THE WHOLE**

On motion of Senator Killpack, in the Committee of the Whole, a special musical number, "America, of Thee I Sing," was performed by a chorus from the Syracuse Arts Academy.

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

# CONSENT CALENDAR

**S.B. 92**, REAL PROPERTY RECORDING AMENDMENTS, 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				
Bell	Bramble	Buttars	Christensen	
Davis	Dmitrich	Eastman	Fife	
Greiner	Jenkins	Knudson	Madsen	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Stowell	Waddoups	
Walker	Valentine			
Absent or not voting were: Senators				
Dayton	Goodfellow	Hickman	Hillyard	
Jones	Killpack	Van Tassell		

S.B. 92 was transmitted to the House for consideration.

\* \* \*

**H.B. 27**, LIEUTENANT GOVERNOR POWERS – ADMINISTRATION OF OATHS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Davis	
Dmitrich	Eastman	Fife	Goodfellow	
Greiner	Hickman	Jenkins	Killpack	
Knudson	Madsen	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Waddoups	Walker	Valentine	
Absent or not voting were: Senators				
Christensen	Dayton	Hillyard	Jones	
Van Tassell				

**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.

#### \* \* \*

**H.B. 43**, ALLOWANCE OF POLLING PLACES FOR EARLY VOTING, 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				
Bell	Bramble	Buttars	Davis	
Dmitrich	Eastman	Fife	Goodfellow	
Greiner	Hickman	Jenkins	Knudson	
Madsen	Mayne	McCoy	Niederhauser	
Peterson	Romero	Stephenson	Waddoups	
Walker	Valentine			
Absent or not voting were: Senators				
Christensen	Dayton	Hillyard	Jones	

Killpack	Stowell	Van Tassell	
пр	12 was signed by the	President of the Senate in	onen session

**H.B. 43** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 20**, ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hickman	Jenkins	
Knudson	Madsen	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Waddoups	Walker	Valentine		
Absent or not voting were: Senators				
Dayton	Hillyard	Jones	Killpack	
Stowell	Van Tassell			

**H.B. 20** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

367

\* \* \*

On motion of Senator Hickman, legislative staff was authorized to draft a bill regarding GOED land acquisition.

On motion of Senator Dayton, legislative staff was authorized to draft a bill regarding household securities.

On motion of Senator Jenkins, legislative staff was authorized to draft a bill regarding a general obligation bond for highways.

# THIRD READING CALENDAR

**H.B. 31**, CHILD WELFARE DEFINITIONS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

# Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Waddoups	Walker
Valentine			
	······································		

Absent or not	voting were: Senat	ors	
Hillyard	Killpack	Stowell	Van Tassell

H.B. 31, as amended, was returned to the House for further consideration.

\* \* \*

**1st Sub. H.B. 55**, CAPTIVE INSURANCE COMPANY AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hickman	

Jenkins Mayne Romero Valentine	Jones McCoy Stephenson	Knudson Niederhauser Waddoups	Madsen Peterson Walker
Absent or not voti Hillyard	<b>ng were:</b> Senators Killpack	Stowell	Van Tassell

**1st Sub. 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. 13**, CRIMINAL STATUTE OF LIMITATIONS AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were:SenatorsHillyardKillpackVan Tassell

H.B. 13 was returned to the House for further consideration.

\* \* \*

**H.B. 32**, AFFIRMATIVE DEFENSE FOR AGRI–TOURISM ACTIVITY, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Waddoups	Walker	Valentine	

Absent or not voting were:SenatorsKillpackVan Tassell

H.B. 32 was returned to the House for further consideration.

# SECOND READING CALENDAR

On motion of Senator Bell, the circle was removed from **H.B. 71**, PARENT–TIME AMENDMENTS, and it was before the Senate. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 5, Lines 138 through 140

138 (15) Parental care shall be presumed to be better care for the child than surrogate care

139 and the court shall encourage the parties to cooperate in allowing the noncustodial parent, if

140 willing and able to transport the children, to provide the child care[;]. Child care arrangements existing during the marriage are preferred as are child care arrangements with nominal or no charge.

 Page 8, Lines 219 through 223 House Floor Amendments 1–25–2008:

219 (ii) A step-parent, grandparent, or other responsible adult designated by the

220 <u>noncustodial parent, may pick up the child if the</u>  $\hat{H} \rightarrow$  [school] <u>custodial parent</u>  $\leftarrow \hat{H}$  is aware of the

220a identity of the

221 individual, and the parent will be with the child by [6] 7 p.m.

222 (iii) Elections should be made by the noncustodial parent at the time of entry of the

223 <u>divorce decree or court order</u>, and may be changed by mutual agreement or court order.

 Page 9, Lines 246 through 250 House Floor Amendments 1–25–2008:

246 (iii) A step-parent, grandparent, or other responsible individual designated by the

247 <u>noncustodial parent, may pick up the child if the</u>  $\hat{H} \rightarrow [school]$ <u>custodial parent</u>  $\leftarrow \hat{H}$  is aware of the

247a identity of the

248 individual, and the parent will be with the child by [6] 7 p.m.

249 (iv) Elections should be made by the noncustodial parent at the time of the divorce

250 <u>decree or court order</u>, and may be changed by mutual agreement or <u>court order</u>.

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

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

# Voting in the affirmative were: Senators

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

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

Absent or not voting were: Senators Killpack Van Tassell

\* \* \*

**S.B. 78**, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

# Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Killpack Van Tassell

\* \* \*

On motion of Senator Davis, the circle was removed from **S.B. 17**, CHILD ABUSE AND NEGLECT REGISTRY – MANAGEMENT AND LICENSING INFORMATION SYSTEMS AMENDMENTS, and it was before the Senate. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

 Page 15i, Line 445 through Page 18, Line 526 Senate 2nd Reading Amendments 2–5–2008

{-445 Section 7. Section 78-3a-104 is amended to read:

446 <u>-78-3a-104</u>. Jurisdiction of juvenile court <u>- Original --</u> Exclusive.

447 (1) Except as otherwise provided by law, the juvenile court has exclusive original

448 -jurisdiction in proceedings concerning:

449 (a) a child who has violated any federal, state, or local law or municipal ordinance or a

450 -person younger than 21 years of age who has violated any law or ordinance before becoming

451 <u>-18 years of age, regardless of where the violation occurred,</u> excluding traffic laws and boating

453 –(b) a person 21 years of age or older who has failed or refused to comply with an order

454 -of the juvenile court to pay a fine or restitution, if the order was imposed prior to the person's

455 –21st birthday; however, the continuing jurisdiction is limited to causing compliance with

456 -existing orders;

457 (c) a child who is an abused child, neglected child, or dependent child, as those terms

458 -are defined in Section 78-3a-103;

459 (d) a protective order for a child pursuant to the provisions of Title 78, Chapter 3h,

460 -Child Protective Orders, which the juvenile court may transfer to the district court if the

461 -juvenile court has entered an ex parte protective order and finds that:

462 (i) the petitioner and the respondent are the natural parent, adoptive parent, or step

463 -parent of the child who is the object of the petition;

464 (ii) the district court has a petition pending or an order related to custody or parent-time

465 -entered under Title 30, Chapter 3, Divorce, Title 30, Chapter 6, Cohabitant Abuse Act, or Title

466 –78, Chapter 45g, Utah Uniform Parentage Act, in which the petitioner and the respondent are

467 -parties; and

468 (iii) the best interests of the child will be better served in the district court;

469 (e) appointment of a guardian of the person or other guardian of a minor who comes

470 within the court's jurisdiction under other provisions of this section;

471 (f) the emancipation of a minor in accordance with Part 10, Emancipation;

472 (g) the termination of the legal parent-child relationship in accordance with Part 4,

473 - Termination of Parental Rights Act, including termination of residual parental rights and

474 -duties;

475 -(h) the treatment or commitment of a mentally retarded minor;

476 -(i) a minor who is a habitual truant from school;

477 (j) the judicial consent to the marriage of a child under age 16 upon a determination of

478 -voluntariness or where otherwise required by law, employment, or enlistment of a child when

479 - consent is required by law;

480 (k) any parent or parents of a child committed to a secure youth corrections facility, to

481 -order, at the discretion of the court and on the recommendation of a secure facility, the parent

482 -or parents of a child committed to a secure facility for a custodial term, to undergo group

483 -rehabilitation therapy under the direction of a secure facility therapist, who has supervision of

484 *—that parent's or parents' child, or any other therapist the court may direct, for a period directed* 

485 -by the court as recommended by a secure facility;

486 –(1) a minor under Title 55, Chapter 12, Interstate Compact for Juveniles;

487 (m) the treatment or commitment of a mentally ill child. The court may commit a child

488 -to the physical custody of a local mental health authority in accordance with the procedures and

489 -requirements of Title 62A, Chapter 15, Part 7, Commitment of Persons Under Age 18 to

490 -Division of Substance Abuse and Mental Health. The court may not commit a child directly to

491 - the Utah State Hospital;

492 (n) the commitment of a child in accordance with Section 62A-15-301;

493 (o) de novo review of final agency actions resulting from an informal adjudicative

494 - proceeding as provided in Section 63-46b-15; and

495 (p) adoptions conducted in accordance with the procedures described in Title 78,

496 <u>Chapter 30, Adoption, when the juvenile court has previously</u> entered an order terminating the

497 -rights of a parent and finds that adoption is in the best interest of the child.

498 (2) In addition to the provisions of Subsection (1)(a) the juvenile court has exclusive

499 -jurisdiction over any traffic or boating offense committed by a person under 16 years of age

500 -and concurrent jurisdiction over all other traffic or boating offenses committed by a person 16

501 -years of age or older, except that the court shall have exclusive jurisdiction over the following

502 -offenses committed by a child:

503 (a) Section 76–5–207, automobile homicide;

504 (b) Section 41–6a–502, operating a vehicle while under the influence of alcohol or

505 <u>-drugs;</u>

506 (c) Section 41–6a–528, reckless driving or Section 73–18–12, reckless operation;

507 (d) Section 41-1a-1314, unauthorized control over a motor vehicle, trailer, or

508 -semitrailer for an extended period of time; and

509 (e) Section 41–6a–210 or 73–18–20, fleeing a peace officer.

510 (3) The court also has jurisdiction over traffic and boating offenses that are part of a

511 -single criminal episode filed in a petition that contains an offense over which the court has

512 -jurisdiction.

513 (4) The juvenile court has jurisdiction over an ungovernable or runaway child who is

514 –referred to it by the Division of Child and Family Services or by public or private agencies that

515 -contract with the division to provide services to that child where, despite earnest and persistent

516 *—efforts by the division or agency, the child has demonstrated that the child:* 

517 (a) is beyond the control of the child's parent, guardian, lawful custodian, or school

518 -authorities to the extent that the child's behavior or condition endangers the child's own welfare

519 or the welfare of others; or

520 (b) has run away from home.

521 (5) This section does not restrict the right of access to the juvenile court by private

522 -agencies or other persons.

523 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases

524 arising under Section 78–3a–602.

525 (7) The juvenile court has jurisdiction to make a finding of substantiated,

526 -unsubstantiated, [or] without merit, or false in accordance with Section 78-3a-320. }--

 Page 18a, Line 527 through Page 19, Line 570 Senate 2nd Reading Amendments 2–5–2008:

{-527 Section  $\hat{S}$  [8] 9  $\leftarrow \hat{S}$ . Section 78-3a-320 is amended to read:

528 — 78–3a–320. Additional finding at adjudication hearing — Petition — Court records.

529 –(1) Upon the filing with the court of a petition under Section 78–3a–305 by the Division

530 —of Child and Family Services or any interested person informing the court, among other things,

531 — that the division has made a supported finding that a person committed a severe type of child

532 — abuse or neglect as defined in Section 62A-4a-1002, the court shall:

533 (a) make a finding of substantiated, unsubstantiated, or without merit;

534 (b) include the finding described in Subsection (1)(a) in a written order; and

535 –(c) deliver a certified copy of the order described in Subsection (1)(b) to the division.

536 (2) [The] A judicial finding under [Subsection] Subsections (1), (3), and (4) shall be

537 —made:

538 -(a) as part of the adjudication hearing;

539 (b) at the conclusion of the adjudication hearing; or

540 (c) as part of a court order entered pursuant to a written stipulation of the parties.

541 (3) (a) Any person described in Subsection 62A-4a-1010(1) may at any time file with

542 — the court a petition for removal of the person's name from the Licensing Information System.

543 (b) At the conclusion of the hearing on the petition, the court shall:

544 –(i) make a finding of substantiated, unsubstantiated, or without merit;

545 -(ii) include the finding described in Subsection (1)(a) in a written order; and

546 (iii) deliver a certified copy of the order described in Subsection (1)(b) to the division.

547 (4) (a) If the court makes a finding of without merit under Subsection (1) or (3)(b), the

548 court shall:

549 (i) make an additional finding regarding whether the report is false; and

550 -(ii) include the finding described in Subsection (4)(a)(i) in the orders described in

551 — Subsections (1)(b) and (3)(b)(ii).

552 (b) The finding described in Subsection (4)(a)(i) shall be made solely for the purpose

553 — of determining, under Subsection 62A - 4a - 1003(3), whether the report upon which the finding

554 — is based, or any reference to the report, will be included in the Management Information

555 -System.

556 -[(4)] (5) A proceeding for adjudication of a supported finding under this section of a

557 —type of abuse or neglect that does not constitute a severe type of child abuse or neglect may be

558 —joined in the juvenile court with an adjudication of a severe type of child abuse or neglect.

559 [(5)] (6) If a person whose name appears on the Licensing Information system prior to

560 — May 6, 2002 files a petition during the time that an alleged perpetrator's application for

561 — clearance to work with children or vulnerable adults is pending, the court shall hear the matter

562 — and enter a final decision no later than 60 days after the filing of the petition.

563 [(6)] (7) For the purposes of licensing under Sections 26–21–9.5, 26–39–105.5,

564 <u>62A-1-118</u>, and for the purposes described in Section 62A-2-121:

565 (a) the court shall make available records of its findings under Subsections (1) and (2)

566 — for licensing purposes, only to those with statutory authority to access also the Licensing

567 Information System created under Section 62A-4a-1006; and

568 (b) any appellate court shall make available court records of appeals from juvenile

569 —court decisions under Subsections (1)[, (2), (3), and (4)] through (5) for licensing purposes,

570 —only to those with statutory authority to access also the Licensing Information System...}

Renumber remaining sections accordingly.

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

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

#### Voting in the affirmative were: Senators

, oung in the wint			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Knudson	Madsen
Mayne	Niederhauser	Peterson	Romero
Stephenson	Stowell	Waddoups	Walker
Valentine			
Absent or not voting were: Senators			
Hillyard	Killpack	McCoy	Van Tassell

\* \* \*

**S.B. 160**, CANDIDATE REPLACEMENT DEADLINE FOR GENERAL ELECTION, 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			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Waddoups
Walker	Valentine		

# Absent or not voting were: Senators

Killpack McCoy Van Tassell

\* \* \*

On motion of Senator Knudson, the circle was removed from **S.B. 147**, CANDIDATE FILING REQUIREMENT, and it was before the Senate. Senator Knudson 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

U			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Waddoups	Walker	Valentine
Absent or not voti	ng were: Senators		
Buttars	Hickman	Killpack	McCoy
Van Tassell			

\* \* \*

**S.J.R. 5**, JOINT RESOLUTION AMENDING LEGISLATIVE APPORTIONMENT, was read the second time. Senator Bramble explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

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

# Voting in the affirmative were: Senators

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

# Absent or not voting were:SenatorsButtarsVan Tassell

Christensen

Niederhauser

Eastman

Hickman Knudson

Stowell

# TIME CERTAIN

A citation was read honoring Utah's Dietary Supplement Industry

# THIRD READING CALENDAR

**S.J.R. 6**, JOINT RESOLUTION ENCOURAGING THE GOVERNOR'S BOARD APPOINTMENTS TO REFLECT UTAH GEOGRAPHIC BALANCE, was read the second time. Senator Stowell 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

Bell	Bramble	Buttars
Davis	Dayton	Dmitrich
Fife	Goodfellow	Greiner
Hillyard	Jones	Killpack
Madsen	Mayne	McCoy
Peterson	Romero	Stephenson
Waddoups	Walker	Valentine

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

Absent or not voting was: Senator Van Tassell

\* \* \*

**S.J.R.** 7, JOINT RULES RESOLUTION – AUTHORIZING ELECTRONIC COMMITTEE MEETINGS, was read the second time. Senator Hillyard explained the bill.

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

1st Sub. S.J.R. 7 Joint Rules Resolution – Authorizing Electronic Committee Meetings (L. Hillyard)

Senators Walker, Fife, Bell, Dmitrich, Romero, McCoy, and Stephenson commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

# Voting in the affirmative were: Senators

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

Voting in the negative were:SenatorsDaytonRomero

Absent or not voting were:SenatorsEastmanKillpackStowell

\* \* \*

# **INTRODUCTION OF BILLS**

S.B. 204, Income Taxation – Real Estate Investment Trusts (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 225**, **Gubernatorial and Legislative Space in the Capitol** (C. Bramble), read the first time by short title and referred to the Rules Committee.

\* \* \*

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

# THIRD READING CALENDAR

On motion of Senator Peterson, the circle was removed from **S.B. 94**, BURGLARY OF A RAILROAD CAR, and it was before the Senate. Senator Peterson explained the bill.

Senator Peterson proposed the following amendment:1, Line 14

- 14 ▶ provides that it is a third degree felony to {-unlawfully enter a railroad car, or } break
- 1. Page 2, Lines 52 through 53:

52 (5) "Railroad car 
$$\{-\frac{1}{2}\}$$
 "  $\{-\frac{1}{2}\}$  :  
(a) in addition to its ordinary meaning, includes a sleeping car or  
any

53 <u>container or trailer that is on a railroad car</u> <u>: and</u> <u>(b) includes only a railroad car that is operable and part of an</u> <u>ongoing railroad operation</u> <u>.</u>

2. Page 2, Lines 56 through 57:

56 (1) Any person commits burglary of a railroad car when the person {-unlawfully enters or

57 <u>remains in a railroad car or</u> } <u>breaks the lock or seal on any</u> railroad car, with the intent to

Senator Peterson's motion to amend passed on a voice vote.

On motion of Senator Peterson, the bill was circled.

\* \* \*

On motion of Senator Hickman, the Senate voted to lift **S.B. 225**, GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL, from the Rules Committee and assign it to the Business and Labor Standing Committee.

\* \* \*

On motion of Senator Bramble and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Monday, February 11, 2008.

# TWENTY-SECOND DAY

# **MORNING SESSION**

# **FEBRUARY 11, 2008**

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

Prayer – The Venerable Israt Ritiron, Venerable Prah-Kob, Venerable Nah-Rong, Venerable Ong, Wat Dhammagunaram

**Pledge of Allegiance** – Senator Lyle Hillyard **Roll Call** – All Senators present

# **READING OF TITLES OF BILLS AND RESOLUTIONS** (PLEASE REFER TO DAY 1, PAGE 64)

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 8, 2008 The House passed, S.B. 60, REPEALING LABOR COMMISSION **RESPONSIBILITIES TO OVERSEE EMPLOYMENT AGENCIES, by Senator** R. Romero, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk S.B. 60 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 8, 2008 The House passed, as amended, **H.B. 90**. EXPUNGEMENT AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration: and

The House passed H.B. 112, PUBLIC EDUCATION FOUNDATION AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, H.B. 116, FLUORINE IN A PRIVATELY OWNED WATER SYSTEM, by Representative S. Andersen, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 133**, HEALTH SYSTEM REFORM, by Representative D. Clark, et al, and it is transmitted for consideration; and

The House passed **H.B. 231**, LOCAL VOTER INFORMATION PAMPHLET AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed **H.B. 261**, LOCAL DISTRICT PRIMARY ELECTIONS, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 266**, ACCELERATED LEARNING PROGRAM REVISIONS, by Representative C. Moss, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 321**, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 4**, JOINT RESOLUTION URGING SCHOOL CLOSINGS TO RECOGNIZE VETERANS DAY, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 90, H.B. 112, H.B. 116, 1st Sub. H.B. 133, H.B. 231, H.B. 261, H.B. 266, H.B. 321,** and **H.J.R. 4** were read the first time and referred to the Rules Committee.

#### **RULES COMMITTEE REPORTS**

To the Members of the Senate: February 8, 2008 The Rules Committee recommends assignment of the following bills to standing committees:

**Business and labor Committee** 

S.B. 205	Uniform Interstate Depositions and Discovery Act
	(Sen. L. Hillyard)
1st Sub. H.B. 48	Mobile Home Owners' Rights (Rep. P. Riesen)
	(Sen. K. Mayne)
H.B. 93	Insurance Fraud Amendments (Rep. D. Aagard)
	(Sen. M. Waddoups)

Government Opera	ations and Political Subdivisions Committee
S.B. 213	State Contract - False Claims Act (Sen. A. Christensen)

S.C.R. 5	Concurrent Resolution Calling for Congress to Pass
	Balanced Immigration Reform (Sen. H. Stephenson)
H.B. 262	Recovery of Federal Reimbursement for Costs Associated with Illegal Immigrants (Rep. K. Morgan)
	(Sen. B. Goodfellow)
Health and H	uman Services Committee
H.B. 17	Cancer Screening and Mortality Reduction Program
	(Rep. P. Ray) (Sen. A. Christensen)
H.B. 277	Pandemic Preparedness Amendments (Rep. B. Last) (Sen. D. Peterson)

H.B. 301 Comprehensive Health Insurance Pool Amendments (Rep. J. Dunnigan) (Sen. M. Waddoups)

Judiciary, Law Enforcement, and Criminal Justice Committee		
H.B. 19	Assault on a Peace Officer Penalty Amendments	
	(Rep. P. Ray) (Sen. D. Peterson)	
H.B. 70	Expungement Law Amendments (Rep. L. Fowlke) (Sen. D. C. Buttars)	

# Transportation, Public Utilities and Technology Committee

S.B. 283Transportation Funding Amendments (Sen. S. Killpack)H.B. 122Driver License – Application of Minor Amendments<br/>(Rep. D. Litvack) (Sen. D. C. Buttars)

Bill Hickman

Rules Committee Chair

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

# STANDING COMMITTEE REPORTS

Mr. President:

February 8, 2008

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 248**, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR CERTAIN PROPERTY INCORPORATED INTO REAL PROPERTY, by Representative J. Dougall.

Wayne L. Niederhauser, Chair

Mr. President:

February 8, 2008

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on 1st Sub. H.B. 135, GRANTS

# FROM DEPARTMENT OF COMMUNITY AND CULTURE, by Representative S. Allen.

#### Mark B. Madsen, Chair

Mr. President: February 8, 2008 The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 89**, PREVENTING CATASTROPHIC WILDLAND FIRES, by Senator D. Stowell, be replaced and favorably recommends **1st Sub. S.B. 89**, MITIGATION OF INVASIVE SPECIES. The Committee further recommends that **1st Sub. S.B. 89** be read for the first time; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 50**, UNDERGROUND STORAGE TANK AMENDMENTS, by Representative S. Andersen; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 291**, OFF–HIGHWAY VEHICLE AMENDMENTS, by Representative M. Noel.

Darin G. Peterson, Chair

Mr. President:

February 8, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 84**, NET METERING PROGRAMS, by Senator K. VanTassell, with the following amendments:

1. Page 3, Line 79:

79 (b) for each other electrical corporation, the <u>public</u> service commission.

2. Page 4, Lines 102 through 113:

102 [(10)] (12) "Renewable facility" means a facility that uses energy derived from [the

103 sun, wind, or water] one of the following to generate electricity[-]:

- 104  $\{-(a) \text{ solar power;} \}$
- 105 <u>(b) wind power;</u>
- 106 <u>(c) a fuel cell;</u>
- 107 (d) hydroelectric power;

- 108 <u>(e) cogeneration;</u>
- 109 <u>(f) landfill gas;</u>
- 110 (g) digester gas;
- 111 (h) dedicated energy crops available on a renewable basis; or

112 <u>(i) non-toxic biomass derived from solid organic fuel from</u> wood, forest, or field

113 <u>residue.</u> } (a) solar photovoltaic and solar thermal energy; (b) wind energy:

(c) hydrogen;

(d) organic waste;

(e) hydroelectric energy;

(f) waste gas and waste heat capture or recovery;

(g) biomass and biomass byproducts, except for the combustion of wood that has been treated with chemical preservatives such as creosote, pentachlorophenol, or chromated copper arsenate:

(h) forest or rangeland woody debris from harvesting or thinning conducted to improve forest or rangeland ecological health and to reduce wildfire risk:

(i) agricultural residues;

(j) dedicated energy crops;

(k) landfill gas or biogas produced from organic matter, wastewater, anaerobic digesters, or municipal solid waste; or (1) the combustion of wood that has been treated

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(1) the combustion of wood that has been treated
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3. Page 5, Lines 139 through 143:

139 (3) (a) Notwithstanding Subsection (2)(a), the governing authority may  $\{-\frac{1}{2}\}$ 

140 (i) } establish a higher amount of generating capacity from customer generation systems

141 <u>than .1% of the electrical corporation's peak demand during 2007</u> <u>before a net metering</u>

142 program may be discontinued under Subsection (2) {: or

143 <u>(ii) forbid the discontinuation of a net metering program under</u> <u>Subsection (2)(a)</u> } .

4. Page 6, Line 173:

173 is at least avoided cost<u>, or {-another, higher value</u> } <u>as</u> determined by the governing authority; and 5. Page 6, Lines 177 through 180:

177 [(iii)] (ii) all credits that the customer does not use during the {-calendar year-} annualized billing period expire at

178 the end of the [calendar year] annualized billing period; and

179 (b) <u>as authorized by the governing authority</u>, the electrical corporation may bill the

180 customer for customer charges that otherwise would have accrued during  $\{--+\}$  that  $\{--+\}$   $\{---+++$  the annualized --+; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 28**, HONORING HEROES SPECIAL GROUP LICENSE PLATE, by Representative P. Ray; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 275**, VEHICLE TOWING REQUIREMENTS, by Representative B. Daw.

Carlene M. Walker, Chair

Mr. President:

February 8, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 117**, ANIMAL CRUELTY AMENDMENTS, by Senator A. Christensen, with the following amendments:

1. Page 5, Line 144:

144 husbandry practices or customary farming practices ; or

2. Page 5, Line 147:

147 (B) is not in accordance with accepted animal husbandry practices or customary farming practices .

3. Page 6, Line 153:

153 (A) cared for in accordance with accepted animal husbandry practices or customary farming practices ; and

- 4. Page 6, Line 161:
  - 161 <u>(iii) livestock</u> <u>that is cared for in accordance with:</u> (A) accepted animal husbandry practices for livestock; or (B) customary farming practices for livestock : or

5. Page 8, Line 233:

233 in a manner not in keeping with accepted animal husbandry practices or customary farming practices , intentionally, knowingly, ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a recommendation on S.B. 183. CHILD PORNOGRAPHY favorable AMENDMENT, by Senator D. C. Buttars.

Gregory S. Bell, Chair

On motion of Senator Eastman, the committee reports were adopted. H.B. 248, 1st Sub. H.B. 135, 1st Sub. S.B. 89, H.B. 50, H.B. 291, S.B. 84, as amended, H.B. 28, H.B. 275, S.B. 117, as amended, and S.B. 183 were placed on Second Reading Calendar.

# STANDING COMMITTEE REPORTS

Mr. President: February 8, 2008 The Revenue and Taxation Committee reports a favorable recommendation on H.B. 251, SALES AND USE TAX REVISIONS, by Representative J. Dougall, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President:

February 8, 2008 The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 259, GOLD STAR FAMILY SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative C. Oda, 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.J.R. 1, RESOLUTION ADDRESSING INTERNATIONAL TRADE ISSUES, by Representative S. Allen, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President:

February 8, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on 1st Sub. H.B. 294, APPROPRIATION LIMIT AMENDMENTS - FIRE SUPPRESSION, by Representative B. Ferry, and recommends it be considered read for the second time and placed on the Consent Calendar.

Darin G. Peterson, Chair

Mr. President: The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 144, MOTOR VEHICLE INSURANCE AMENDMENTS, by Representative T. Kiser, and recommends it be considered read for the second time and placed on the Consent Calendar.

Carlene M. Walker, Chair

Mr. President: February 8, 2008 The Judiciary, Law Enforcement, and Criminal Justice Committee reports a 256, recommendation on **H.B.** CRIMINAL favorable PENALTIES AMENDMENTS - INCLUDING JESSICA'S LAW, by Representative C. Wimmer, and recommends it be considered read for the second time and placed on the Consent Calendar; and

Gregory S. Bell, Chair

On motion of Senator Eastman, the committee reports were adopted. H.B. 251, H.B. 259, H.J.R. 1, 1st Sub. H.B. 294, H.B. 144, and H.B. 256 were considered read the second time and placed on the Consent Calendar.

#### INTRODUCTION OF BILLS

S.B. 208. Transportation Corridor Preservation Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 242, Law Enforcement Tracking of Domestic Violence Statistics (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 256, Good Samaritan Act for Engineers (M. Waddoups), read the first time by short title and referred to the Rules Committee.

#### THIRD READING CALENDAR

**H.B. 71**, PARENT-TIME AMENDMENTS, was read the third time.

On motion of Senator Bell, the bill was circled.

February 8, 2008

\* \* \*

**S.B. 78**, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS, was read the third time and explained by Senator Niederhauser.

Senator Niederhauser proposed the following amendment:

- Page 1, Lines 25 through 26 Senate Committee Amendments 1-31-2008
  - 25 Other Special Clauses:

26 {-None-} <u>This bill coordinates with H.B. 235, County</u> <u>Merit System Amendments, by providing which technical amendments</u> <u>supersede and by substantively and technically merging the amendments</u> <u>contained in H.B. 235 with the amendments contained in this bill.</u>

 Page 4, Line 117 Senate Committee Amendments 1–31–2008:

117 promulgated under this chapter.

<u>Section 3. Coordinating S.B. 78 with H.B. 235 --- Technically</u> <u>superseding amendments --- Substantively and technically merging the</u> <u>amendments.</u>

If this S.B. 78 and H.B. 235, County Merit System Amendments, both pass, it is the intent of the Legislature that when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication:

<u>(1) the amendments to Section 17–33–1 in this bill supersede the amendments to Section 17–33–1 in H.B. 235; and</u>

(2) merge the amendments in this bill to Section 17–33–8 with the amendments in H.B. 235 so that Section 17–33–8 reads:

17–33–8. Career service –– Exempt positions.

(1) The career service {-shall be-}

<u>(a) is</u> a permanent service to which this { law shall apply and shall comprise } <u>chapter applies; and</u>

 $\underline{(b)\ comprises}$  all tenured  $\underline{county}$  positions in the public service {-now existing or hereafter established-} , except {-the following-} :

(i) subject to Subsection (2):

 $\{-(1) \text{ The}-\}$  (A) the county executive, members of the

county legislative body, other elected officials  $\{-,-\}$  and

<u>(B) each</u> major department {<u>heads</u>} <u>head</u> charged directly by the county legislative body, or by a board appointed by the county legislative body, with the responsibility of assisting {<u>in the</u> formulation and carrying out of matters of policy; and if it is sought that any position which differs from its present status be exempted or tenured after the effective date of this act, a public hearing on the proposed exemption or tenure shall be held upon due notice and the concurrence of the council.\_} <u>to formulate and carry out policy matters;</u>

 $\{-(2) \text{ One}-\}$  (ii) one confidential secretary for each elected county officer and major department head  $\underline{\bullet}$  if  $\{-\text{one}-\}$  a confidential secretary is assigned  $\{-,-\}$  :

 $\{-(3)$  An  $\}$  (iii) an administrative assistant to the county executive, each member of the county legislative body, and  $\{-to-\}$  each elected official, if  $\{-one-\}$  an administrative assistant is assigned  $\{-,-\}$  :

 $\{-(4) \text{ The}-\}$ (iv) each duly appointed chief deputy of any elected county officer who {-would take-} takes over and {-discharge-} the duties of the elected county discharges officer in the absence or disability of the {-originally responsible } elected county officer  $\{-,-\}$ 

(v) subject to Subsection (3), a person who is:

(A) appointed by an elected county officer to administer division functions in furtherance of the performance of the elected officer's professional duties:

(B) in a confidential relationship with the elected county officer; and

(C) not in a law enforcement rank position of captain or below:

 $\{-(5) \text{ Persons}-\}$  (iv) each person employed to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the county legislative body or one of its committees  $\{-,-\}$  :

{-(6) Noncareer employees } (vii) each noncareer employee:

(A) compensated for {-their-} the employee's services on a seasonal or contractual basis {-who are-} : and

 $(\underline{B})$  hired on emergency or seasonal appointment basis, as approved by the council  $\{-, and -\}$  <u>: and</u>

(vii) each provisional {-employees-} employee, as

defined by the county's policies and procedures or its rules and regulations  $\{-,-\}$ 

 $\{-(8) \text{ Employees} - \}$  <u>(x) each employee</u> appointed to perform:

 $\{-(a)-\}$  (<u>A</u>) work that does not exceed three years in duration; or

 $\{-(b)-\}$  (B) work with limited funding  $\{-,-\}$  : and

[(9) Positions which by their nature ---]

(xi) each position that, by its confidential or key policy-determining {-or both----} nature, cannot or should not be appropriately included in the career service. {-All positions designated as being exempt under this Subsection shall be listed in the rules-}

(2) Before a position under Subsection (1)(b)(i) may be changed from its current status to exempt or tenured, the career service council shall, after giving due notice, hold a public hearing on the proposed change of status.

(3) (a) Subsection (1)(b)(v) may not be construed to cause a person serving as a nonexempt employee on May 5, 2008 in a position described in that subsection to lose the nonexempt status.

(b) The elected county officer in a supervisory position over an employee described in Subsection (3)(a) shall work with the county's office of personnel management to develop financial and other incentives to encourage a nonexempt employee to convert voluntarily to exempt status.

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

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

Voting	in	the	affirmative	were:	Senators
--------	----	-----	-------------	-------	----------

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

Absent or not voting were: Senators Eastman Jenkins

S.B. 78 was transmitted to the House for consideration.

\* \* \*

**S.B. 17**, CHILD ABUSE AND NEGLECT REGISTRY – MANAGEMENT AND LICENSING INFORMATION SYSTEMS AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

# Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Eastman Jenkins

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

\* \* \*

**S.B. 160**, CANDIDATE REPLACEMENT DEADLINE FOR GENERAL ELECTION, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

# Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Buttars Eastman

S.B. 160 was transmitted to the House for consideration.

\* \* \*

**S.B. 147**, CANDIDATE FILING REQUIREMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were:SenatorsButtarsEastman

S.B. 147 was transmitted to the House for consideration.

\* \* \*

**S.J.R. 5**, JOINT RESOLUTION AMENDING LEGISLATIVE APPORTIONMENT, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

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

#### Voting in the affirmative were: Senators

Absent or not voting were: Senators Buttars Eastman

S.J.R. 5 was transmitted to the House for consideration.

\* \* \*

**S.J.R. 6**, JOINT RESOLUTION ENCOURAGING THE GOVERNOR'S BOARD APPOINTMENTS TO REFLECT UTAH GEOGRAPHIC BALANCE, 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

$\partial$			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		
Absent or not voting were: Senators			

**S.J.R. 6** was transmitted to the House for consideration.

Eastman

\* \* \*

Hickman

**1st Sub. S.J.R. 7**, JOINT RULES RESOLUTION – AUTHORIZING ELECTRONIC COMMITTEE MEETINGS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Buttars

, oung in the ar		ators	
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

#### Voting in the affirmative were: Senators

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

Absent or	not voting were: Senators	
Buttars	Eastman	Hickman

1st Sub. S.J.R. 7 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Peterson, the circle was removed from **S.B. 94**, BURGLARY OF A RAILROAD CAR, and it was before the Senate. The bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not	voting were: Senators	
Bramble	Buttars	Madsen

S.B. 94 was transmitted to the House for consideration.

#### SECOND READING CALENDAR

**S.B. 69**, UNIFORM LIMITED COOPERATIVE ASSOCIATION ACT, was read the second time. Senator Hillyard explained the bill. Senators Waddoups and Bell commented. The bill passed second reading on the following roll call:

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

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

\* \* \*

**S.B. 143**, INSURANCE FINANCIAL REQUIREMENTS, was read the second time. 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

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

Absent or not voting was: Senator Hillyard

\* \* \*

On motion of Senator Madsen, the circle was removed from **S.B. 37**, HOME SCHOOL AND EXTRA CURRICULAR ACTIVITIES AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 5, Lines 139 through 144:

 139 (e) (i) {-Private }
 Except as provided in Subsections

 (7)(f) through (h):

(A) private school students and home school students shall be eligible for

140 <u>extracurricular activities at a public school consistent with</u> <u>eligibility standards as applied to</u>

141 <u>fully enrolled public school students</u> { <u>. except as provided in</u> <u>Subsections (7)(f) through (h)</u> } ; and

(B) a public school student who has been declared to be ineligible to participate in an extracurricular activity and who subsequently enrolls in a home school may not regain eligibility until the student resolves the reason for ineligibility and conforms to the eligibility standards applicable to fully enrolled public school students.

143 private school students or home school students to participate in extracurricular activities that

144 are not imposed on fully enrolled public school students.

 Page 6, Lines 158 through 159 Senate Committee Amendments 1–28–2008:

158 (iii) enrolls in a private school and establishes academic eligibility. {-

158a  $\hat{S} \rightarrow \underline{(i)}$  A public school student who has been declared to be ineligible to participate in an

158b extracurricular activity for a reason other than academics and who subsequently enrolls in a

158c home school may not regain eligibility until the student resolves the reason for ineligibility and

158d conforms to the eligibility standards applicable to fully enrolled public school students.

159  $[(i)](j) \leftarrow \hat{S}$  } (i) When selection to participate in an extracurricular activity at a public school is

Senator Madsen's motion to amend passed on a voice vote.

###

Senator Bell proposed the following amendment:

1. Page 5, Line 147 through Page 6, Line 152

147 (g) (i) To demonstrate a home school student's compliance with scholastic eligibility

148 <u>requirements</u>. {-<u>the individual providing the primary instruction</u> <u>of a home school student shall</u>

149 submit an affidavit that indicates:

150 <u>(i) the student is mastering the material in each course or subject</u> being taught; and

151 <u>(ii) the student is maintaining satisfactory progress towards</u> advancement or promotion.

-} <u>the student shall meet the scholastic eligibility requirements of</u> the school for which the student is participating in extracurricular activities.

(ii) The method of establishing compliance with the scholastic eligibility requirements shall be arranged between the home school student and the school.

152 (h) A public school student who has been declared to be academically ineligible to

Senator Bell's motion to amend failed on a voice vote. Senators Greiner, Bell, Jones, Dmitrich, Hillyard, Stephenson, and Dayton commented. The bill passed second reading on the following roll call:

### Yeas, 17; Nays, 12; Absent, 0.

#### Voting in the affirmative were: Senators

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

#### Voting in the negative were: Senators

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

#### COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, Claudia Eliason, Utah Mother of the Year, and Ingrid Sorensen, Utah Mother of Young Children, spoke in Committee of the Whole. On motion of Senator Hillyard, the Committee of the Whole was dissolved.

\* \* \*

**S.B. 165**, ALCOHOLIC BEVERAGE SINGLE EVENT PERMITS, was read the second time. Senator McCoy explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars Stephenson Walker

#### INTRODUCTION OF BILLS

S.B. 241, Local Governmental Cooperation in Education Matters

(P. Jones), read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Bramble, and at 11:45 a.m., the Senate recessed.

# **AFTERNOON SESSION**

The Senate reassembled at 2:00 p.m., with President Valentine presiding.

#### **RULES COMMITTEE REPORTS**

To the Members of the Senate: February 11, 2008 The Rules Committee recommends assignment of the following bills to standing committees:

#### **Education Committee**

**S.B. 219** Use of Severance Tax Revenues When a School District Division Occurs (Sen. M. Waddoups)

<b>Government Opera</b>	tions and Political Subdivisions Committee
S.B. 97	Immigration Task Force (Sen. S. Jenkins)
S.B. 260	Disclosure of Public Employee Disciplinary Actions
	Amendments (Sen. D. C. Buttars)
S.B. 274	Amendments to Utah Service Members' Civil Relief Act
	(Sen. P. Knudson)
S.B. 275	Military Justice Code Amendments (Sen. P. Knudson)
H.B. 250	Public Employee Benefit Approval Provisions
	(Rep. J. Dougall) (Sen. C. Bramble)
H.B. 296	Voting Machines Used by Municipalities
	(Rep. N. Hansen) (Sen. P. Jones)
H.B. 310	Absentee Ballot Revisions (Rep. D. Aagard)
	(Sen. P. Knudson)
H.C.R. 2	Concurrent Resolution Declaring February 6, 2008
	Ronald Reagan Day (Rep. M. Morley) (Sen. M. Madsen)
H.J.R. 3	Resolution Reaffirming the Words, Under God, in the
	Pledge of Allegiance (Rep. K. Gibson) (Sen. M. Dayton)
	Services Committee
H.B. 268	Health Facility Committee Membership (Rep. C. Herrod)
	(Sen. M. Madsen)
•	orcement, and Criminal Justice Committee
S.B. 236	Judiciary Amendments (Sen. L. Hillyard)
H.B. 314	Sexual Offenses – Definitions (Rep. R. Bigelow)
	(Sen. J. Greiner)
N ( 1 D	
,	Agriculture and Environment Committee
H.B. 117	Instream Flow to Protect Trout Habitat
1 4 G L H D 105	(Rep. S. Sandstrom) (Sen. P. Knudson)
1st Sub. H.B. 125	Department of Agriculture and Food Amendments
H.D. 142	(Rep. K. Gibson) (Sen. D. Peterson)
H.B. 143	Administration of Interstate Water (Rep. M. Brown)
	(Sen. K. VanTassell)

## **Revenue and Taxation Committee**

S.B. 204	Income Taxation – Real Estate Investment Trusts
	(Sen. W. Niederhauser)
S.B. 258	Property Tax Committee (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee			
S.B. 208	Transportation Corridor Preservation Amendments		
	(Sen. S. Killpack)		
H.B. 105	Transportation Infrastructure Loan Fund Amendments		
	(Rep. Julie Fisher) (Sen. S. Jenkins)		
H.B. 288	911 Committee (Rep. B. Dee) (Sen. J. Greiner)		
Workforce Ser Committee	rvices and Community and Economic Development		

S.B. 287	Appropriation for the Swanson Tactical Training Center (Sen. S. Jenkins)
H.C.R. 3	Concurrent Resolution – Declaring Love Your Library Week (Rep. S. Clark) (Sen. M. Dayton)

Bill Hickman Rules Committee Chair

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

#### INTRODUCTION OF BILLS

**S.B. 198, Child Support Technical Amendments** (G. Bell), read the first time by short title and referred to the Rules Committee.

**S.J.R. 12**, Joint Resolution Honoring Hill Air Force Base's 388th and 419th Fighter Wings (S. Killpack), read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Bramble, legislative staff was authorized to draft a resolution regarding Utah's trade with Taiwan.

#### SECOND READING CALENDAR

**1st Sub. S.B. 46**, ANTI–FLOW CONTROL AMENDMENTS, was read the second time. Senator Eastman explained the bill. Senators Knudson, Buttars, and Greiner commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators			
Bramble	Christensen	Davis	Dmitrich
Eastman	Fife	Goodfellow	Hickman

Hillyard Knudson Niederhauser Van Tassell	Jenkins Madsen Peterson Walker	Jones Mayne Romero	Killpack McCoy Stowell
<b>Voting in the nega</b> Buttars	<b>tive were:</b> Senators Dayton	Greiner	Waddoups
<b>Absent or not voti</b> Bell	<b>ng were:</b> Senators Stephenson	Valentine	
	* *	* *	

S.B. 148, ENFORCEMENT OF FRONT LICENSE PLATE DISPLAY REQUIREMENT AMENDMENTS, was read the second time. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton	
Dmitrich	Fife	Greiner	Hickman	
Hillyard	Jenkins	Jones	Killpack	
Knudson	Madsen	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stowell	
Van Tassell	Walker			
Voting in the negative were: Senators				

Davis Goodfellow

Absent or not votin	ng were: Senators		
Bell	Eastman	Stephenson	Waddoups
Valentine			

\* \* \*

S.B. 168, HIGHWAY FUNDING AMENDMENTS, was read the second time.

Senator Stowell proposed the following amendment:

- 1. Page 1, Lines 14 through 16
  - 14 account funds; and

15 { → provides that the State Park Highways Access Improvement Program may be

16 funded from funds appropriated to the Department of Transportation; and -}

2. Page 1, Line 25:

25 {-72-3-207, as last amended by Laws of Utah 2007, Chapter 126-}

3. Page 4, Line 105 through Page 5, Line 131:

105 {-Section 2. Section 72–3–207 is amended to read:

106 72–3–207. State Park Access Highways Improvement Program — Distribution —

107 Rulemaking.

108 (1) There is created the State Park Access Highways Improvement Program within the

109 department.

110 (2) (a) The program shall be funded from the following revenue sources:

111 [(a)] (i) any voluntary contributions received for improvements to state park access

112 highways; and

113 [(b)] (ii) appropriations made to the program by the Legislature.

114 (b) The program may be funded from appropriations made to the department by the

115 Legislature.

116 (3) The department may use the program monies as matching grants to a county or

117 municipality for the improvement of class B or class C roads specified as state park access

118 highways under this part subject to:

119 (a) monies available in the program;

120 (b) prioritization of the program monies by the commission;

121 (c) a county or municipality providing at least 50% of the cost of each improvement

122 project in matching funds; and

123 (d) rules made under Subsection (4).

(4) The department shall make rules in accordance with Title63, Chapter 46a, Utah

125 Administrative Rulemaking Act, necessary to administer the program and to establish the

126 procedures for a county or municipality to apply for a grant of program monies.

127 (5) All appropriations made to the program by the Legislature are nonlapsing.

128 (6) The department shall commit funds for state park access highway projects for the

129 amount of funding currently programmed in a funded year in the 2007 Statewide

130 Transportation Improvement Program. }

131 Section  $\{-3-\}$   $\underline{2}$ . Effective date.

Senator Stowell's motion to amend passed on a voice vote. Senator Stowell explained the bill. Senator Dmitrich commented.

On motion of Senator Stowell, the bill was circled.

\* \* \*

**S.B. 179**, SALVAGE VEHICLE AMENDMENTS, was read the second time. Senator Walker 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

, oung in the mini			
Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stowell	Van Tassell	Waddoups	Walker
Absent or not voti	ng were: Senators		
Bell	Eastman	Hickman	Stephenson
Valentine			

\* \* \*

**S.B. 181**, OFF–HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**2nd Sub. S.B. 20**, MUNICIPAL GOVERNMENT AMENDMENTS, was read the second time.

Senator Walker proposed the following amendment:

1. Page 1, Line 18:

18 five-member council forms of municipal government;
 ▶ specifies that an election on a proposed change in the form of municipal government occur on a municipal general election or regular general election date:

2. Page 2, Lines 45 through 46:

45 20A-1-102, as last amended by Laws of Utah 2007, Chapters 75, 256, 285, and 329

46 20A-1-506, as last amended by Laws of Utah {-**2006**, Chapter 16-} <u>2008, Chapter 3</u>

Page 2, Line 49:

49 {-78-5-134, as last amended by Laws of Utah 2006, Chapter 16-}

<u>78A–7–202, as renumbered and amended by Laws of Utah 2008.</u> <u>Chapter 3</u>

4. Page 16, Lines 463 through 464:

463 council-mayor form under [Part 12, Optional Forms of Municipal Government Act] {-<u>Subsection</u>

464<u>10-36-103(3)</u> }<br/>Municipal Government<br/>may provide that the governingChapter 3b, Part 2, Council-Mayor Form of<br/>, an ordinance adopted under Subsection (7)(a)

5. Page 17, Line 494:

6. Page 18, Line 526:

526 (B) Part {-3} } <u>4</u>, Five–Member Council Form of Municipal Government;

7. Page 25, Line 745:

745 <u>necessary;</u> {-<u>and</u> }

8. Page 29, Line 886:

886 the council by ordinance delegates to the manager, subject to Subsection (3); {-and }

9. Page 30, Line 915:

915 <u>declaring</u> <u>of</u> <u>a petition filed under Subsection (1)(b) as</u> <u>sufficient under Section 20A-7-507, the</u>

10. Page 30, Line 918:

918 the proposed change in the form of government {-<u>no less than 90</u> days but within 12 months } at the next municipal general election or regular general election that is more than 75 days

11. Page 30, Line 922:

922 { <u>-20a-7-507</u> } <u>20A-7-507</u> .

12. Page 31, Lines 941 through 942:

941 <u>A resolution may not be adopted under Subsection</u> 10-3b-503(1)(a)  $\{-(i)\}$  and a petition

942 <u>may not be filed under Subsection</u> <u>10-3b-503(1)</u> {-(a)(ii) } (b) within:

13. Page 32, Line 980:

980 Independent audits of all cities are required  $\{-,-\}$  to be performed in conformity with Title

14. Page 34, Line 1019:

1019  $\{-(6)-\}$  (5) "Conditional use" means a land use that, because of its unique characteristics or

15. Page 34, Line 1023:

1023  $\{-(7)-\}$  <u>(6)</u> "Constitutional taking" means a governmental action that results in a taking of

16. Page 34, Line 1027:

1027  $\{-(8)-\}$  <u>(7)</u> "Culinary water authority" means the department, agency, or public entity with

17. Page 34, Line 1030:

1030  $\{-(9)-\}$  (8) (a) "Disability" means a physical or mental impairment that substantially limits one

18. Page 34, Line 1036:

1036  $\{-(10)-\}$  (9) "Elderly person" means a person who is 60 years old or older, who desires or

19. Page 34, Line 1039:

1039  $\{-(11)-\}$  (10) "Fire authority" means the department, agency, or public entity with responsibility

20. Page 34, Line 1042:

1042  $\{-(12)-\}$  (11) "General plan" means a document that a municipality adopts that sets forth general

21. Page 34, Line 1044:

1044  $\{-(13)-\}$  (12) "Identical plans" means building plans submitted to a municipality that are

22. Page 35, Line 1051:

1051  $\{-(14)-\}$  (13) "Land use application" means an application required by a municipality's land use

23. Page 35, Line 1053:

1053  $\{-(15)-\}$  (14) "Land use authority" means a person, board, commission, agency, or other body

24. Page 35, Line 1055:

1055  $\{-(16)-\}$  (15) "Land use ordinance" means a planning, zoning, development, or subdivision

25. Page 35, Lines 1057 through 1059:

1057  $\{-(17)-\}$  (16) "Land use permit" means a permit issued by a land use authority.

1058  $\{-(18)-\}$  (<u>17</u>) "Legislative body" means the municipal council.

1059  $\{-(19)-\}$  (18) "Local district" means an entity under Title 17B, Limited Purpose Local

26. Page 35, Line 1062:

1062  $\{-(20)-\}$  (19) "Lot line adjustment" means the relocation of the property boundary line in a

27. Page 35, Line 1064:

1064  $\{-(21)-\}$  (20) "Moderate income housing" means housing occupied or reserved for occupancy

28. Page 35, Line 1067:

1067  $\{-(22)-\}$  (21) "Nominal fee" means a fee that reasonably reimburses a municipality only for time

29. Page 35, Line 1072:

1072  $\{-(23)-\}$  (22) "Noncomplying structure" means a structure that:

30. Page 35, Line 1077:

1077  $\{-(24)-\}$  (23) "Nonconforming use" means a use of land that:

31. Page 36, Line 1083:

1083  $\{-(25)-\}$  (24) "Official map" means a map drawn by municipal authorities and recorded in a

32. Page 36, Line 1091:

1091  $\{-(26)-\}$  (25) "Person" means an individual, corporation, partnership, organization, association,

33. Page 36, Line 1093:

1093  $\{-(27)-\}$  (26) "Plan for moderate income housing" means a written document adopted by a city

34. Page 36, Line 1104:

1104  $\{-(28)-\}$  (27) "Plat" means a map or other graphical representation of lands being laid out and

35. Page 36, Line 1106:

1106  $\{-(29)-\}$  (28) "Public hearing" means a hearing at which members of the public are provided a

35. Page 36, Line 1108:

1108  $\{-(30)-\}$  (29) "Public meeting" means a meeting that is required to be open to the public under

37. Page 36, Line 1110:

1110  $\{-(31)-\}$  (30) "Record of survey map" means a map of a survey of land prepared in accordance

38. Page 37, Line 1112:

1112  $\{-(32)-\}$  (31) "Receiving zone" means an area of a municipality that the municipality's land use

39. Page 37, Line 1115:

1115  $\{-(33)-\}$  (32) "Residential facility for elderly persons" means a single–family or multiple–family

40. Page 37, Line 1118:

1118  $\{-(34)-\}$  (33) "Residential facility for persons with a disability" means a residence:

41. Page 37, Line 1124:

1124  $\{-(35)-\}$  (34) "Sanitary sewer authority" means the department, agency, or public entity with

42. Page 37, Line 1127:

1127  $\{-(36)-\}$  (35) "Sending zone" means an area of a municipality that the municipality's land use

43. Page 37, Line 1130:

412

1130 {-(37)-} (36) "Specified public utility" means an electrical corporation, gas corporation, or

44. Page 37, Line 1132:

1132  $\{-(38)-\}$  (37) "Street" means a public right-of-way, including a highway, avenue, boulevard,

45. Page 37, Line 1135:

1135  $\{-(39)-\}$  (38) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be

46. Page , Line 1142 through Page 38, Line 1142:

1142 (ii) except as provided in Subsection  $\{-(39)-\}$  (38) (c), divisions of land for residential and

47. Page 38, Line 1164:

1164 not been subdivided does not constitute a subdivision under this Subsection  $\{-(39)-\}$  (38) as to the

48. Page 38, Line 1167:

1167  $\{-(40)-\}$  (39) "Transferrable development right" means the entitlement to develop land within a

49. Page 38, Line 1171:

1171  $\{-(41)-\}$  (40) "Unincorporated" means the area outside of the incorporated area of a city or

50. Page , Line 1173 through Page 39, Line 1173:

1173  $\{-(42)-\}$  (41) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts

51. Page 47, Line 1443 through Page 49, Line 1492:

1443 ballot according to the procedures established in this title.

1444 Section 38. Section 20A–1–506 is amended to read:

1446 (1) As used in this section:

1447 (a) "Appointing authority" means:

1448 <u>(i) for a county:</u>

1449 [(i)] (A) the chair of the county commission in [counties]  $\underline{a}$  county having the county

1450 commission form of county government; and

1451 [(ii)] (B) the county executive in [counties] <u>a county</u> having the county

1452 executive council form of government; and

1453 [(iii) the chair] (ii) for a city, or town, the mayor of the city [council] or town [council]

1454 in municipalities having:].

1455 [(A) the traditional management arrangement established by Title 10, Chapter 3, Part 1,

1456 Governing Body; and]

1457 [(B) the council-manager optional form of government defined in Section 10–3–101;

1458 and]

1459 [(iv) the mayor, in the council mayor optional form of government defined in Section

1460 10-3-101;]

1461 (b) "Local legislative body" means:

1462 (i) the county commission or county council; and

1463 (ii) the [city] council <u>of the city</u> or town [council].

1464 (2) (a) If a vacancy occurs in the office of a municipal justice court judge before the

1465 completion of his term of office, the appointing authority may:

1466 (i) fill the vacancy by appointment for the unexpired term by following the procedures

1467 and requirements for appointments in Section 78-5-134; or

1468 (ii) contract with a justice court judge of the county, an adjacent county, or another

1469 municipality within those counties for judicial services.

1470 (b) When the appointing authority chooses to contract under Subsection (2)(a)(ii), it

1471 shall ensure that the contract is for the same term as the term of office of the judge whose

1472 services are replaced by the contract.

1473 (c) The appointing authority shall notify the Office of the State Court Administrator in

1474 writing of the appointment, resignation, or the contractual agreement for services of a judge

1475 under this section within 30 days after filling the vacancy.

1476 (3) (a) If a vacancy occurs in the office of a county justice court judge before the

1477 completion of that judge's term of office, the appointing authority may fill the vacancy by

1478 appointment for the unexpired term by following the procedures and requirements for

1479 appointments in Section 78–5–134.

1480 (b) The appointing authority shall notify the Office of the State Court Administrator in

1481 writing of any appointment of a county justice court judge under this section within 30 days

1482 after the appointment is made.

1483 (4) (a) When a vacancy occurs in the office of a justice court judge, the appointing

1484 authority shall:

1485 (i) advertise the vacancy and solicit applications for the vacancy;

1486 (ii) appoint the best qualified candidate to office based solely upon fitness for office;

1487 (iii) comply with the procedures and requirements of Title 52, Chapter 3, prohibiting

1488 employment of relatives in making appointments to fill the vacancy; and

1489 (iv) submit the name of the appointee to the local legislative body.

1490 (b) If the local legislative body does not confirm the appointment within 30 days of

1491 submission, the appointing authority may either appoint another of the applicants or reopen the

1492 vacancy by advertisement and solicitations of applications...}

20A-1-506. Judicial vacancies -- Courts not of record.

(1) As used in this section:

(a) "Appointing authority" means:

(i) for a county:

{-(A) the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body; and-}

 $\{-(B) \text{ the council-manager optional form of government defined in Section 10-3-101; and }\}$ 

{ (iv) the mayor, in the council-mayor optional form of government defined in Section 10 3 -101; }

(b) "Local legislative body" means:

(i) for a county, the county commission or county council; and

(ii) for a city or town the  $\{-city-\}$  council of the city or town  $\{-council-\}$ .

(2) (a) If a vacancy occurs in the office of a municipal justice court judge before the completion of his term of office, the appointing authority may:

(i) fill the vacancy by appointment for the unexpired term by following the procedures and requirements for appointments in Section 78A-7-202; or

(ii) contract with a justice court judge of the county, an adjacent county, or another municipality within those counties for judicial services.

(b) When the appointing authority chooses to contract under

Subsection (2)(a)(ii), it shall ensure that the contract is for the same term as the term of office of the judge whose services are replaced by the contract.

(c) The appointing authority shall notify the Office of the State Court Administrator in writing of the appointment, resignation, or the contractual agreement for services of a judge under this section within 30 days after filling the vacancy.

(3) (a) If a vacancy occurs in the office of a county justice court judge before the completion of that judge's term of office, the appointing authority may fill the vacancy by appointment for the unexpired term by following the procedures and requirements for appointments in Section 78A-7-202.

(b) The appointing authority shall notify the Office of the State Court Administrator in writing of any appointment of a county justice court judge under this section within 30 days after the appointment is made.

(4) (a) When a vacancy occurs in the office of a justice court judge, the appointing authority shall:

(i) advertise the vacancy and solicit applications for the vacancy;

(ii) appoint the best qualified candidate to office based solely upon fitness for office;

(iii) comply with the procedures and requirements of Title 52, Chapter 3, prohibiting employment of relatives in making appointments to fill the vacancy; and

(iv) submit the name of the appointee to the local legislative body.

(b) If the local legislative body does not confirm the appointment within 30 days of submission, the appointing authority may either appoint another of the applicants or reopen the vacancy by advertisement and solicitations of applications.

52. Page 55, Line 1680 through Page 57, Line 1734:

1680 Section 41. Section  $\{-78-5-134-\}$  <u>78A-7-202</u> is amended to read:

1681 {-78-5-134. Justice court judges to be appointed --Procedure Report to Judicial

1682 Council — Retention election — Vacancy.

1683 (1) As used in this section:

1684 (a) "Appointing authority" means:

1685 <u>(i) for a county:</u>

1686 [(i)] ( $\underline{\Lambda}$ ) the chair of the county commission in [counties] <u>a</u> <u>county</u> having the county

1687 commission form of county government; and

1688 [(ii)] (B) the county executive in [counties] <u>a county</u> having the county

1689 executive council form of government;

1690 [(iii) the chair] (ii) for a city or town, the mayor of the city [council] or town [council]

1691 in municipalities having the traditional management arrangement established by Title 10,

1692 Chapter 3, Part 1, Governing Body;].

1693 [(iv) the city manager, in the council-manager optional form of government defined in

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1694 Section 10-3-101; and]
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1695 [(v) the mayor, in the council mayor optional form of government defined in Section

1696 <del>10 3 101</del>.]

1697 (b) "Local legislative body" means:

1698 (i) the county commission or county council; and

1699 (ii) the [city] council of the city or town [council].

1700 (2) Justice court judges shall be appointed by the appointing authority and confirmed

1701 by a majority vote of the local legislative body.

1702 (3) (a) After a newly appointed justice court judge has been confirmed, the local

1703 legislative body shall report the confirmed judge's name to the Judicial Council.

1704 (b) The Judicial Council shall certify the judge as qualified to hold office upon

1705 successful completion of the orientation program and upon the written opinion of the county or

1706 municipal attorney that the judge meets the statutory qualifications for office.

1707 (c) A justice court judge may not perform judicial duties until certified by the Judicial

1708 Council.

1709 (4) Upon the expiration of a county justice court judge's term of office the judge shall

1710 be subject to an unopposed retention election in accordance with the procedures set forth in

1711 Section 20A-12-201.

1712 (5) Upon the expiration of a municipal justice court judge's term of office a municipal

1713 justice court judge shall be reappointed absent a showing of good cause by the appointing

1714 authority.

1715 (a) If an appointing authority asserts good cause to not reappoint a municipal justice

1716 court judge, at the request of the judge, the good cause shall be presented at a formal hearing of

1717 the local legislative body.

1718 (b) The local legislative body shall determine by majority vote whether good cause

1719 exists not to reappoint the municipal justice court judge.

1720 (c) The decision of the local legislative body is not subject to appeal.

1721 (d) In determining whether good cause exists to not reappoint a municipal justice court

1722 judge, the appointing authority and local legislative body shall consider:

1723 (i) whether or not the judge has been certified as meeting the evaluation criteria for

1724 judicial performance established by the Judicial Council; and

1725 (ii) any other factors considered relevant by the appointing authority.

1726 (6) Before reappointment or retention election, each justice court judge shall be

1727 evaluated in accordance with the performance evaluation program established in Subsection

172878-3-21(4).

1729 (7) (a) At the conclusion of a term of office or when a vacancy occurs in the position of

1730 justice court judge, the appointing authority may contract with a justice court judge in the

1731 county or an adjacent county to serve as justice court judge.

1732 (b) The contract shall be for the duration of the justice court judge's term of office.

1733 (8) Vacancies in the office of justice court judge shall be filled as provided in Section

1734 20A-1-506.-}

78A-7-202. Justice court judges to be appointed -- Procedure -- Report to Judicial Council -- Retention election -- Vacancy.

(1) As used in this section:

(a) "Appointing authority" means:

(i) for a county:

 $\begin{array}{c|c} \hline \ \ & \underline{(A)} \\ \hline \ & \underline{(A)} \hline \hline \ & \underline{(A)} \\ \hline \ & \underline{(A)} \hline \hline \ & \underline{(A$ 

(B) the county executive in {-counties-} <u>a county</u> having the county executive-council form of government; <u>and</u>

{-(iii) the chair-} (ii) for a city or town, the mayor of the city {-council-} or town {-council in municipalities having the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body; }

 $\{-(iv) \text{ the city manager, in the council manager optional form of government defined in Section 10–3–101; and -}$ 

 $\{-(v)$  the mayor, in the council mayor optional form of government defined in Section 10–3–101.- $\}$ 

(b) "Local legislative body" means:

(i) for a county, the county commission or county council; and

(ii) for a city or town, the  $\{-city-\}$  council of the <u>city</u> or town  $\{-council-\}$ .

(2) Justice court judges shall be appointed by the appointing authority and confirmed by a majority vote of the local legislative body.

(3) (a) After a newly appointed justice court judge has been confirmed, the local legislative body shall report the confirmed judge's name to the Judicial Council.

(b) The Judicial Council shall certify the judge as qualified to hold office upon successful completion of the orientation program and upon the written opinion of the county or municipal attorney that the judge meets the statutory qualifications for office.

(c) A justice court judge may not perform judicial duties until certified by the Judicial Council.

(4) Upon the expiration of a county justice court judge's term of office the judge shall be subject to an unopposed retention election in accordance with the procedures set forth in Section 20A-12-201.

(5) Upon the expiration of a municipal justice court judge's term of office a municipal justice court judge shall be reappointed absent a showing of good cause by the appointing authority.

(a) If an appointing authority asserts good cause to not reappoint a municipal justice court judge, at the request of the judge, the good cause shall be presented at a formal hearing of the local legislative body.

(b) The local legislative body shall determine by majority vote whether good cause exists not to reappoint the municipal justice court judge.

(c) The decision of the local legislative body is not subject to appeal.

(d) In determining whether good cause exists to not reappoint a municipal justice court judge, the appointing authority and local legislative body shall consider:

(i) whether or not the judge has been certified as meeting the evaluation criteria for judicial performance established by the Judicial Council; and

(ii) any other factors considered relevant by the appointing authority.

(6) Before reappointment or retention election, each justice court judge shall be evaluated in accordance with the performance evaluation program established in Subsection 78A-2-104(5).

(7) (a) At the conclusion of a term of office or when a vacancy occurs in the position of justice court judge, the appointing authority may contract with a justice court judge in the county or an adjacent county to serve as justice court judge.

(b) The contract shall be for the duration of the justice court judge's term of office.

(8) Vacancies in the office of justice court judge shall be filled as provided in Section 20A-1-506.

Senator Walker's motion to amend passed on a voice vote. Senator Walker explained the bill. Senators Buttars, Knudson, Madsen, and Niederhauser commented.

#### ###

Senator Stephenson proposed the following amendment:

1. Page 1, Line 18

18 five-member council forms of municipal government;

▶ provides that a council modifying a mayor's powers, duties, or functions in a six-member council form or five-member council form of government constitutes a change in the form of government, requiring voter approval;

▶ eliminates a mayor's refusal to act as a basis for the council appointing a mayor pro tempore in a six-member council form or five-member council form of government;

▶ requires persons appointed to an appointed municipal office in certain municipalities to be appointed based on qualifications;

▶ <u>authorizes a mayor in certain municipalities to remove any of</u> <u>specified appointed officers;</u>

▶ provides that following the removal of an appointed officer in certain municipalities, the position remains vacant until a successor is appointed;

- 2. Page 2, Line 41:
  - 41 10–3–902, as enacted by Laws of Utah 1977, Chapter 48 10–3–916, as last amended by Laws of Utah 2003, Chapter 292
- 3. Page 14, Line 409:

409 <u>Professional Engineers and Professional Land Surveyors Licensing</u> <u>Act.</u>

Section 11. Section 10-3-916 is amended to read:

10-3-916. Appointment of recorder and treasurer in a city of third, fourth, or fifth class or a town -- Vacancies in office.

(1) In each city of the third, fourth, or fifth class and in each

town, on or before the first Monday in February following a municipal election, the mayor, with the advice and consent of the city council, shall appoint a qualified person to each of the offices of city recorder and treasurer.

(2) The city recorder is ex officio the city auditor and shall perform the duties of that office.

(3) (a) The mayor, with the advice and consent of the council, may also appoint and fill vacancies in all offices provided for by law or ordinance.

{-(4) All appointed officers shall continue in office until their successors are appointed and qualified.--}

(b) Each person appointed under this section shall be appointed solely on the basis of the person's abilities, integrity, and prior experience relating to the duties of the office.

(4) (a) The mayor in a city of the third, four, or fifth class or a town may remove any officer appointed under this section.

(b) If a mayor removes a person under Subsection (4)(a), the position from which the person was removed shall remain vacant until another person is appointed, as provided in this section.

Renumber remaining sections accordingly.

4. Page 27, Line 811:

811 (2) (a) If the mayor is absent or unable {-or refuses } to act, the council may elect a

5. Page 27, Line 828:

6. Page 27, Line 830:

830 <u>10-3b-104;</u> <u>or</u>

7. Page , Line 832 through Page 28, Line 833:

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832 <u>Subsection (2)(a)(i)</u>; \{-and\}
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833 {-(iii) } (b) adopt an ordinance delegating to the mayor any executive or administrative power, duty, or function
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8. Page 28, Line 835:

835  $\{-\underline{(b)}\}$  <u>(c)</u> <u>subject</u> to Subsection10–3b–302(1)(b)(ii)(A): 9. Page 28, Line 839:

839 {-(c) } (d) assign any or all council members, including the mayor, to supervise one or more

10. Page 28, Line 861:

861 (2) (a) If the mayor is absent or unable { <u>or refuses</u> } to act, the council may elect a

11. Page 29, Line 878:

878(a)subject to{-Subsection}Subsections10-3b-403(3)and 10-3b-501(2), adopt an ordinance:

12. Page 29, Line 880:

880 <u>10–3b–104;</u> <u>or</u>

13. Page 29, Lines 882 through 883:

882 <u>Subsection (2)(a)(i);</u> {<u>and</u> }

883 {-<u>(iii)</u> } (b) adopt an ordinance delegating to the mayor any executive or administrative power, duty, or function

14. Page 29, Line 885:

885 {-(b) } (c) appoint a manager to perform executive and administrative duties or functions that

15. Page 29, Lines 887 through 888:

16. Page 30, Lines 897 through 902:

897 (1) As provided in this part, a municipality may change from the form of government under

898 which it operates to:

899 {-(<u>1</u>) } (<u>a</u>) the council-mayor form of government with a five-member council;

900 {-(2) } (b) the council-mayor form of government with a seven-member council;

901  $\{-(3)\}$ the six-member council form of (c) government; or

902  $\{-(4)\}$ (d) the five-member council form of government.

(2)(a) A removal of a power, duty, or function of a mayor under a six-member council form of government or five-member council form of government is a change in the form of municipal government requiring the approval of voters of the municipality, as provided in this part.

(b) The reinstatement of a previously removed power, duty, or function of a mayor under a six-member council form of government or a five-member council form of government is a change in the form of municipal government requiring the approval of voters of the municipality, as provided in this part.

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

#### Yeas, 15; Nays, 10; Absent, 4.

Voting in the aff	Voting in the affirmative were: Senators			
Bramble	Buttars	Davis	Dayton	
Fife	Hillyard	Jenkins	Knudson	
Madsen	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups		
<b>Voting in the neg</b> Bell Jones Niederhauser	gative were: Senators Christensen Killpack Walker	Goodfellow Mayne	Greiner McCoy	
Absent or not vo Dmitrich	ting were: Senators Eastman	Hickman	Valentine	

#### **T**7 4. to th 664 .... Const

On motion of Senator Walker, the bill was circled.

\* \* \*

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

#### THIRD READING CALENDAR

On motion of Senator Bell, the circle was removed from H.B. 71, and it was before the Senate.

Senator Bell proposed the following amendment:

 Page 8, Lines 222 through 223 Senate 2nd Reading Amendments 2–8–2008

222 (iii) Elections should be made by the noncustodial parent at the time of entry of the

223 <u>divorce decree or court order</u>  $\hat{S} \rightarrow \underline{, and may be changed by mutual agreement} {-<u>or</u>} <u>court order</u>, <u>or by the noncustodial</u> <u>parent in the event of a change in the child's schedule</u> <math>\boldsymbol{\leftarrow}\hat{S}$ .

 Page 9, Lines 249 through 250 Senate 2nd Reading Amendments 2–8–2008:

249 (iv) Elections should be made by the noncustodial parent at the time of the divorce

250 <u>decree or court order</u>  $\hat{S} \rightarrow \underline{\ }$  and may be changed by mutual agreement  $\{-\underline{or}\ \}$  <u>court order</u> <u>or by the noncustodial</u> parent in the event of a change in the child's schedule  $\notin \hat{S}$ .

 Page 11, Line 336 House Floor Amendments 1–25–2008:

336 (o) Virtual parent-time, if the equipment is reasonably available <u>and the parents reside at least 100 miles apart</u>, shall be at reasonable

Senator Bell's motion to amend passed on a voice vote. Senator Hillyard commented and the bill passed on the following roll call:

### Yeas, 22; Nays, 3; Absent, 4.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Fife	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Voting in the ne	gative were: Senators	
Dayton	Goodfellow	Greiner

#### Absent or not voting were: Senators

Dmitrich Eastman Hickman Valentine

H.B. 71 was returned to the House for further consideration.

\* \* \*

On motion of Senator Christensen, the Senate voted to move to Second Reading Calendar.

#### SECOND READING CALENDAR

**1st Sub. S.B. 45**, ACCOUNTING FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, was read the second time. Senator Stephenson explained the bill.

Senator Romero proposed the following amendment:

- Page 1, Line 15: Delete "requires" and insert "permits
- Page 1, Line 17: Delete "requires" and insert "permits
- Page 2, Line 53: Delete "<u>shall</u>" and insert "<u>may</u>"
- Page 3, Line 82: Delete "<u>shall</u>" and insert "<u>may</u>"

Senator Romero's motion to amend failed on a voice vote. Senators Hillyard, Greiner, Niederhauser, Davis, McCoy, Knudson, Dayton, Jones, Goodfellow, Eastman, and Mayne commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 10; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Eastman
Goodfellow	Hickman	Jenkins	Killpack
Knudson	Madsen	Niederhauser	Peterson
Stephenson	Van Tassell	Waddoups	Walker
Valentine			

Voting in the negative were: Senators			
Davis	Dmitrich	Fife	Greiner
Hillyard	Jones	Mayne	McCoy
Romero	Stowell		
Absent or not voti	ng were: Senators		
Buttars	Dayton		

\* \* \*

On motion of Senator Jenkins, the circle was removed from S.B. 181, OFF-HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS, 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. 181 Off-highway Vehicle Use on Public Highways (S. Jenkins)

On motion of Senator Jenkins, the bill was circled.

\* \* \*

S.B. 167, ALCOHOLIC BEVERAGES ON ELECTION DAY, was read the second time. Senator McCoy explained the bill. Senator Madsen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators Dayton Hillyard

Absent or not voting was: Senator Buttars

#### \* \* \*

On motion of Senator Bramble and at 4:05 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 12, 2008.

# TWENTY-THIRD DAY

# **MORNING SESSION**

# **FEBRUARY 12, 2008**

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

Prayer – Reverend Wade C. Halva, Cottonwood Presbyterian Church
Pledge of Allegiance – Senator Bill Hickman
Roll Call – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 11, 2008

The House concurred in the Senate amendments and passed **H.B. 13**, CRIMINAL STATUTE OF LIMITATIONS AMENDMENTS, by Representative C. Wimmer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 24**, AMENDMENTS TO UTAH DIGITAL HEALTH SERVICE COMMISSION ACT, by Representative R. Menlove, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 31**, CHILD WELFARE DEFINITIONS, 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. 32**, AFFIRMATIVE DEFENSE FOR AGRI–TOURISM ACTIVITY, 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. 74**, MEDICAID 340B DRUG PRICING PROGRAMS, by Representative D. Litvack, 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**, PERSONAL PROPERTY TAX AMENDMENTS, by Representative J. Dougall, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**H.B. 13, 1st Sub. H.B. 24, H.B. 31, H.B. 32, H.B. 74,** and **2nd Sub. H.B. 77**, 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 11, 2008

The House passed, as substituted and amended, **2nd Sub. H.B. 51**, WATER RIGHT FORFEITURE PROTECTION, by Representative P. Painter, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 109**, SEX OFFENDER LAW AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 239**, DRIVER LICENSE QUALIFICATION AMENDMENTS, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed **H.B. 320**, VEHICLE IMPOUND YARD REQUIREMENTS, by Representative C. Oda, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **2nd Sub. H.B. 51, 1st Sub. H.B. 109, H.B. 239,** and **H.B. 320** were read the first time and referred to the Rules Committee.

#### STANDING COMMITTEE REPORTS

Mr. President: February 11, 2008 The Business and Labor Committee recommends **S.B. 166**, NONDISCRIMINATION AMENDMENTS, by Senator S. McCoy, be replaced and favorably recommends **1st Sub. S.B. 166**, NONDISCRIMINATION AMENDMENTS with the following amendments:

1. Page 3, Lines 62 through 63:

63 day in each of 20 calendar weeks or more in the current or preceding calendar year. ; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 189**, INDEPENDENT CONTRACTOR DATABASE, by Senator D. Eastman; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 205**, UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT, by Senator L. Hillyard; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 220**, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION, by Senator C. Bramble, with the following amendments:

- 1. Page 1, Line 27 through Page 2, Line 36:
  - 27 (1) Except as provided in Subsection (2), an action for defective design or construction is limited

28 to breach of the contract.

29 (2) An action for defective <u>design or</u> construction may include physical property damage or

30 physical personal injury if the damage or injury is caused by the defective <u>design or</u> construction.

31 (3) For purposes of this section, property damage does not include:

32 (a) the failure of construction to function as designed; or

33 (b) diminution of the value of the constructed property because of the defective design or

34 <u>construction.</u>

35 (4) An action for defective <u>design or</u> construction may be brought only by a person in privity of

36 <u>contract with the original contractor</u> <u>architect, engineer</u>, <u>or</u> <u>the real estate developer</u>; and

Kevin T. Van Tassell, Chair

Mr. President:

February 11, 2008

The Health and Human Services Committee recommends **S.B. 267**, LOCAL GOVERNMENT AUTHORITY AMENDMENTS, by Senator D. C. Buttars, be replaced and favorably recommends **1st Sub. S.B. 267**, LOCAL GOVERNMENT AUTHORITY AMENDMENTS with the following amendments:

1. Page 2, Line 42:

42	<u>(c)</u>	{ <u>grand</u> }	<u>grant</u>	any other right or benefit.
2. Page 5, Line 120:				
120	<u>(C)</u>	{ <u>grand</u> }	<u>grant</u>	any other right or benefit.

D. Chris Buttars, Chair

Mr. President:

February 11, 2008

The Education Committee reports a favorable recommendation on **H.B. 86**, FUNDING OF INMATE POSTSECONDARY EDUCATION, by Representative J. Draxler; and

The Education Committee reports a favorable recommendation on **H.B. 234**, KINDERGARTEN ASSESSMENT AMENDMENTS, by Representative L. Shurtliff; and

The Education Committee reports a favorable recommendation on **H.B. 286**, PERMANENT TEACHER LICENSE REVOCATION FOR SEXUAL ACTIVITY WITH STUDENTS, by Representative C. Wimmer.

Margaret Dayton, Chair

Mr. President:

February 8, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 43**, ADMINISTRATIVE RULES REAUTHORIZATION, by Senator H. Stephenson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 81**, ILLEGAL IMMIGRATION, by Senator J. Hickman, with the following amendments:

1. Page 1, Line 22 through Page 2, Line 32:

22 ► { restricts the exemption from paying the nonresident portion of total tuition at a state

23 institution of higher education to students without lawful immigration status who

24 meet certain statutory prerequisites and register as an entering student at the

25 institution prior to May 1, 2010;

26 provides that an individual who is not lawfully present in the United States is not

27 eligible on the basis of residence within the state for a higher education benefit, to

28 include scholarships, financial aid, and resident tuition, with one temporary exception;

29 provides for the withholding of state income tax at the top rate from an independent

30 contractor who fails to provide documentation to the contracting entity that verifies

31 the independent contractor's employment authorization pursuant to the prohibition

32 against the use of unauthorized alien labor; }

2. Page 3, Lines 84 through 89:

84 {-53B-8-106, as enacted by Laws of Utah 2002, Chapter 230-}

85 ENACTS:

86 17–22–9.5, Utah Code Annotated 1953

87 {-53B-8-106.5, Utah Code Annotated 1953

88 59–10–409, Utah Code Annotated 1953–}

89 63–99a–101, Utah Code Annotated 1953

3. Page 11, Line 313 through Page 12, Line 362:

313 {-Section 4. Section 53B-8-106 is amended to read:

314 53B-8-106. Resident tuition -- Requirements -- Rules.

315 (1) If allowed under federal law, a student, other than a nonimmigrant alien within the

316 meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States

317 Code, shall be exempt from paying the nonresident portion of total tuition if the student:

318 (a) attended high school in this state for three or more years;

319 (b) graduated from a high school in this state or received the equivalent of a high

320 school diploma in this state; and

321 (c) registers as an entering student at an institution of higher education:

322 (i) not earlier than the fall of the 2002–03 academic year[.]: and

323 (ii) before May 1, 2010.

324 (2) In addition to the requirements under Subsection (1), a student without lawful

325 immigration status shall file an affidavit with the institution of higher education stating that the

326 student has filed an application to legalize his immigration status, or will file an application as

327 soon as [he] the student is eligible to do so.

328 (3) An institution of higher education shall continue to provide the exemption from

329 paying the nonresident portion of total tuition for a student who entered the institution before

330 <u>May 1, 2010, through the time that the student remains admitted as</u> a student at that institution

331 in a program of study leading to a degree or a certificate.

332 [(3)] (4) The State Board of Regents shall make rules for the implementation of this

333 section.

334 [(4)] (5) Nothing in this section limits the ability of institutions of higher education to

335 assess nonresident tuition on students who do not meet the requirements under this section.

336 Section 5. Section 53B-8-106.5 is enacted to read:

337 <u>53B-8-106.5.</u> Limitation on higher education benefits.

338 <u>Except as otherwise provided in Section 53B-8-106, an</u> individual who is not lawfully

339 present in the United States is not eligible on the basis of residence within the state for a higher

340 education benefit, to include:

341 (1) scholarships;

342 (2) financial aid; and

343 (3) resident tuition.

344 Section 6. Section 59–10–409 is enacted to read:

345 <u>59–10–409.</u> Withholding of state income tax when lacking verification of lawful

346 immigration status --- Noncompliance.

347 (1) If an individual independent contractor, contracting for the physical performance of

348 services in this state, fails to provide to the contracting entity documentation to verify the

349 <u>independent contractor's employment authorization pursuant to</u> <u>the prohibition against the use</u>

350 <u>of unauthorized alien labor through contract set forth in 8 U.S.C.</u>, <u>Sec. 1324a (a)(4), the</u>

351 <u>contracting entity shall withhold state income tax at the top</u> marginal income tax rate as

352 provided in Title 59, Chapter 10, Part 4, Withholding of Tax, as applied to compensation paid

353 to the individual for the performance of the services within this state which exceeds the

354 <u>minimum amount of compensation the contracting entity is</u> required to report as income to the

355 <u>United States Internal Revenue Service pursuant to federal law.</u>

356 <u>(2) A contracting entity who fails to comply with the withholding requirements of this</u>

357 <u>section is liable for the taxes required to have been withheld unless</u> <u>exempt from federal</u>

358 <u>withholding with respect to the individual pursuant to Section 1441</u> of the United States

359 Internal Revenue Code.

360 (3) For purposes of this section, "individual" means a resident or nonresident

361 individual as defined in Section 59-10-103. }

362 Section  $\{-7-\}$  <u>4</u>. Section 63–99a–101 is enacted to read:

4. Page 12, Line 366:

366 Section  $\{-8-\}$  <u>5</u>. Section 63–99a–102 is enacted to read:

5. Page 14, Line 428:

428 Section  $\{-9-\}$  <u>6</u>. Section 63–99a–103 is enacted to read:

6. Page 16, Line 480:

480 Section  $\{-10-\}$  <u>7</u>. Section 63–99a–104 is enacted to read:

7. Page 17, Lines 510 through 511:

 510
 (f) the exemption for paying the nonresident portion of total tuition

 tuition
 {-for the time periods }

 as

- 511 set forth in Section 53B-8-106.
- 8. Page 19, Line 555:

555 Section  $\{-11-\}$  <u>8</u>. Section 67–5–22.5 is enacted to read:

9. Page 19, Line 564:

564 Section 
$$\{-12, -\}$$
 9 Section 67–5–26 is enacted to read:

10. Page 20, Line 596:

596 Section  $\{-13-\}$  <u>10</u>. Section 76–10–2701 is enacted to read:

11. Page 20, Line 611:

611 Section {-44-}  $\underline{11}$  . Coordinating S.B. 81 with H.B. 63 -- Technical renumbering. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 193**, ELECTION LAW CHANGES, by Senator P. Knudson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 41**, CAMPAIGN REPORT AMENDMENTS, by Representative S. Allen, with the following amendments:

1. Page 13, Lines 382 through 389:

382 Section 3. Section 20A–11–104 is enacted to read:

383 <u>20A-11-104.</u> Late financial statements -- Fees.

384 (1) The election officer shall assess the following administrative fees against any

385 person who fails to timely file a financial statement required by this chapter:

386 (a) an administrative fee of  $\{-\$1,000\}$  \$100 for each late financial statement; and

387 (b) for each late financial statement, an additional, daily administrative fee of  $\{-\frac{$50}{$}\}$   $\frac{$20}{$}$ .

388 <u>which shall be assessed for each calendar day that falls between the date the statement was due</u>

389 and the date that the late statement is filed.; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 49**, BUDGET RESERVE ACCOUNT AND DISASTER RECOVERY ACCOUNT AMENDMENTS, by Representative W. Harper.

Peter C. Knudson, Chair

On motion of Senator Eastman, the committee reports were adopted. 1st Sub. S.B. 166, as amended, S.B. 189, S.B. 205, S.B. 220, as amended, S.B. 225,

**1st Sub. S.B. 267,** as amended, **H.B. 86, H.B. 234, H.B. 286, S.B. 43, S.B. 81,** as amended, **S.B. 193, H.B. 41,** as amended, and **1st Sub. H.B. 49,** were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President:

The Business and Labor Committee reports a favorable recommendation on **S.B. 88**, UNIFORM MODEL REGISTERED AGENT ACT, by Senator L. Hillyard, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

Mr. President:

February 11, 2008

February 11, 2008

The Health and Human Services Committee reports a favorable recommendation on **H.B. 265**, OFFICE OF RECOVERY SERVICES – ELECTRONIC FUNDS TRANSFER, 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.J.R. 5**, JOINT RESOLUTION URGING SUPPORT OF MEDICAID LONG–TERM CARE FUNDING OF HOME AND COMMUNITY–BASED SUPPORTS, by Representative M. Noel, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President:

February 8, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 44**, DECLARATION OF CANDIDACY REVISIONS, by Representative G. Donnelson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Eastman, the committee reports were adopted. **S.B. 88**, **H.B. 265**, **H.J.R. 5**, and **H.B. 44** were considered read the second time and placed on the Consent Calendar.

#### INTRODUCTION OF BILLS

**S.B. 211**, Alcoholic Beverage Control Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

**S.B. 212, Funeral Processions** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Van Tassell, under suspension of the rules, the Senate voted to move **S.B. 225**, GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL, to the top of the Second Reading Calendar.

#### CONSENT CALENDAR

**H.B. 126**, ELECTION LAW – BALLOT PROPOSITION 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				
Bell	Christensen	Davis	Dayton	
Dmitrich	Eastman	Fife	Greiner	
Hillyard	Jenkins	Jones	Killpack	
Knudson	Madsen	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stowell	
Van Tassell	Waddoups	Walker	Valentine	
Absent or not voting were: Senators				
Bramble	Buttars	Goodfellow	Hickman	
Stephenson				

**H.B. 126** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 235**, COUNTY MERIT SYSTEM AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne

McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		
A b com 4 on mot moti-	n o monos Canada na		
Absent or not voti	ng were: Senators		
Buttars	Goodfellow	Hickman	

**H.B. 235** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 35**, MOTOR AND SPECIAL FUEL 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

Buttars	Christensen	Davis
Dmitrich	Eastman	Fife
Greiner	Hillyard	Jenkins
Knudson	Mayne	McCoy
Peterson	Romero	Stephenson
Van Tassell	Waddoups	Walker
•		
	Dmitrich Greiner Knudson Peterson	DmitrichEastmanGreinerHillyardKnudsonMaynePetersonRomeroVan TassellWaddoups

Absent or not voting were: Senators				
Bell	Hickman	Killpack	Madsen	

H.B. 35, as amended, was returned to the House for further consideration.

\* \* \*

**S.B. 170**, BOARD OF WATER RESOURCES AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen

Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		
Absent or not v	oting were: Senators		
Dayton	Killpack	Peterson	

S.B. 170 was transmitted to the House for consideration.

#### THIRD READING CALENDAR

**S.B. 69**, UNIFORM LIMITED COOPERATIVE ASSOCIATION 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

Bramble	Buttars	Christensen
Dmitrich	Eastman	Fife
Greiner	Hickman	Hillyard
Jones	Killpack	Knudson
Mayne	McCoy	Romero
Stowell	Van Tassell	Waddoups
Valentine		
	Dmitrich Greiner Jones Mayne Stowell	DmitrichEastmanGreinerHickmanJonesKillpackMayneMcCoyStowellVan TassellValentineVan Tassell

Absent or not voting were:SenatorsDaytonNiederhauserPeterson

S.B. 69 was transmitted to the House for consideration.

\* \* \*

**S.B. 143**, INSURANCE FINANCIAL REQUIREMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

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

#### Absent or not voting were: Senators

Hickman Niederhauser

S.B. 143 was transmitted to the House for consideration.

\* \* \*

**S.B. 37**, HOME SCHOOL AND EXTRA CURRICULAR ACTIVITIES AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yeas, 16; Nays, 13; Absent, 0.

#### Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Eastman	Hickman	Jenkins	Killpack
Knudson	Madsen	Niederhauser	Stephenson
Stowell	Waddoups	Walker	Valentine
	-		
Voting in the nega	tive were: Senators		
Bell	Davis	Dmitrich	Fife
Goodfellow	Greiner	Hillyard	Jones
Mayne	McCoy	Peterson	Romero
Van Tassell			

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

\* \* \*

**S.B. 165**, ALCOHOLIC BEVERAGE SINGLE EVENT PERMITS, was read the third time, explained by Senator McCoy, and passed on the following roll call:

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

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

# Absent or not voting was: Senator Hickman

S.B. 165 was transmitted to the House for consideration.

\* \* \*

1st Sub. S.B. 46, ANTI-FLOW CONTROL AMENDMENTS, was read the third time.

On motion of Senator Eastman, the bill was circled.

\* \* \*

**S.B. 148**, ENFORCEMENT OF FRONT LICENSE PLATE DISPLAY REQUIREMENT AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Hickman

S.B. 148 was transmitted to the House for consideration.

\* \* \*

**S.B. 179**, SALVAGE VEHICLE AMENDMENTS, was read the third time and explained by Senator Walker. Senator Greiner commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Hillyard

S.B. 179 was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 45**, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, was read the third time and explained by Senator Stephenson. Senators Greiner, McCoy, and Goodfellow commented. On motion of Senator Stephenson, under suspension of the rules, the bill was considered read for the first, second, and third times. The bill passed on the following roll call:

Yeas, 19; Nays, 9; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Goodfellow	Hickman
Jenkins	Killpack	Knudson	Madsen
Niederhauser	Peterson	Stephenson	Stowell
Waddoups	Walker	Valentine	
Voting in the neg	gative were: Sena	tors	
Davis	Dmitrich	Fife	Greiner
Hillyard	Jones	Mayne	McCoy
Romero			

Absent or not voting was: Senator Van Tassell

1st Sub. S.B. 45 was transmitted to the House for consideration.

\* \* \*

**S.B. 167**, ALCOHOLIC BEVERAGES ON ELECTION DAY, was read the third time, explained by Senator McCoy, and passed on the following roll call:

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

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Walker	Valentine	
<b>Voting in the nega</b> Dayton	<b>tive were:</b> Senators Hillyard	Peterson	Waddoups
Absent or not voting were: Senators			

#### Voting in the affirmative were: Senators

Absent or not voting were:SenatorsHickmanVan Tassell

S.B. 167 was transmitted to the House for consideration.

#### SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **S.B. 225**, GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL, was considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

,		510	
Bell	Bramble	Buttars	Christensen
Davis	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Absent or not voting were: Senators			
Dayton	Dmitrich	Hickman	Jenkins
Madsen			

S.B. 225 was transmitted to the House.

\* \* \*

On motion of Senator Stowell, the circle was removed from **1st Sub. S.B. 25**, MUNICIPAL INCORPORATION AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill.

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

#### 3rd Sub. S.B. 25 Municipal Incorporation Amendments (D. Stowell)

On motion of Senator Stowell, the bill was circled.

\* \* \*

**S.B. 177**, LOCAL GOVERNMENT DISPOSAL OF REAL PROPERTY ACQUIRED BY EXACTION, was read the second time. Senator Niederhauser explained the bill. Senators Hillyard, Goodfellow, Buttars, and Bell commented.

Senator Bell proposed the following amendment:

- Page 1, Line 14: Delete "<u>25 years</u>" and reinstate "<u>15 years</u>"
- Page 2, Line 37: Delete "<u>25 years</u>" and reinstate "<u>15 years</u>"
- Page 2, Line 55: Delete "<u>25 years</u>" and reinstate "<u>15 years</u>"

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

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Waddoups	Walker
Valentine			
Absent or not voting were: Senators			
Dayton	Hickman	Hillyard	Van Tassell

\* \* \*

**S.J.R. 8**, JOINT RULES RESOLUTION – BASE BUDGET AMENDMENTS, was read the second time. Senator Niederhauser explained the

bill. Senators Hillyard, Stephenson, Romero, and Stowell commented. The bill passed second reading on the following roll call:

#### Yeas, 16; Nays, 10; Absent, 3.

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Eastman	Jenkins	Jones	Madsen
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Voting in the negative were: Senators			
Davis	Dmitrich	Fife	Goodfellow
Greiner	Hillyard	Knudson	Mayne
McCoy	Romero		
Absent or not voting were: Senators			
Dayton	Hickman	Killpack	
	* *	* *	

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub. S.B. 29**, TRUTH IN TAXATION AMENDMENTS, was considered read the second and third times. Senator Niederhauser explained the bill. The bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Davis

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

\* \* \*

On motion of Senator Dayton, under suspension of the rules, the Senate voted to lift **H.B. 269**, SCOTT B. LUNDELL MILITARY SURVIVORS' TUITION

WAIVER AMENDMENTS, from the Consent Calendar and place it on the Time Certain Calender for Monday, February 18, 2008 at 10:15 a.m.

\* \* \*

On motion of Senator Eastman, and at 11:45 a.m., the Senate recessed.

### **AFTERNOON SESSION**

The Senate reassembled at 2:25 p.m., with President Pro Tem Bramble presiding.

#### **RULES COMMITTEE REPORTS**

To the Members of the Senate: February 12, 2008 The Rules Committee recommends assignment of the following bills to standing committees:

#### **Education Committee**

S.B. 241	Local Governmental Cooperation in Education Matters
	(Sen. P. Jones)
H.B. 112	Public Education Foundation Amendments
	(Rep. S. Allen) (Sen. D. Eastman)
H.B. 321	Higher Education Savings Incentive Program
	Amendments (Rep. K. Garn) (Sen. G. Bell)

**Government Operations and Political Subdivisions Committee** 

S.B. 195	Use of Campaign Contributions (Sen. G. Bell)
H.B. 231	Local Voter Information Pamphlet Amendments
	(Rep. D. Aagard) (Sen. G. Bell)
H.B. 261	Local District Primary Elections (Rep. K. Morgan)
	(Sen. P. Jones)

# Health and Human Services CommitteeS.B. 198Child Support Technical Amendments (Sen. G. Bell)1st Sub. H.B. 133Health System Reform (Rep. D. Clark) (Sen. S. Killpack)

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

S.B. 242	Law Enforcement Tracking of Domestic Violence
	Statistics (Sen. J. Greiner)
S.B. 256	Good Samaritan Act for Engineers (Sen. M. Waddoups)
H.B. 90	Expungement Amendments (Rep. R. C. Webb)
	(Sen. G. Bell)

Workforce Service Committee	s and Community and Economic Development
S.J.R. 12	Joint Resolution Honoring Hill Air Force Base's 388th
	and 419th Fighter Wings (Sen. S. Killpack)
H.J.R. 4	Joint Resolution Urging School Closings to Recognize
	Veterans Day (Rep. C. Wimmer) (Sen. J. Greiner)

Bill Hickman Rules Committee Chair

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

#### **INTRODUCTION OF BILLS**

**S.B. 203, Highway Abandonment Amendments** (D. Peterson), read the first time by short title and referred to the Rules Committee.

**S.B. 263**, **Self Authentication of Documents** (S. McCoy), read the first time by short title and referred to the Rules Committee.

**S.B. 265**, **Unlawful Detainer Amendments** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

#### SECOND READING CALENDAR

**2nd Sub. S.B. 48**, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, was read the second time. Senator Eastman explained the bill. Senators Greiner, McCoy, Waddoups, Jones, Buttars, Romero, Fife, Niederhauser, Davis, Stephenson, Hillyard, and Goodfellow commented. The bill passed second reading on the following roll call:

#### Yeas, 18; Nays, 11; Absent, 0.

Bell	Bramble	Buttars	Dayton	
Eastman	Hickman	Hillyard	Jenkins	
Killpack	Knudson	Madsen	Niederhauser	
Peterson	Stephenson	Stowell	Van Tassell	
Walker	Valentine			
Voting in the negative were: Senators				

Christensen	Davis	Dmitrich	Fife
Goodfellow	Greiner	Jones	Mayne
McCoy	Romero	Waddoups	

On motion of Senator Jenkins, the circle was removed from **1st Sub. S.B. 181**, OFF–HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS, and it was before the Senate. Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 7, Lines 184 through 185

184 (b) A street–legal all–terrain vehicle registered in accordance with Section 41–6a–1509

185 <u>is subject to a safety inspection</u> {<u>when registered</u>} <u>the first</u> <u>time</u> <u>that a person registers an off-highway vehicle as a street-legal</u> <u>all-terrain vehicle</u>.

- 2. Page 17, Line 493:
  - 493 (iii) a municipality with a population of  $\{-20,000\}$   $\{10,000\}$  or more people.

3. Page 24, Line 736:

736 (2) In addition to the registration requirements imposed under Section 41–6a–1509, a

Senator Jenkins' motion to amend passed on a voice vote. Senators Greiner, Killpack, Hickman, Dmitrich, and Van Tassell commented. The bill passed second reading on the following roll call:

#### Yeas, 17; Nays, 9; Absent, 3.

Voting in the affirmative were: Senators					
Bell	Christensen	Dayton	Dmitrich		
Goodfellow	Hickman	Jenkins	Killpack		
Knudson	Madsen	Niederhauser	Peterson		
Stephenson	Stowell	Van Tassell	Waddoups		
Walker					
Voting in the negat	tive were: Senators				
Davis	Fife	Greiner	Hillyard		
Jones	Mayne	McCoy	Romero		
Valentine					
Absent or not voting were: Senators					
Bramble	Buttars	Eastman			

\* \* \*

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

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

#### **INTRODUCTION OF BILLS**

**S.B. 209**, **Methamphetamine Decontamination Standards and Funding** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

**S.B. 235, Human Remains Related Amendments** (K. VanTassell), read the first time by short title and referred to the Rules Committee.

**S.B. 266**, **Process Servers – Age Restrictions** (J. Greiner), read the first time by short title and referred to the Rules Committee.

#### SECOND READING CALENDAR

**S.B. 136**, APPORTIONMENT OF BUSINESS INCOME AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senator Stephenson commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators Bramble Bell Christensen Davis Davton Eastman Fife Goodfellow Greiner Hickman Hillyard Jenkins Jones Killpack Knudson Madsen Niederhauser Mayne McCoy Peterson Romero Stephenson Stowell Van Tassell Walker Waddoups Valentine

Absent or not voting were: Senators Buttars Dmitrich

\* \* \*

On motion of Senator Killpack, the circle was removed from **S.B. 149**, MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS, and it was before the Senate. Senator Killpack explained the bill. Senators Knudson, Davis, Hillyard, and Jenkins commented. The bill passed second reading on the following roll call:

#### Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Davis	
Dayton	Eastman	Fife	Greiner	
Hickman	Hillyard	Jenkins	Killpack	
Niederhauser	Peterson	Stephenson	Van Tassell	
Walker	Valentine			
Voting in the nega	tive were: Senators			
Christensen	Goodfellow	Jones	Knudson	
Madsen	Mayne	McCoy	Romero	
Stowell	Waddoups			

Absent or not voting was: Senator Dmitrich

\* \* \*

**S.B. 80**, SKI AND SNOWBOARD EDUCATION, DEVELOPMENT, AND PROMOTION SPECIAL GROUP LICENSE PLATE, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were:SenatorsDmitrichNiederhauser

\* \* \*

**S.B. 169**, RENEWABLE ENERGY ZONE TASK FORCE, was read the second time. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 2, Lines 29 through 45

29 (1) There is created the Renewable Energy Zone Task Force comprised of  $\{-\underline{20}\}$  21 members.

30 <u>as follows:</u>

31 (a) the governor's energy advisor;

32 (b) a representative from the Utah Geological Survey's energy program;

33 (c) {-11 } <u>12</u> members appointed by the governor representing each of the following interests:

- 34 (i) cooperative electric associations that distribute electricity:
- 35 (ii) investor–owned electric utilities;

36 <u>(iii) municipal utilities:</u>

37 (iv) wind–electric generation;

38 (v) solar–electric generation:

39 (vi) geothermal-electric generation;

40 (vii) biomass-electric generation;

41 (viii) hydroelectric generation:

42 (ix) the Governor's Rural Partnership Board;

43 (x) non-profit organizations addressing renewable energy issues: {-and }

44 (xi) counties, from a list of names submitted to the governor by the Utah Association

- 45 <u>of Counties:</u> <u>and</u> (xii) electricity consumers.
- Page 3, Lines 72 through 74 Senate Committee Amendments 2–5–2008:
  - 72 (d) research the cost to consumers of  $\{ := \}$
  - 73 (i) existing electrical generation resources; and

74 <u>(ii) newly developed resources, including</u> } traditional, renewable, and other resources <u>. including tar sands, oil shale, nuclear</u> generation, coal-fired electrical generation, wind energy, solar electrical generation, and geothermal energy :

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

#### Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators				
Bell	Bramble	Christensen	Davis	
Dayton	Eastman	Fife	Goodfellow	
Greiner	Hickman	Hillyard	Jenkins	
Jones	Killpack	Madsen	Mayne	
Peterson	Romero	Stephenson	Stowell	
Van Tassell	Waddoups	Walker	Valentine	

Voting in the negative were:SenatorsKnudsonNiederhauser

Absent or not voting were: Senators

Buttars Dmitrich McCoy

\* \* \*

**S.B. 79**, SMALL BUSINESS ACCESS AMENDMENTS, was read the second time. Senator Romero explained the bill.

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

#### 1st Sub. S.B. 79 Small Business Access Amendments (R. Romero)

Senator Greiner commented. The bill passed second reading on the following roll call:

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

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

Absent or not voting were: Senators Buttars Dmitrich

\* \* \*

**S.B. 171**, REPEAL OF CERTAIN REPORTING BY FINANCIAL INSTITUTIONS, was read the second time. Senator Van Tassell explained the bill.

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

**1st Sub. S.B. 171 Repeal of Certain Reporting by Financial Institutions** (K. Van Tassell)

Senator Madsen commented. Senators Hickman, Valentine, and Romero declared conflicts of interest. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Buttars Dmitrich

\* \* \*

On motion of Senator Bramble and at 5:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 13, 2008.

# **TWENTY-FOURTH DAY**

# **MORNING SESSION**

## **FEBRUARY 13, 2008**

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

**Prayer** – Chaplain Rajan Zed, Hindu Chaplain **Pledge of Allegiance** – Senator Bill Hickman **Roll Call** – 28 Senators present.

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

On motion of Senator Bramble the Senate voted to have the words of Chaplain Rajan Zed's prayer spread upon the pages of the Senate Journal.

#### PRAYER BY CHAPLAIN RAJAN ZED

We meditate on the transcendental Glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky and inside the soul of the Heaven. May He stimulate and illuminate our minds.

Lead me from the unreal to the Real. Lead me from darkness to Light. Lead me from death to Immortality.

Fulfill all your duties; action is better than inaction. Even to maintain your body, you are obliged to act. Selfish action imprisons the world. Act selflessly, without any thought of personal profit. Strive constantly to serve the welfare of the world; by devotion to selfless one attains the supreme goal of life. Do your work with the welfare of others always in mind.

May we be protected together. May we be nourished together. May we work together with great vigor. May our study be enlightening. May no obstacle arise between us.

United your resolve, united your hearts, may your spirits be as one, that you may long together dwell in unity and concord! Peace, Peace, Peace be unto all.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

The House passed, **S.B. 115**, MOTOR VEHICLE SAFETY INSPECTION ADVISORY COUNCIL AMENDMENTS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk S.B. 115 was signed by the President of the Senate in open session. The bill

will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 13, 2008

February 12, 2008

The House passed, as substituted and amended, **1st Sub. H.B. 40**, SAFE DRINKING WATER REVISIONS, by Representative S. Andersen, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 54**, PROPERTY TAX ASSESSMENT REVISIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 159**, PROFESSIONAL EMPLOYER ORGANIZATION LICENSING ACT, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 271**, UTAH PURPLE HEART RECIPIENTS TUITION ACT AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 276**, HEALTH PROFESSIONAL AUTHORITY – DEATH AND DISABILITY, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.B. 279**, TAX INCENTIVES FOR MILITARY MEMBERS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 281**, GRANTS TO RURAL HOSPITALS – OVERSIGHT RESPONSIBILITIES, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 287**, REGULATION OF TEACHER – STUDENT RELATIONSHIPS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as amended, H.B. 290, MUNICIPAL OVERSIGHT OF RENTAL DWELLINGS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed H.B. 292, LEGISLATIVE TASK FORCE TO STUDY RADIO COMMUNICATION SYSTEM IN UTAH, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 309, ELECTION INFORMATION AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, H.B. 312, CRIME VICTIM REPARATIONS REVISIONS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, H.B. 327, ENTICING A MINOR BY ELECTRONIC MEANS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 342, INSURANCE CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed H.C.R. 1, METH AWARENESS FOR STUDENTS AND EDUCATORS RESOLUTION, by Representative C. Oda, et al, and it is transmitted for consideration; and

Sandy D. Tenney, Chief Clerk Communications filed. 1st Sub. H.B. 40, 2nd Sub. H.B. 54, H.B. 159, H.B. 271, 2nd Sub. H.B. 276, H.B. 279, 1st Sub. H.B. 281, 1st Sub. H.B. 287, H.B. 290, H.B. 292, 1st Sub. H.B. 309, H.B. 312, H.B. 327, H.B. 342, and **H.C.R.** 1 were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

February 12, 2008 The House passed, as amended, S.C.R. 1, RESOLUTION SUPPORTING OBESITY AWARENESS, by Senator D. C. Buttars, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President:

February 12, 2008

February 12, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 85**, WATER RIGHTS BOARD, by Senator D. Stowell.

Darin G. Peterson, Chair

Mr. President:

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 283**, TRANSPORTATION FUNDING AMENDMENTS, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 103**, USE OF STATE ALTERNATIVE FUEL NETWORK, by Representative F. Hunsaker; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 122**, DRIVER LICENSE – APPLICATION OF MINOR AMENDMENTS, by Representative D. Litvack.

Carlene M. Walker, Chair

Mr. President:

February 12, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 72**, JUSTICE COURT AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 72**, JUSTICE COURT AMENDMENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 191**, JUDICIAL CONDUCT COMMISSION AMENDMENTS, by Senator G. Davis; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 192**, SEX OFFENSE AMENDMENTS, by Senator J. Greiner, with the following amendments:

1. Page 1, Lines 13 through 17:

13 { > provides that a minor who is younger than 16 years of age, and who engages in

14 sexual activity with another minor who is less than three years older or younger than

15 the acting minor, but who is not older than 17 years, is guilty of a class **B** 

16 misdemeanor if the sexual conduct does not involve forcible acts, including rape,

17 sexual abuse, and forcible sodomy; and }

2. Page 1, Line 28:

28 {-76-5-401.3, Utah Code Annotated 1953-}

3. Page 3, Lines 62 through 89:

62 {-Section 2. Section 76-5-401.3 is enacted to read:

63 <u>76–5–401.3.</u> Unlawful sexual activity between minors – Elements – Penalty.

64 (1) As used in this section, "minor" means an actor who is younger than 16 years of age

65 <u>at the time the minor engages in sexual conduct described in</u> <u>Subsection (2).</u>

66 <u>(2) A minor commits unlawful sexual activity between minors</u> <u>if, under circumstances</u>

67 <u>not amounting to any offense listed in Subsection (3), the minor</u> actor engages in any of the

68 <u>following conduct with another person who is fewer than three</u> years older or fewer than three

69 years younger than the minor, but not older than 17 years of age:

70 <u>(a) sexual intercourse;</u>

71 (b) any sexual act involving the genitals of one person and the mouth or anus of

72 another person, regardless of the sex of either participant; or

73 (c) causes the penetration, however slight, of the genital or anal opening of the person

74 <u>by any foreign object, substance, instrument, or device, including a</u> <u>part of the human body</u>,

75 <u>with the intent to cause substantial emotional or bodily pain to any</u> person or with the intent to 76 <u>arouse or gratify the sexual desire of any person, regardless of the</u> <u>sex of any participant.</u>

77 (3) The offenses referred to in Subsection (2) are:

- 78 (a) rape, in violation of Section 76–5–402;
- 79 (b) rape of a child, in violation of Section 76–5–402.1;
- 80 (c) object rape, in violation of Section 76–5–402.2;
- 81 (d) object rape of a child, in violation of Section 76–5–402.3;
- 82 (e) forcible sodomy, in violation of Section 76-5-403;
- 83 (f) sodomy on a child, in violation of Section 76–5–403.1;
- 84 (g) forcible sexual abuse, in violation of Section 76–5–404;
- 85 (<u>h) sexual abuse of a child, in violation of Section 76–5–404.1;</u> or

86 <u>(i) any other offense that involves sexual conduct and which</u> would be consensual but

87 for the age of one or more of the parties.

88 (4) A violation of Subsection (2), unlawful sexual activity between minors, is a class B

89 misdemeanor. } ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 46**, ADOPTION AND TERMINATION OF PARENTAL RIGHTS, by Representative S. Allen.

Gregory S. Bell, Chair

Mr. President:

February 13, 2008

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 258**, PROPERTY TAX COMMITTEE, by Senator W. Niederhauser; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 204**, INCOME TAXATION – REAL ESTATE INVESTMENT TRUSTS, by Senator W. Niederhauser.

Wayne L. Niederhauser, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 85, S.B. 283, H.B. 103, H.B. 122, 1st Sub. S.B. 72, S.B. 191, S.B. 192, as amended, H.B. 46, S.B. 258, and S.B. 204 were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President:

February 12, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 187**, BAIL IN CAPITAL OFFENSE CASES, by Senator J. Greiner, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 290**, PRIVATE INVESTIGATORS' ACCESS TO DRIVER LICENSURE INFORMATION, by Senator M. Dayton, and recommends it be considered read for the second time and placed on the Consent Calendar; and

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 187** and **S.B. 290** were considered read the second time and placed on the Consent Calendar.

#### **INTRODUCTION OF BILLS**

**S.B. 231, Transportation Governance** (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 234, Minimum School Program Amendments – Counseling and Guidance Programs (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

#### CONSENT CALENDAR

**1st Sub. H.B. 53**, IMPACT OF ADMINISTRATIVE RULES ON SMALL BUSINESSES, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

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

#### Absent or not voting were: Senators

Buttars Jones McCoy

**1st Sub. H.B. 53** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

#### THIRD READING CALENDAR

**S.B. 177**, LOCAL GOVERNMENT DISPOSAL OF REAL PROPERTY ACQUIRED BY EXACTION, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Buttars

S.B. 177 was transmitted to the House for consideration.

\* \* \*

**S.J.R. 8**, JOINT RULES RESOLUTION – BASE BUDGET AMENDMENTS, was read the third time and explained by Senator Niederhauser. Senator Hillyard commented.

On motion of Senator Niederhauser, the bill was circled.

\* \* \*

**2nd Sub. S.B. 48**, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, was read the third time.

On motion of Senator Killpack, the bill was circled.

\* \* \*

**1st Sub. S.B. 181**, OFF–HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS, was read the third time and explained by Senator Jenkins.

Senator Jenkins proposed the following amendment:

1. Page 17, Line 493: Delete "<u>10,000"</u> and insert "<u>5,000"</u>

Senator Jenkins' motion to amend passed on a voice vote.

###

Senator Peterson proposed the following amendment:

- 1. Page 1, Lines 22 through 23
  - 22 jurisdiction

as open to street–legal all-terrain off-highway vehicle use, general

- 23 off-highway vehicle use, or limited off-highway vehicle use; or
   where operating a street-legal all-terrain vehicle on the highway is prohibited; and
- 2. Page 16, Line 482:

482 (1) (a) Except as provided in Subsection (1)(b) and Subsection 41–22–10.5(2), an all-terrain type I or type II vehicle

3. Page 25, Line 757:

757 (a) as open for street–legal all-terrain {-<u>off-highway</u>} } vehicle use;

 Page 25, Line 762:

 (2) Notwithstanding the provisions in Subsection 41–6a–1509(1)(a), a municipality or county may adopt ordinances designating certain streets and highways under its respective jurisdiction where operating a street–legal all-terrain vehicle on the street or highway is prohibited.

762  $\{-(2)-\}$  <u>(3)</u> A municipality or a county may adopt an ordinance requiring an operator who is

5. Page 25, Line 765:

765  $\{-(3)-\}$  <u>(4)</u> A route designated under Subsection (1) may not be along, across, or within the

6. Page 25, Line 767:

465

767  $\{-(4)-\}$  <u>(5)</u> Except as provided under Section 41–22–10.3, a person may not operate an

Senator Peterson's motion to amend passed on a voice vote. Senators Dmitrich. Killpack, Greiner, Peterson, and Romero commented and the bill passed on the following roll call:

#### Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators				
Bell	Bramble	Christensen	Dayton	
Dmitrich	Eastman	Fife	Goodfellow	
Hickman	Hillyard	Jenkins	Killpack	
Knudson	Madsen	Mayne	Niederhauser	
Peterson	Stephenson	Stowell	Van Tassell	
Waddoups	Walker			
Voting in the nega	tive were: Senators			
Davis	Greiner	Jones	Romero	
Absent or not voting were: Senators				
Buttars	McCoy	Valentine		

1st Sub. S.B. 181 was transmitted to the House for consideration.

\* \* \*

**S.B. 136**, APPORTIONMENT OF BUSINESS INCOME AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Bell	Bramble	Christensen	Davis	
Dayton	Eastman	Fife	Goodfellow	
Greiner	Hickman	Hillyard	Jenkins	
Jones	Killpack	Knudson	Madsen	
Mayne	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker				
Absent or not voting were: Senators				
Buttars	Dmitrich	McCoy	Valentine	

S.B. 136 was transmitted to the House for consideration.

\* \* \*

**S.B. 149**, MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS, was read the third time.

On motion of Senator Killpack, the bill was circled.

\* \* \*

**S.B. 80**, SKI AND SNOWBOARD EDUCATION, DEVELOPMENT, AND PROMOTION SPECIAL GROUP LICENSE PLATE, 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
-----------	-----	-------------	----------------

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			
Absent or not voting were: Senators			
Buttars	Greiner	McCoy	Valentine

S.B. 80 was transmitted to the House for consideration.

\* \* \*

**S.B. 169**, RENEWABLE ENERGY ZONE TASK FORCE, was read the third time.

On motion of Senator Stowell, the bill was circled.

\* \* \*

1st Sub. S.B. 79, SMALL BUSINESS ACCESS AMENDMENTS, was read the third time, explained by Senator Romero, and passed on the following roll call:

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

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

#### Voting in the affirmative were: Senators

Absent or not voti	ng were: Senators		
Buttars	McCoy	Peterson	Valentine

1st Sub. S.B. 79 was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 171**, REPEAL OF CERTAIN REPORTING BY FINANCIAL INSTITUTIONS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		
Absent or not voting were: Senators			
Buttars	McCoy	Peterson	

Senators Hickman, Van Tassell and Valentine declared conflicts of interest.

1st Sub. S.B. 171 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **S.J.R. 8**, JOINT RULES RESOLUTION – BASE BUDGET AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed on the following roll call:

Voting in the affirmative were: Senators				
Bramble	Dayton	Eastman	Goodfellow	
Hickman	Jenkins	Jones	Killpack	
Madsen	Niederhauser	Stephenson	Stowell	
Van Tassell	Waddoups	Walker		
Voting in the negative were: Senators				
Bell	Christensen	Davis	Fife	
Hillyard	Knudson	Mayne	Romero	
Valentine				
Absent or not voting were: SenatorsButtarsDmitrichGreinerMcCoyPeterson				

Yeas, 15; Nays, 9; Absent, 5.

S.J.R. 8 was transmitted to the House for consideration.

#### SECOND READING CALENDAR

**H.J.R. 2**, RESOLUTION ENCOURAGING MANUFACTURED AND MOBILE HOME PARKS AS AFFORDABLE HOUSING, was read the second time. Senator Fife explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

Christensen	Davis	Dayton		
Eastman	Fife	Goodfellow		
Hickman	Jenkins	Jones		
Knudson	Madsen	Mayne		
Niederhauser	Peterson	Romero		
Stowell	Van Tassell	Waddoups		
Absent or not voting were: Senators				
Buttars	Hillyard	Walker		
* * *				
	Eastman Hickman Knudson Niederhauser Stowell ng were: Senators Buttars	EastmanFifeHickmanJenkinsKnudsonMadsenNiederhauserPetersonStowellVan Tassell		

**H.B. 73**, CHILD CARE PROVIDERS, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bramble	Davis	Dayton	Dmitrich	
Eastman	Goodfellow	Greiner	Jenkins	
Jones	Killpack	Knudson	Madsen	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Stowell	Waddoups	
Walker	Valentine			
Absent or not voting were: Senators				
Bell	Buttars	Christensen	Fife	
Hickman	Hillyard	Van Tassell		

\* \* \*

H.B. 82, NOTICE OF CHANGES TO THE STATE MEDICAID PLAN, was read the second time.

On motion of Senator Eastman, the bill was circled.

\* \* \*

H.B. 68, EDUCATOR RELICENSURE INITIATIVE, was read the second time. Senator Stephenson explained the bill.

Senator Dayton proposed the following amendment:

1. Page 1, Lines 19 through 22

19 suspended, or surrendered; and

20 requires the principal of a school at which an educator ► whose license is reinstated is

employed to 21 { create, in consultation with the educator, a professional development

22 plan for the educator. } provide information and training to assist the educator in performing the educator's assigned position.

2. Page 2, Lines 41 through 50:

41 shall reinstate the license.

(3) An educator whose license is reinstated may not be required to obtain professional development not required of other educators with the

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same number of years of experience, except as provided in Subsection (4).

42  $\{-(3)\}$  (4) The principal of the school at which an educator whose license is reinstated is

43 <u>employed shall</u> {-:

44 <u>(a) create, in consultation with the educator, a professional</u> <u>development plan for the</u>

45 <u>educator to</u> } provide information and training <u>, based on the</u> <u>educator's experience and education</u>, that will assist the educator in <u>performing the</u>

46 <u>educator's assigned position</u>  $\{-\frac{1}{2}\}$ 

47 (b) design the professional development plan based on the educator's experience,

48 education, and assigned position; and

49 <u>(c) provide classes, coaching, mentoring, or other interventions</u> to the educator for

50 completion of the professional development plan.

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

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

## Voting in the affirmative were: Senators

0			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Waddoups
Walker	Valentine		

Absent or not voting were:SenatorsButtarsHillyard

Van Tassell

\* \* \*

On motion of Senator Christensen, the circle was removed from **H.B. 82**, NOTICE OF CHANGES TO THE STATE MEDICAID PLAN, and it was before

the Senate. 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			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Walker	Valentine
Absent or not voting were: Senators			
Buttars	Hillyard	Mayne	Van Tassell
Waddoups			

\* \* \*

**H.B. 118**, VETERANS HIGH SCHOOL DIPLOMAS, was read the second time. 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				
Bell	Bramble	Christensen	Davis	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hickman	Hillyard	
Jenkins	Jones	Knudson	Madsen	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Van Tassell	Waddoups	
Walker	Valentine			
Absent or not voting were: Senators				
Buttars	Killpack	Stowell		

\* \* \*

**H.B. 245**, ADMINISTRATION OF MEDICATION TO STUDENTS AMENDMENTS, was read the second time. Senator Walker explained the bill.

Senator Jones proposed the following amendment:

1. Page 2, Lines 35 through 39

35 appropriate health professionals and adopted] school nurses shall adopt policies that provide

36 for:

37 (i) the designation of <u>volunteer</u> employees who may administer medication;

38 (ii) proper identification and safekeeping of medication;

39 (iii) the training of designated <u>volunteer</u> employees <u>by the</u> <u>school nurse;</u> [and]

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

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Hickman	Hillyard	Jones	
Knudson	Madsen	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				
Absent or not voting were: Senators				
Buttars	Greiner	Jenkins	Killpack	

\* \* \*

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

## THIRD READING CALENDAR

On motion of Senator Eastman, the circle was removed from **2nd Sub. S.B. 48**, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, and it was before the Senate.

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

# **3rd Sub. S.B. 48 Equalization of School Capital Outlay Funding** (D. Eastman)

Senator Eastman explained the bill. Senators Bell and Greiner commented. The bill passed on the following roll call:

#### Yeas, 19; Nays, 9; Absent, 1.

Voting in the affirmative were: Senators			
Bell	Bramble	Dayton	Eastman
Greiner	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Niederhauser
Peterson	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	
Voting in the negative were: Senators			
Christensen	Davis	Dmitrich	Fife
Goodfellow	Jones	Mayne	McCoy
Romero			

Absent or not voting was: Senator Buttars

3rd Sub. S.B. 48 was transmitted to the House for consideration.

#### **INTRODUCTION OF BILLS**

**S.B. 197, Preferred Drug List Revisions** (A. Christensen), read the first time by short title and referred to the Rules Committee.

**S.B. 202, Energy Resource and Carbon Emission Reduction Initiative** (C. Bramble), read the first time by short title and referred to the Rules Committee.

**S.B. 210**, **Proof of Citizenship Required to Vote** (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 218, Amendments to Tourism, Recreation, Cultural, and Convention Facilities Tax (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 239**, **Office of the Attorney General – Safety Net Initiative** (C. Bramble), read the first time by short title and referred to the Rules Committee.

**S.B. 247**, **Veterans Procurement Provisions** (F. Fife), read the first time by short title and referred to the Rules Committee.

**S.B. 295**, **Security Alarm Business Licensing Amendments** (M. Dayton), read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Bramble and at 12:00 noon, the Senate adjourned until 10:00 a.m., Thursday, February 14, 2008.

# **TWENTY-FIFTH DAY**

# MORNING SESSION

# **FEBRUARY 14, 2008**

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

**Prayer** – Shannon Peterson, President of the Governing Youth Council, Logan High School

Pledge of Allegiance – Senator Scott Jenkins Roll Call – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 13, 2008 The House passed, **2nd Sub. S.B. 32**, LOCAL GOVERNMENT BONDING ACT, 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. 58**, WORKERS' COMPENSATION RELATED AMENDMENTS, by Senator M. Dmitrich, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 68**, WORKERS' COMPENSATION – DEATH BENEFITS, 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**, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR PROSTHETIC DEVICES, 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. 100**, MOTOR VEHICLE DEALER DISCLOSURE REQUIREMENTS AMENDMENTS, by Senator D. Eastman, 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. 110, FOREIGN BUSINESS ENTITIES AND TRIBAL LAW, by Senator K. VanTassell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 2nd Sub. S.B. 32, S.B. 58, S.B. 68, S.B. 99, S.B. 100, and 1st Sub. S.B. 110 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 13, 2008

The House concurred in the Senate amendments and passed H.B. 35, MOTOR AND SPECIAL FUEL TAX AMENDMENTS, by Representative C. Frank, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 71, PARENT-TIME AMENDMENTS, by Representative L. Fowlke, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 35 and H.B. 71, 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 13, 2008 The House passed, as substituted, 1st Sub. H.B. 72, MOTORCYCLE LICENSE AND ENDORSEMENT AMENDMENTS, by Representative P. Neuenschwander, and it is transmitted for consideration; and

House passed, as amended, H.B. 184, CONSTRUCTION The AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, H.B. 241, REPEAL OF EXEMPTIONS FROM NONRESIDENT TUITION, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 326, CHILDREN'S HEALTH INSURANCE PROGRAM - OPEN ENROLLMENT, bv Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as amended, H.J.R. 8, JOINT RESOLUTION URGING CONGRESS TO ELIMINATE TRANSPORTATION EARMARKING THAT OVERRIDES STATE TRANSPORTATION PRIORITIES, by Representative Julie Fisher, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. 1st Sub. H.B. 72, H.B. 184, H.B. 241, 1st Sub. H.B. 326, and H.J.R. 8 were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

February 13, 2008 The House substituted and passed, 2nd Sub. S.B. 144, PARAMETERS ON GOVERNOR'S ABILITY TO ENTER AGREEMENTS BINDING THE STATE, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk The bill was placed on the Concurrence Calendar.

## **RULES COMMITTEE REPORTS**

To the Members of the Senate: February 13, 2008 The Rules Committee recommends assignment of the following bills to standing committees:

#### **Education Committee**

H.B. 266 Accelerated Learning Program Revisions (Rep. C. Moss) (Sen. P. Jones)

Judiciary, Law Enforcement, and Criminal Justice Committee			
S.B. 209	Methamphetamine Decontamination Standards and		
	Funding (Sen. D. C. Buttars)		
S.B. 263	Self Authentication of Documents (Sen. S. McCoy)		
S.B. 265	Unlawful Detainer Amendments (Sen. M. Waddoups)		
S.B. 266	Process Servers – Age Restrictions (Sen. J. Greiner)		
1st Sub. H.B. 109	Sex Offender Law Amendments (Rep. G. Hughes)		
	(Sen. M. Dmitrich)		

Natural Resources,	Agriculture and Environment Committee
2nd Sub. H.B. 51	Water Right Forfeiture Protection (Rep. P. Painter)
	(Sen. M. Dayton)

Transportation, I	Public Utilities and Technology Committee
S.B. 202	Energy Resource and Carbon Emission Reduction
	Initiative (Sen. C. Bramble)

S.B. 203	Highway Abandonment Amendments (Sen. D. Peterson)
S.B. 212	Funeral Processions (Sen. B. Goodfellow)
H.B. 320	Vehicle Impound Yard Requirements (Rep. C. Oda)
	(Sen. G. Bell)

#### Workforce Services and Community and Economic Development Committee S.B. 235 Human Remains Related Amendments

(Sen. K. VanTassell)

Bill Hickman

Rules Committee Chair

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

#### STANDING COMMITTEE REPORTS

Mr. President: February 13, 2008 The Education Committee reports a favorable recommendation on **H.B. 321**, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, by Representative K. Garn.

Margaret Dayton, Chair

Mr. President:

February 13, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 97**, IMMIGRATION TASK FORCE, by Senator S. Jenkins, with the following amendments:

After line 58, insert <u>"(d) The budgetary costs and economic benefits of illegal immigrants to the state.</u>"; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 196**, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, by Senator W. Niederhauser; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 275**, MILITARY JUSTICE CODE AMENDMENTS, by Senator P. Knudson.

Peter C. Knudson, Chair

Mr. President:

February 13, 2008

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 287**, APPROPRIATION

<sup>1.</sup> Page 2, Line 58:

FOR THE SWANSON TACTICAL TRAINING CENTER, by Senator S. Jenkins; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.C.R. 3**, CONCURRENT RESOLUTION – DECLARING LOVE YOUR LIBRARY WEEK, by Representative S. Clark.

Mark B. Madsen, Chair

On motion of Senator Hickman, the committee reports were adopted. H.B. 321, S.B. 97, as amended, S.B. 196, S.B. 275, S.B. 287, and H.C.R. 3 were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President: February 13, 2008 The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 274**, AMENDMENTS TO UTAH SERVICE MEMBERS' CIVIL RELIEF ACT, by Senator P. Knudson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Hickman, the committee report was adopted. **S.B. 274** was considered read the second time and placed on the Consent Calendar.

\* \* \*

Mr. President:

February 13, 2008

The Government Operations and Political Subdivisions Committee has returned **S.B. 213**, STATE CONTRACT – FALSE CLAIMS ACT, by Senator A. Christensen, to the Rules Committee.

Peter C. Knudson, Chair INTRODUCTION OF BILLS

**S.B. 217, Property Tax Deferrals, Abatements, and Relief Limitations** (D. Stowell), read the first time by short title and referred to the Rules Committee.

**S.B. 222, Division of Real Estate Licensing and Presence in the United States** (M. Dayton), read the first time by short title and referred to the Rules Committee.

**S.B. 224**, **Coal Mine Safety Act** (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

**S.B. 243, This Is the Place Foundation – Procurement Code Exemption** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

**S.B. 255**, **Hospital Lien** (D. Peterson), read the first time by short title and referred to the Rules Committee.

**S.B. 264, Development Around Military Installations** (S. Killpack), read the first time by short title and referred to the Rules Committee.

**S.B. 269**, Water Rights – Ombudsman (D. Stowell), read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Bramble, **S.B. 117**, ANIMAL CRUELTY AMENDMENTS, will be considered today February 14, 2008 at 11:00 a.m..

#### CONSENT CALENDAR

**H.B. 251**, SALES AND USE TAX REVISIONS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Hickman

**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.

\* \* \*

**H.B. 259**, GOLD STAR FAMILY SPECIAL GROUP LICENSE PLATE AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Bramble

**H.B. 259** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.J.R.** 1, RESOLUTION ADDRESSING INTERNATIONAL TRADE ISSUES, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

**H.J.R.** 1 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. 294**, APPROPRIATION LIMIT AMENDMENTS – FIRE SUPPRESSION, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Jones

1st Sub. H.B. 294 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 144**, MOTOR VEHICLE INSURANCE AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Jenkins Jones

**H.B. 144** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 256**, CRIMINAL PENALTIES AMENDMENTS – INCLUDING JESSICA'S LAW, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Eastman Jones

**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.

#### CONCURRENCE CALENDAR

On motion of Senator Buttars, the Senate voted to concur in the House amendments to **S.C.R. 1**, RESOLUTION SUPPORTING OBESITY AWARENESS. The bill, as amended, passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Dayton Jones

S.C.R. 1 was returned to the House for the signature of the Speaker.

#### THIRD READING CALENDAR

**H.J.R. 2**, RESOLUTION ENCOURAGING MANUFACTURED AND MOBILE HOME PARKS AS AFFORDABLE HOUSING, was read the third time, explained by Senator Fife, and passed on the following roll call:

Voting in the affirmative were: Senators Bell Bramble Buttars Davis Dmitrich Dayton Fife Greiner Hickman Jenkins Killpack Knudson

Eastman Hillyard Madsen Niederhauser Peterson Van Tassell

Christensen

Absent or not voting were: Senators		
Goodfellow	Jones	Valentine

McCoy

Walker

Stephenson

**H.J.R.** 2 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

Stowell

\* \* \*

**H.B.** 73, CHILD CARE PROVIDERS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Voting in the negative was: Senator Christensen

#### Absent or not voting were: Senators Jones Valentine

H.B. 73 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

H.B. 68, EDUCATOR RELICENSURE INITIATIVE, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Mayne

Romero

Waddoups

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

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hickman	
Jenkins	Killpack	Knudson	Madsen	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Stowell	Van Tassell	
Waddoups	Walker			
Absent or not voting were: Senators				
Hillyard	Jones	Valentine		

H.B. 68, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 82**, NOTICE OF CHANGES TO THE STATE MEDICAID PLAN, 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

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

Absent or not voting were: Senators Jones Valentine

**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.

\* \* \*

**H.B. 118**, VETERANS HIGH SCHOOL DIPLOMAS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Jenkins
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			
Absent or not voting were: Senators			
Eastman	Hillyard	Jones	Valentine

**H.B. 118** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 245**, ADMINISTRATION OF MEDICATION TO STUDENTS AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Jenkins
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			
Absent or not voting were: Senators			

Eastman H	Hillyard	Jones	Valentine
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H.B. 245, as amended, was returned to the House for further consideration.

#### SECOND READING CALENDAR

**H.B. 57**, TRANSPORTATION ADMINISTRATIVE RULES – CRIMINAL AND CIVIL PENALTY AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

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

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		
-	<b>··</b>		

Absent or not voting were: Senators		
Eastman	Jones	Valentine

\* \* \*

On motion of Senator Dayton, the circle was removed from **H.B. 29**, ELECTION LAW – FINANCIAL REPORTING, and it was before the Senate. Senator Dayton explained the bill.

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

#### 2nd Sub. H.B. 29 Election Law – Financial Reporting (B. Daw)

Senators Walker and Madsen commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

## Absent or not voting was: Senator

Eastman

On motion of Senator Knudson, **2nd Sub. H.B. 29** was placed on Third Reading Table due to fiscal impact.

**S.B. 117**, ANIMAL CRUELTY AMENDMENTS, was read the second time. Senator Christensen explained the bill. Senators Greiner, Bell, McCoy, Jenkins, Davis, and Romero commented.

Senator McCoy proposed the following amendment:

1. Page 7, Line 196: Delete "<u>within five years</u>"

Senator McCoy's motion to amend failed on a voice vote.

Senator Davis made the motion to substitute the bill. The motion failed on the following roll call vote:

## Yeas, 11; Nays, 18; Absent, 0.

## Voting in the affirmative were: Senators

, ound in our our		010	
Davis	Dmitrich	Fife	Goodfellow
Jones	Mayne	McCoy	Romero
Stowell	Waddoups	Walker	
Voting in the negative were: Senators			
Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Greiner	Hickman
Hillyard	Jenkins	Killpack	Knudson
Madsen	Niederhauser	Peterson	Stephenson

On motion of Senator Christensen, under suspension of the rules, **S.B. 117**, ANIMAL CRUELTY AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

## Yeas, 15; Nays, 14; Absent, 0.

Van Tassell

## Voting in the affirmative were: Senators

Valentine

Bell	Bramble	Buttars	Christensen
Eastman	Greiner	Hickman	Hillyard
Killpack	Knudson	Niederhauser	Peterson
Van Tassell	Walker	Valentine	

#### Voting in the negative were: Senators

Davis	Dayton	Dmitrich	Fife
Goodfellow	Jenkins	Jones	Madsen
Mayne	McCoy	Romero	Stephenson
Stowell	Waddoups		

S.B. 117 was transmitted to the House.

\* \* \*

On motion of Senator Hickman, S.B. 81, ILLEGAL IMMIGRATION, will be considered Tuesday, February 19, 2008 at 10:30 a.m.

\* \* \*

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

# AFTERNOON SESSION

The Senate reassembled at 2:25 p.m., with President Valentine presiding.

## COMMUNICATIONS FROM THE HOUSE

Mr. President: February 14, 2008 The House passed, S.B. 164, COMPUTER ASSISTED REMOTE HUNTING PROHIBITED, 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.C.R. 3. RESOLUTION SUPPORTING OBSERVANCE OF PEACE OFFICERS MEMORIAL DAY, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**S.B. 164** and **S.C.R. 3** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 14, 2008 The House substituted, amended, and passed, 1st Sub. S.B. 44, PENALTIES FOR FAILING TO SECURE A LOAD OR LITTERING ON A HIGHWAY, by Senator P. Jones, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

\* \* \*

Mr. President:

February 14, 2008 The House passed H.B. 128, UTAH RESIDENTIAL MORTGAGE PRACTICES ACT AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 178**, JURISDICTION FOR PROSECUTION, by Representative P. Neuenschwander, and it is transmitted for consideration; and

The House passed **H.B. 182**, DEADLINE FOR VOTING PRECINCT DESIGNATION, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 377**, CODE OF CRIMINAL PROCEDURE AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 128, H.B. 178, H.B. 182,** and **H.B. 377** were read the first time and referred to the Rules Committee.

#### **RULES COMMITTEE REPORTS**

To the Members of the Senate: February 14, 2008 The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and labor Committee**

S.B. 295	Security Alarm Business Licensing Amendments
	(Sen. M. Dayton)
H.B. 159	Professional Employer Organization Licensing Act
	(Rep. J. Dunnigan) (Sen. W. Niederhauser)
H.B. 342	Insurance Code Amendments (Rep. J. Dunnigan)
	(Sen. S. Killpack)

#### **Education Committee**

S.B. 234	Minimum School Program Amendments - Counseling
	and Guidance Programs (Sen. M. Dmitrich)
H.B. 271	Utah Purple Heart Recipients Tuition Act Amendments
	(Rep. R. Barrus) (Sen. C. Walker)
1st Sub. H.B. 287	Regulation of Teacher – Student Relationships
	(Rep. S. Sandstrom) (Sen. C. Bramble)
H.C.R. 1	Meth Awareness for Students and Educators Resolution
	(Rep. C. Oda) (Sen. S. Killpack)

#### **Government Operations and Political Subdivisions Committee**

S.B. 210	Proof of Citizenship Required to Vote (Sen. M. Madsen)
S.B. 239	Office of the Attorney General – Safety Net Initiative
	(Sen. C. Bramble)

H.B. 116	Fluorine in a Privately Owned Water System
	(Rep. S. Andersen) (Sen. P. Jones)
H.B. 290	Municipal Oversight of Rental Dwellings
	(Rep. G. Froerer) (Sen. M. Waddoups)
1st Sub. H.B. 309	Election Information Amendments (Rep. J. Dougall)
	(Sen. W. Niederhauser)
Health and Human	Services Committee
S.B. 197	Preferred Drug List Revisions (Sen. A. Christensen)
S.B. 211	Alcoholic Beverage Control Amendments
	(Sen. C. Bramble)
2nd Sub. H.B. 276	Health Professional Authority – Death and Disability
	(Rep. B. Last) (Sen. A. Christensen)
1st Sub. H.B. 281	Grants to Rural Hospitals – Oversight Responsibilities
	(Rep. M. Newbold) (Sen. W. Niederhauser)
Judiciary, Law Enf	forcement, and Criminal Justice Committee
H.B. 312	Crime Victim Reparations Revisions (Rep. Julie Fisher)
	(Sen. G. Bell)
H.B. 327	Enticing a Minor by Electronic Means (Rep. K. Gibson)
	(Sen. J. Greiner)
Natural Resources,	Agriculture and Environment Committee
1st Sub. H.B. 40	Safe Drinking Water Revisions (Rep. S. Andersen)
	(San D Stawall)

(Sen. D. Stowell)

## **Revenue and Taxation Committee**

S.B. 218	Amendments to Tourism, Recreation, Cultural, and
	Convention Facilities Tax (Sen. W. Niederhauser)
2nd Sub. H.B. 54	Property Tax Assessment Revisions (Rep. W. Harper)
	(Sen. W. Niederhauser)
Н.В. 279	Tax Incentives for Military Members (Rep. W. Harper) (Sen. C. Bramble)

## Transportation, Public Utilities and Technology Committee

S.B. 231	Transportation Governance (Sen. S. Killpack)
H.B. 292	Legislative Task Force to Study Radio Communication
	System in Utah (Rep. B. Dee) (Sen. J. Greiner)

## Workforce Services and Community and Economic Development Committee

S.B. 247 Veterans Procurement Provisions (Sen. F. Fife)

Bill Hickman

Rules Committee Chair

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

## STANDING COMMITTEE REPORTS

Mr. President: February 13, 2008
 The Business and Labor Committee reports a favorable recommendation on
 1st Sub. H.B. 37, UTAH BUSINESS RESOURCE CENTERS ACT, by
 Representative D. Clark; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 48**, MOBILE HOME OWNERS' RIGHTS, by Representative P. Riesen, et al; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 95**, DOCUMENT FRAUD, by Representative K. Morgan; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 99**, BUSINESS REGISTRATION – OPTIONAL INCLUSION OF OWNERSHIP DATA, by Representative M. Wheatley; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 119**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Representative B. Daw, et al.

Kevin T. Van Tassell

Mr. President:

February 13, 2008

The Health and Human Services Committee reports a favorable recommendation on **H.B. 17**, CANCER SCREENING AND MORTALITY REDUCTION PROGRAM, by Representative P. Ray; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 45**, SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY, by Representative R. Menlove; and

The Health and Human Services Committee recommends H.B. 60, LEGISLATIVE REVIEW OF HEALTH INSURANCE MANDATES, by

Representative J. Dunnigan, be replaced and favorably recommends **1st Sub. H.B. 60,** LEGISLATIVE REVIEW OF HEALTH INSURANCE MANDATES; and

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 133, HEALTH SYSTEM REFORM, by Representative D. Clark; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 301**, COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS, by Representative J. Dunnigan.

D. Chris Buttars, Chair

Mr. President:

February 14, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 117**, INSTREAM FLOW TO PROTECT TROUT HABITAT, by Representative S. Sandstrom; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 143**, ADMINISTRATION OF INTERSTATE WATER, by Representative M. Brown.

Darin G. Peterson, Chair

Mr. President:

February 14, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 208**, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 105**, TRANSPORTATION INFRASTRUCTURE LOAN FUND AMENDMENTS, by Representative Julie Fisher.

Carlene M. Walker, Chair

Mr. President: February 14, 2008 The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 256**, GOOD SAMARITAN ACT FOR ENGINEERS, by Senator M. Waddoups, with the following amendments:

1. Page 2, Lines 47 through 48:

- 47 <u>engineer for architectural or engineering services that are</u> {<u>below the acceptable standards of the</u>
- 48 profession or } not within the scope of licensure.; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 9**, JOINT RESOLUTION AMENDING RULES OF EVIDENCE RELATING TO INFORMATION CONTAINED IN THE MANAGEMENT INFORMATION SYSTEM, by Senator G. Davis, with the following amendments:

1. Page 1, Lines 20 through 25:

20 provides that a report, and information from or relating to a report, maintained in

21 the Management Information System may not be disclosed or admitted as evidence  $\{-, -, -\}$ 

22 nor may testimony regarding the report or information be made or accepted, } in a

23 proceeding <u>, where the state is not a party</u>, for divorce, child–custody, a protection order, adoption, or termination

24 of parental rights, if the report has been found to be unsubstantiated, unsupported,

25 or without merit <u>, unless a party who is not the alleged perpetrator</u> in the report shows, by clear and convincing evidence, that the probative value of the report or information outweighs its prejudicial effect ; and

2. Page 2, Lines 54 through 55:

54 (a) (5) "Restricted proceeding" means a proceeding <u>, where</u> the state is not a party, for divorce, child–custody, a

55 protection order, adoption, or termination of parental rights.

3. Page 3, Lines 59 through 61:

59 (b) General rule of privilege. Restricted information may not be disclosed or admitted

61 <u>restricted proceeding, if a finding of unreliability has been made in</u> <u>relation to the report</u> <u>. unless a party who is not the alleged perpetrator</u> in the report shows, by clear and convincing evidence, that the probative value of the restricted information outweighs the prejudicial affect of the restricted information \_\_\_\_\_; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 10**, DISCLOSURE OF IDENTITY TO OFFICER, by Representative C. Oda; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 14**, DISCHARGE OF FIREARM AMENDMENTS, by Representative C. Wimmer; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 23**, CHILD AND FAMILY PROTECTION, by Representative L. Fowlke; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 33**, WAIVERS OF IMMUNITY – EXCEPTIONS, by Representative G. Hughes; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 34**, EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, by Representative J. Bird.

Gregory S. Bell, Chair

On motion of Senator Killpack, the committee reports were adopted. 1st Sub. H.B. 37, 1st Sub. H.B. 48, 1st Sub. H.B. 95, H.B. 99, 1st Sub. H.B. 119, H.B. 17, H.B. 45, 1st Sub. H.B. 60, 1st Sub. H.B. 133, H.B. 301, H.B. 117, H.B. 143, S.B. 208, H.B. 105, S.B. 256, as amended, S.J.R. 9, as amended, H.B. 10, H.B. 14, H.B. 23, H.B. 33, and H.B. 34 were placed on Second Reading Calendar.

## STANDING COMMITTEE REPORTS

Mr. President: February 13, 2008 The Health and Human Services Committee reports a favorable recommendation on **S.B. 198**, CHILD SUPPORT TECHNICAL AMENDMENTS, by Senator G. Bell, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 6, Lines 157 through 158:

# 157 (c) modify a temporary judicial child support order established on or before December 31.

158 2007, if the new order is entered on or after January 1, 2008; or

2. Page 15, Lines 444 through 447:

444 (c) modify a temporary judicial child support order established on or before December 31,

445 2007, if the new order is entered on or after January 1, 2008; or

446 [(c)] (d) modify a <u>final</u> child support order entered on or before December 31, 2007, if the

447 modification is made on or after January 1, 2010. ; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 101**, AMENDMENTS TO EMERGENCY INJECTION FOR ANAPHYLACTIC REACTION ACT, by Representative T. Kiser, 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. 268**, HEALTH FACILITY COMMITTEE MEMBERSHIP, by Representative C. Herrod, 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. 277**, PANDEMIC PREPAREDNESS AMENDMENTS, by Representative B. Last, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President:

February 14, 2008

The Natural Resources, Agriculture, and Environment Committee recommends **1st Sub. H.B. 125**, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, by Representative K. Gibson, be replaced and favorably recommends **2nd Sub. H.B. 125**, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS and that it be amended as follows, considered read for the second time, and placed on the Consent Calendar.

1. Page 1, Line 17:

17 ► adds the {-executive-} director of the School and Trust Lands Administration to the

2. Page 4, Lines 104 through 105:

 104
 (i) the {-executive }
 director of the School and Institutional Trust Lands Administration or

 105
 the {-executive }
 director's designee.

Darin G. Peterson, Chair

Mr. President:

February 14, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 288**, 911 COMMITTEE, by Representative B. Dee, and recommends it be considered read for the second time and placed on the Consent Calendar.

Carlene M. Walker, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 198**, as amended, **H.B. 101**, **H.B. 268**, **H.B. 277**, **2nd Sub. H.B. 125**, as amended, and **H.B. 288** were considered read the second time and placed on the Consent Calendar.

\* \* \*

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

#### THIRD READING CALENDAR

On motion of Senator Killpack, the circle was removed from **S.B. 149**, MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS, and it was before the Senate. Senator Killpack explained the bill. The bill passed on the following roll call:

#### Yeas, 16; Nays, 13; Absent, 0.

Walker

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis	
Dmitrich	Eastman	Fife	Goodfellow	
Greiner	Hillyard	Killpack	Mayne	
Niederhauser	Peterson	Stephenson	Valentine	
Voting in the negative were: Senators				
Voting in the nega	tive were: Senators			
Voting in the nega Christensen	<b>tive were:</b> Senators Dayton	Hickman	Jenkins	
0 0		Hickman Madsen	Jenkins McCoy	
Christensen	Dayton			

S.B. 149 was transmitted to the House for consideration.

## SECOND READING CALENDAR

**H.B. 61**, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, was read the second time. Senator Walker explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

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

## Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Hickman

\* \* \*

On motion of Senator Stowell, the circle was removed from **3rd Sub. S.B. 25**, MUNICIPAL INCORPORATION AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill.

Senator Christensen proposed the following amendment:

1. Page 2, Lines 37 through 39:

37 ▶ applies amendments made by this bill to {-certain pending and all future-} town

39 filed before { the effective date of this bill } <u>January 1</u>, <u>2008</u> to choose whether to have the initial town

2. Page 10, Lines 281 through 289:

281 (12) (a) This section applies to  $\{-\frac{1}{2}\}$ 

282 each petition to incorporate a town filed { <u>before the</u> (i) } <u>effective date of this section</u> } on or after January 1, 2008 . if {-: (A) the petition was not a qualifying petition under the law in 283 effect at the time the 284 petition was filed; and 285 the petition has not been granted before the effective **(B)** } date of this section  $\{-; and \}$ 286 (ii) each petition to incorporate a town filed on or after the effective date of this 287 section } . 288 (b) (i) Subject to Subsection (12)(b)(ii), a petition filed before { <u>the effective date of this</u> 289 <u>section</u> } January 1, 2008 that is a qualifying petition under the law in effect at the time the petition was filed is Senator Christensen's motion to amend failed on a voice vote. Senators Van

Senator Christensen's motion to amend failed on a voice vote. Senators Van Tassell, McCoy, and Killpack commented. Senator Hillyard declared a conflict of interest. The bill passed on the following roll call:

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

## Voting in the affirmative were: Senators

Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman
Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack
Mayne	McCoy	Niederhauser
Stephenson	Stowell	Van Tassell
Walker	Valentine	
	Bramble Dayton Goodfellow Jenkins Mayne Stephenson	DaytonDmitrichGoodfellowGreinerJenkinsJonesMayneMcCoyStephensonStowell

Voting in the negative was: Senator Romero

Absent or not voting was: Senator Knudson

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **1st Sub. S.B. 38**, TRANSPARENCY IN GOVERNMENT FINANCE, and it was before the Senate. Senator Niederhauser explained the bill. On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

#### 2nd Sub. S.B. 38 Transparency in Government Finance (W. Niederhauser)

Senator Jenkins commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Christensen	Davis	Dayton	
Dmitrich	Eastman	Fife	Goodfellow	
Greiner	Hickman	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker	Valentine			

Absent or not voting were: Senators Bramble Buttars

Hillyard

\* \* \*

1st Sub. H.B. 18, MATERIAL HARMFUL TO MINORS AMENDMENTS, was read the second time.

On motion of Senator Peterson, the bill was circled.

\* \* \*

On motion of Senator Hickman, **S.B. 81**, ILLEGAL IMMIGRATION, will be considered Tuesday, February 19, 2008 at 11:15 a.m.

\* \* \*

**H.B. 30**, VEHICLE CONCEALING ILLEGAL ITEMS, was read the second time. Senator Bramble explained the bill. Senator Christensen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	

Fife	Goodfellow	Greiner	Jenkins	
Jones	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Walker	
Valentine				
Absent or not voting were: Senators				
Hickman	Hillyard	Killpack	Waddoups	
* * *				

**H.B. 107**, EMERGENCY MANAGEMENT ADMINISTRATIVE COUNCIL, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Jenkins	Jones	
Knudson	Madsen	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Walker	Valentine	
Absent or not voting were: Senators				
Davis	Hickman	Hillyard	Killpack	
Waddoups				

\* \* \*

**H.B. 59**, COMMUNITY AND ECONOMIC DEVILOPMENT TECHNICAL CHANGES, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

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

Waddoups

Absent or not voting were:SenatorsDavisHickmanHillyard

\* \* \*

**H.B. 64**, DISCLOSURE OF INFORMATION BY THE DEPARTMENT OF WORKFORCE SERVICES, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting	in	the	affirmative	were:	Senators

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

Absent or not voting was: Senator Hillyard

\* \* \*

**H.B. 270**, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE CENTERS, was read the second time.

On motion of Senator Knudson, the bill was circled.

\* \* \*

**H.B. 42**, WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

## Absent or not voting were: Senators

Eastman Fife Hillyard

\* \* \*

**H.B. 132**, WASTE TIRE RECYCLING AMENDMENTS, was read the second time. Senator Goodfellow explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Goodfellow	
Greiner	Hickman	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker	Valentine			
Absent or not voting were: Senators				

Eastman Fife Hillyard	

\* \* \*

**1st Sub. H.B. 62**, CLEAN FUEL SPECIAL GROUP LICENSE PLATE AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

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

## Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Hillyard

#### \* \* \*

**H.B. 12**, CONTROLLED SUBSTANCES AND PARAPHERNALIA, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hickman	
Jenkins	Jones	Killpack	Knudson	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Stowell	Waddoups	
Walker	Valentine			
Absent or not voting were: Senators				
Hillyard	Madsen	Van Tassell		

\* \* \*

**1st Sub. H.B. 272**, FALSE IMPERSONATION AND REPRESENTATION, was read the second time. Senator Greiner explained the bill. Senators Valentine and McCoy commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Christensen	Davis	
Dayton	Eastman	Fife	Goodfellow	
Greiner	Hillyard	Jenkins	Jones	
Killpack	Knudson	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Waddoups	Walker	Valentine	
Absent or not voting were: Senators				
Buttars	Dmitrich	Hickman	Madsen	
Van Tassell				

\* \* \*

**H.B. 38**, EDUCATION AND OUTREACH REGARDING SUBSTANCES HARMFUL DURING PREGNANCY, was read the second time. Senator Walker

explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Christensen	Davis	Eastman	
Fife	Goodfellow	Greiner	Hillyard	
Jenkins	Jones	Killpack	Knudson	
Madsen	Mayne	McCoy	Niederhauser	
Romero	Stephenson	Stowell	Van Tassell	
Waddoups	Walker	Valentine		
Voting in the negative were: Senators				
Dayton	Peterson			
Absent or not voting were: Senators				
Bramble	Buttars	Dmitrich	Hickman	

On motion of Senator Knudson, **H.B. 38** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**2nd Sub. H.B. 47**, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, was read the second time.

On motion of Senator Knudson, the bill was circled.

\* \* \*

**H.B. 67**, EXTENDED YEAR FOR SPECIAL EDUCATORS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

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

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

\* \* \*

On motion of Senator Hillyard, the circle was removed from **H.B. 67**, EXTENDED YEAR FOR SPECIAL EDUCATORS, 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				
Bell	Buttars	Christensen	Eastman	
Fife	Goodfellow	Greiner	Hillyard	
Jenkins	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker	Valentine			
Absent or not voting were: Senators				
Bramble	Davis	Dayton	Dmitrich	
Hickman	Jones	Killpack		

On motion of Senator Hillyard, **H.B. 67** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **H.B. 270**, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE CENTERS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the aff	irmative were: Senat	ors		
Bell	Buttars	Christensen	Dayton	
Eastman	Goodfellow	Greiner	Hillyard	
Jenkins	Killpack	Knudson	Madsen	
Mayne	McCoy	Niederhauser	Peterson	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker	Valentine			
Voting in the neg Romero	gative was: Senator			
Absent or not vo	ting were: Senators			
Bramble	Davis	Dmitrich	Fife	
Hickman	Jones			

On motion of Senator Knudson, **H.B. 270** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Knudson, the circle was removed from **2nd Sub. H.B. 47**, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, and it was before the Senate. Senator Knudson explained the bill. Senator Jones commented. The bill passed second reading on the following roll call:

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

Voting in the affin	rmative were: Senate	ors	
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Buttars Killpack

\* \* \*

**H.B. 81**, TASK FORCE TO STUDY PERFORMANCE INCENTIVES FOR TEACHERS, was read the second time. Senator Stephenson explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Buttars Fife SENATE JOURNAL

On motion of Senator Knudson, **H.B. 81** was placed on Third Reading Table due to fiscal impact.

#### \* \* \*

**H.B. 248**, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR CERTAIN PROPERTY INCORPORATED INTO REAL PROPERTY, was read the second time. Senator Niederhauser explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in	the	affirmative	were:	Senators
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Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

On motion of Senator Knudson, **H.B. 248** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**1st Sub. H.B. 135**, GRANTS FROM DEPARTMENT OF COMMUNITY AND CULTURE, was read the second time.

On motion of Senator Eastman, the bill was circled.

\* \* \*

**H.B. 50**, UNDERGROUND STORAGE TANK AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman

Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Waddoups	Walker	Valentine	

Absent or not voting were:SenatorsStephensonVan Tassell

\* \* \*

**H.B. 291**, OFF–HIGHWAY VEHICLE AMENDMENTS, was read the second time. Senator Dmitrich explained the bill. Senator Valentine and Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Buttars	Christensen	Davis	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hickman	Hillyard	
Jenkins	Jones	Killpack	Knudson	
Madsen	Mayne	McCoy	Niederhauser	
Peterson	Romero	Stowell	Waddoups	
Walker	Valentine			
Absent or not voting were: Senators				
Bramble	Stephenson	Van Tassell		

\* \* \*

**H.B. 28**, HONORING HEROES SPECIAL GROUP LICENSE PLATE, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or	not voting were: Senators	
Madsen	Stephenson	Van Tassell

**H.B. 275**, VEHICLE TOWING REQUIREMENTS, was read the second time. Senator Goodfellow explained the bill. Senators Hickman and Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Romero	Stowell
Van Tassell	Walker	Valentine	
Voting in the negative was: Senator Waddoups Absent or not voting were: Senators			
Eastman Stephenson	Hickman	Madsen	Peterson

\* \* \*

**H.B. 86**, FUNDING OF INMATE POSTSECONDARY EDUCATION, was read the second time. Senator Hillyard explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

#### Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators			
Bell	Buttars	Christensen	Davis
Dmitrich	Fife	Goodfellow	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Romero	Stowell	Van Tassell	Waddoups
Walker			
Voting in the negative were: Senators			

	•		
Dayton	Greiner	Peterson	Valentine

#### Absent or not voting were: Senators

Bramble Eastman Madsen Stephenson

On motion of Senator Knudson, **H.B. 86** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 234**, KINDERGARTEN ASSESSMENT 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

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

Absent or not voting were: Senators

Eastman Madsen

Stephenson

\* \* \*

On motion of Senator Bramble and at 5:00 p.m., the Senate adjourned until 10:00 a.m., Friday, February 15, 2008.

## TWENTY-SIXTH DAY

### **MORNING SESSION**

### **FEBRUARY 15, 2008**

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

Prayer – Gene Shawcroft, Central Water Conservation District
Pledge of Allegiance – Senator Karen Mayne
Roll Call – 28 Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 14, 2008 The House passed, **S.B. 130**, UTILITY IMPROVEMENT DISTRICT REVISIONS, 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. 137**, MINERAL PRODUCTION TAX WITHHOLDING 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.C.R. 1**, RESOLUTION SUPPORTING OBESITY AWARENESS, by Senator D. C. Buttars, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk S.B. 130, 1st Sub. S.B. 137, and S.C.R. 1 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 14, 2008

The House passed, as substituted, **1st Sub. H.B. 58**, SEVERANCE TAX AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 69**, REPEAL OF BOARD LEEWAY FOR READING IMPROVEMENT, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 80**, ADMINISTRATIVE RULE PENALTY AMENDMENTS, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 96**, RETIRED TEACHERS – RETURN TO WORK, by Representative D. Bowman, et al, and it is transmitted for consideration; and

The House passed, as substituted, **3rd Sub. H.B. 131**, COMMUNITY BASED SELF SUFFICIENCY GRANTS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 137**, STATE FACILITY WATER CONSERVATION PROGRAM, by Representative L. Wiley, et al, and it is transmitted for consideration; and

The House passed **H.B. 142**, ABSENTEE BALLOT AMENDMENTS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 153**, IMPACT FEES AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 177**, COUNTY AND MUNICIPAL LAND USE REGULATION OF POTENTIAL GEOLOGIC HAZARD AREAS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 10**, JOINT RESOLUTION OPPOSING DESIGNATION OF PUBLIC LANDS CURRENTLY URGED BY CONGRESS AND THE BUREAU OF LAND MANAGEMENT, by Representative A. Tilton, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 1st Sub. H.B. 58, H.B. 69, H.B. 80, H.B. 96, 3rd Sub. H.B. 131, H.B. 137, H.B. 142, H.B. 153, H.B. 177, and H.J.R. 10 were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

February 14, 2008

The House substituted and passed, **1st Sub. S.B. 11**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Senator S. Jenkins, et al, 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. 221, Capital Development and Improvement Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 228**, **Regulation of Wells** (M. Dayton), read the first time by short title and referred to the Rules Committee.

**S.B. 238**, **Aquatic Invasive Species Interdiction Act** (J. Greiner), read the first time by short title and referred to the Rules Committee.

**S.B. 251, Task Force Studying Funding for Fighting Forest Fires** (D. Stowell), read the first time by short title and referred to the Rules Committee.

**S.R. 4, Senate Resolution Regarding Trade with Taiwan** (C. Bramble), read the first time by short title and referred to the Rules Committee.

#### CONSENT CALENDAR

**S.B. 88**, UNIFORM MODEL REGISTERED AGENT ACT, 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

Christensen	Davis	Dayton
Eastman	Fife	Goodfellow
Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen
Niederhauser	Romero	Stephenson
Van Tassell	Waddoups	Walker
ng were: Senators		
Buttars	McCoy	Peterson
	Eastman Hickman Killpack Niederhauser Van Tassell <b>ng were:</b> Senators	Eastman Fife Hickman Hillyard Killpack Knudson Niederhauser Romero Van Tassell Waddoups ng were: Senators

S.B. 88 was transmitted to the House for consideration.

\* \* \*

**H.B. 265**, OFFICE OF RECOVERY SERVICES – ELECTRONIC FUNDS TRANSFER, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

6			
Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		
Absent or not voti	ng were: Senators		
Bramble	Buttars	McCoy	

**H.B. 265** 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. 5**, JOINT RESOLUTION URGING SUPPORT OF MEDICAID LONG–TERM CARE FUNDING OF HOME AND COMMUNITY–BASED SUPPORTS, 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

Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			
Absent or not voting were: Senators			

Bramble Buttars Goodfellow Greiner

**H.J.R. 5** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 44**, DECLARATION OF CANDIDACY REVISIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Voting in the affirmative were: Senators Bell Christensen Davis Dayton Dmitrich Goodfellow Eastman Fife Greiner Hickman Hillvard Jenkins Jones Killpack Knudson Madsen Niederhauser Peterson Mayne McCoy Romero Stephenson Stowell Waddoups Walker Valentine Absent or not voting were: Senators Bramble Van Tassell Buttars

**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.

#### THIRD READING CALENDAR

**H.B. 57**, TRANSPORTATION ADMINISTRATIVE RULES – CRIMINAL AND CIVIL PENALTY AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not vot	ing were: Senators	
Bramble	Buttars	Van Tassell

**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.

\* \* \*

**H.B. 61**, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, was read the third time and explained by Senator Walker. Senators Fife and Davis commented and the bill passed on the following roll call:

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

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

Voting in the affirmative were: Senators			
Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			
Absent or not voting were: Senators			
Bramble	Buttars	Hickman	McCoy

**H.B. 61** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**3rd Sub. S.B. 25**, MUNICIPAL INCORPORATION AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Voting in the negative was: Senator Romero

Absent or not voting were: Senators Bramble Buttars

**3rd Sub. S.B. 25** was transmitted to the House for consideration. Senator Hillyard declared a conflict of interest.

**2nd Sub. S.B. 38**, TRANSPARENCY IN GOVERNMENT FINANCE, was read the third time and explained by Senator Niederhauser. Senator Mayne commented and the bill passed on the following roll call:

#### Yeas, 19; Nays, 6; Absent, 4.

#### Voting in the affirmative were: Senators Bell Christensen Dayton Fife Goodfellow Hickman Hillyard Jones Knudson Madsen Mayne McCov Niederhauser Romero Stephenson Peterson Walker Van Tassell Waddoups Voting in the negative were: Senators Davis Dmitrich Eastman Greiner Stowell Killpack Absent or not voting were: Senators Bramble Buttars Ienkins Valentine

2nd Sub. S.B 38 was transmitted to the House for consideration.

### COMMUNICATION FROM THE GOVERNOR

#### ADVISE AND CONSENT

Mr. President:	January 31, 2008
In accordance with Utah Code 67–1–1 and 67–1	-2, I propose and transmit the
following appointments:	

#### **Board of Pardons and Parole**

Jesse Gallegos is reappointed as a member of the Board of Pardons and Parole, a term to expire February 28, 2013. See Utah Code Ann. 77–27–2.

#### **Crime Victims Reparations Board**

Chet Loftis is appointed to replace Brian Miller as a member of the Crime Victims Reparations Board, a term to expire April 15, 2011. See Utah Code Ann. 63–25a–404 UCA.

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

Jon M. Huntsman Jr., Governor

Senator Hillyard moved to consent to the governor's appointments. The motion passed on the following roll call:

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

#### Voting in the affirmative were: Senators

0			
Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jones
Killpack	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Absent or not voti	ng were: Senators		
Bramble	Buttars	Jenkins	Madsen
Valentine			

#### **COMMITTEE OF THE WHOLE**

On motion of Senator Hillyard, Jesse Gallegos spoke in Committee of the Whole.

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

#### TIME CERTAIN

Senator Christensen read a citation honoring fallen soldiers from Utah. Senators Valentine, Peterson, Dayton, Jones, Knudson, and Eastman commented.

\* \* \*

On motion of Senator Walker, the Senate voted to move to Second Reading Calendar.

#### SECOND READING CALENDAR

On motion of Senator Walker, the circle was removed from **2nd Sub. S.B 20**, MUNICIPAL GOVERNMENT AMENDMENTS, and it was before the Senate.

On motion of Senator Walker, **2nd Sub. S.B. 20**, MUNICIPAL GOVERNMENT AMENDMENTS, will be considered Friday, February 15, 2008 at 2:00 p.m.

\* \* \*

On motion of Senator Bramble, the Senate voted to move to the Concurrence Calendar.

#### **CONCURRENCE CALENDAR**

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 144**, PARAMETERS ON GOVERNOR'S ABILITY TO ENTER AGREEMENTS BINDING THE STATE. Senators Bell and McCoy commented. The bill, as amended, passed on the following roll call:

#### Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators				
Bell	Bramble	Christensen	Dayton	
Dmitrich	Eastman	Greiner	Hickman	
Hillyard	Jenkins	Killpack	Knudson	
Madsen	Niederhauser	Peterson	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine		-		
Voting in the nega	tive were: Senators			
Davis	Fife	Goodfellow	Jones	
Duris	1 110	Cooulenon	Juies	
Mayne	McCoy	Romero		

Absent or not voting was: Senator Buttars

2nd Sub. S.B. 144 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Jones, the Senate voted to concur in the House amendments to **1st Sub. S.B. 44**, PENALTIES FOR FAILING TO SECURE A LOAD OR LITTERING ON A HIGHWAY. The bill, as amended, passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: SenatorsBrambleButtarsMadsen

1st Sub. S.B. 44 was returned to the House for the signature of the Speaker.

#### THIRD READING CALENDAR

**H.B. 30**, VEHICLE CONCEALING ILLEGAL ITEMS, was read the third time.

On motion of Senator Christensen, the bill was circled.

\* \* \*

**H.B. 107**, EMERGENCY MANAGEMENT ADMINISTRATIVE COUNCIL, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting	in	the	affirmative	were:	Senators
--------	----	-----	-------------	-------	----------

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

Absent or not voting were: Senators Buttars Killpack

**H.B. 107** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bell, the Senate voted to lift **H.B. 22**, EXPEDITED PARENT–TIME ENFORCEMENT, from the Third Reading Table and place it at the top of the Third Reading Calendar.

**H.B. 22**, EXPEDITED PARENT-TIME ENFORCEMENT, was read the third time.

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

#### 1st Sub. H.B. 22 Expedited Parent-Time Enforcement (J. Fisher)

On motion of Senator Knudson, **1st Sub. H.B. 22** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 59**, COMMUNITY AND ECONOMIC DEVELOPMENT TECHNICAL CHANGES, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Buttars

**H.B. 59** 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. 30**, VEHICLE CONCEALING ILLEGAL ITEMS, and it was before the Senate.

Senator Christensen proposed the following amendment:

- 1. Page 1, Line 11
  - 11 This bill modifies the Criminal Code to provide that altering a  $\{-motor-\}$  vehicle to
- 2. Page 1, Line 15:

3. Page 1, Line 17:

15

17 provides that possession of a {-motor-} vehicle modified to facilitate concealing

- 4. Page 6, Line 173:
  - 173 (B) that is within a {-motor } vehicle or attached to a {-motor } vehicle.
- 5. Page 6, Line 176:

(B) original factory equipment of a {-motor } vehicle that 176 is modified, altered, or changed

6. Page 6, Line 179:

179 added to the existing structure of a {-motor } vehicle.

- 7. Page 7, Line 184 House Floor Amendments 1-23-2008:
  - (c) "Motor vehicle" has the same meaning as in Section 184 <u>41–6a–</u>102.

(d) "Semitrailer" has the same meaning as in Section <u>41–6a–102</u>.

(e) "Trailer" has the same meaning as in Section 41-1a-102. (f) "Vehicle" means a motor vehicle, a trailer, and a semitrailer.

Page 7, Line 185a 8. House Floor Amendments 1-23-2008:

185a <u>or control a</u>  $\{-motor -\}$  <u>vehicle</u>

9. Page 7, Line 190 House Floor Amendments 1-23-2008:

190 (a) designing, constructing, building, altering, or fabricating a <u>compartment for a</u> {<u>motor</u> }

10. Page 7, Lines 192 through 193 House Floor Amendments 1-23-2008:

192 (b) installing or creating a compartment in a {-motor } vehicle: or 193 (c) attaching a compartment to a  $\{-motor -\}$  vehicle. 11. Page 7, Line 195 House Floor Amendments 1 - 23 - 2008: 195 contraband if the person possesses, uses, or controls a vehicle that has a compartment, {-motor }

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

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

#### Voting in the affirmative were: Senators

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

Voting in the negative was: Senator Stephenson

Absent or not voting were: Senators Buttars Hillyard

H.B. 30, as amended, was returned to the House for further consideration.

\* \* \*

H.B. 64, DISCLOSURE OF INFORMATION BY THE DEPARTMENT OF WORKFORCE SERVICES, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Christensen	Dayton	
Dmitrich	Eastman	Fife	Goodfellow	

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

Absent or not voting were: Senators Buttars Davis

**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. 42**, WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE, was read the third time and explained by Senator Van Tassell.

Senator Van Tassell proposed the following amendment:

1. Page 3, Lines 74 through 75

74 (i) (i) {-If-} <u>The state engineer shall approve the</u> <u>extension of time if the applicant shows</u> reasonable and due diligence {-is shown by the applicant, the state engineer shall

75 approve the extension <u>of time</u> }

Senator Van Tassell's motion to amend passed on a voice vote. The bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were:SenatorsButtarsHillyard

H.B. 42, as amended, was returned to the House for further consideration.

**H.B. 132**, WASTE TIRE RECYCLING AMENDMENTS, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

#### Absent or not voting were: Senators Buttars Hickman

**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.

\* \* \*

**1st Sub. H.B. 62**, CLEAN FUEL SPECIAL GROUP LICENSE PLATE AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

### Absent or not voting were: Senators

Buttars Hickman

1st Sub. H.B. 62, as amended, was returned to the House for further consideration.

**H.B. 12**, CONTROLLED SUBSTANCES AND PARAPHERNALIA, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Christensen	Davis	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hillyard	Jenkins	
Jones	Killpack	Knudson	Madsen	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Stowell	Van Tassell	
Waddoups	Walker	Valentine		

Absent or not	voting were: Senators
Buttars	Hickman

**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.

\* \* \*

**1st Sub. H.B. 272**, FALSE IMPERSONATION AND REPRESENTATION, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble Christensen		Davis	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hillyard	Jenkins	
Jones	Killpack	Knudson	Madsen	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Stowell	Waddoups	
Walker	Valentine			

#### Absent or not voting were: Senators

Buttars Hickman Van Tassell

1st Sub. H.B. 272, as amended, was returned to the House for further consideration.

**2nd Sub. H.B. 47**, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators					
Bell	Bramble	Davis	Dayton		
Dmitrich	Eastman	Fife	Goodfellow		
Greiner	Hillyard	Jenkins	Jones		
Killpack	Knudson	Madsen	Mayne		
McCoy	Niederhauser	Peterson	Romero		
Stephenson	Stowell	Waddoups	Walker		
Valentine					
Absent or not voting were: Senators					
Buttars	Christensen	Hickman	Van Tassell		

**2nd Sub. H.B. 47**, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 50**, UNDERGROUND STORAGE TANK AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble Davis		Dayton	
Dmitrich	Eastman	Fife	Goodfellow	
Greiner	Hickman	Hillyard	Jenkins	
Jones	Killpack	Knudson	Madsen	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Stowell	Waddoups	
Walker	Valentine			

#### Absent or not voting were: Senators

Buttars Christensen Van Tassell

**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.

**H.B. 291**, OFF–HIGHWAY VEHICLE AMENDMENTS was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

# Absent or not voting were:SenatorsButtarsStephenson

**H.B. 291** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 28**, HONORING HEROES SPECIAL GROUP LICENSE PLATE, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Christensen	Davis	
Dayton	Eastman	Fife	Goodfellow	
Greiner	Hickman	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker	Valentine			

#### Absent or not voting were: Senators

	0	
Buttars	Dmitrich	Hillyard

**H.B. 28** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

H.B. 275, VEHICLE TOWING REQUIREMENTS, was read the third time and explained by Senator Goodfellow.

On motion of Senator Goodfellow, the bill was circled.

\* \* \*

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

### AFTERNOON SESSION

The Senate reassembled at 2:15 p.m., with President Valentine presiding.

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President: The House concurred in the Senate amendments and passed H.B. 68, EDUCATOR RELICENSURE INITIATIVE, 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. 245, ADMINISTRATION OF MEDICATION TO STUDENTS AMENDMENTS, by Representative R. Lockhart, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk H.B. 68 and H.B. 245 were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

\* \* \*

Mr. President:

February 15, 2008

The House passed, as substituted and amended, 2nd Sub. H.B. 75, INVENTORY AND REVIEW OF COMMERCIAL ACTIVITIES, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 148, AQUACULTURE REVITALIZATION ACT, by Representative M. Noel, and it is transmitted for consideration: and

The House passed, as amended, H.B. 151, MOTOR VEHICLE REVISIONS, by Representative S. Urguhart, and it is transmitted for consideration; and

February 15, 2008

The House passed, as substituted, **2nd Sub. H.B. 166**, MINUTES OF OPEN AND PUBLIC MEETINGS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed **H.B. 172**, DISTRIBUTION OF LOCAL OPTION SALES AND USE TAX REVENUES, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 323**, EMINENT DOMAIN AMENDMENTS, by Representative A. Tilton, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 346**, DIVISION OF REAL ESTATE RELATED AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 351**, INDIVIDUAL INCOME TAX – HEALTH INSURANCE, by Representative J. Dunnigan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 2nd Sub. H.B. 75, 1st Sub. H.B. 148, H.B. 151, 2nd Sub. H.B. 166, H.B. 172, 1st Sub. H.B. 323, 2nd Sub. H.B. 346, and 1st Sub. H.B. 351 were read the first time and referred to the Rules Committee.

#### **RULES COMMITTEE REPORTS**

To the Members of the Senate: February 15, 2008 The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and labor Committee**

S.B. 222	Division of Real Estate Licensing and Presence in the
	United States (Sen. M. Dayton)
H.B. 128	Utah Residential Mortgage Practices Act Amendments
	(Rep. M. Newbold) (Sen. W. Niederhauser)
H.B. 184	Construction Amendments (Rep. M. Morley)
	(Sen. S. Jenkins)

Government (	<b>Operations and Political Subdivisions Committee</b>
H.B. 182	Deadline for Voting Precinct Designation
	(Rep. G. Hughes) (Sen. S. Killpack)

Health and Human	Services Committee		
S.B. 255	Hospital Lien (Sen. D. Peterson)		
1st Sub. H.B. 326	Children's Health Insurance Program – Open Enrollment		
	(Rep. G. Curtis) (Sen. J. Valentine)		
Judiciary, Law Enf	forcement, and Criminal Justice Committee		
H.B. 178	Jurisdiction for Prosecution (Rep. P. Neuenschwander)		
	(Sen. K. VanTassell)		
H.B. 377	Code of Criminal Procedure Amendments		
	(Rep. R. Lockhart) (Sen. C. Bramble)		
Natural Resources,	Agriculture and Environment Committee		
S.B. 90	Payment in Lieu of Property Taxes Act (Sen. G. Davis)		
S.B. 224	Coal Mine Safety Act (Sen. M. Dmitrich)		
S.B. 269	Water Rights – Ombudsman (Sen. D. Stowell)		
<b>Revenue and Taxat</b>			
S.B. 217	Property Tax Deferrals, Abatements, and Relief		
	Limitations (Sen. D. Stowell)		
H.B. 106	Clean Air and Efficient Vehicle Tax Incentives		
1100	(Rep. R. McGee) (Sen. G. Bell)		
The second state of the second			
-	blic Utilities and Technology Committee		
1st Sub. H.B. 72	Motorcycle License and Endorsement Amendments		
	(Rep. P. Neuenschwander) (Sen. J. Greiner)		
H.J.R. 8	Joint Resolution Urging Congress to Eliminate		
	Transportation Earmarking That Overrides State		
	Transportation Priorities (Rep. Julie Fisher)		
	(Sen. S. Jenkins)		
Workforce Services	and Community and Economic Development		
Committee			
S.B. 264	Development Around Military Installations		
	(Sen. S. Killpack)		
	Bill Hickman		
	Rules Committee Chair		
D	$\mathbf{f}$		

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

#### **INTRODUCTION OF BILLS**

S.R. 3, Senate Resolution Petitioning Congress to Address the Illegal Immigration Crisis (M. Madsen), read the first time by short title and referred to the Rules Committee.

#### TIME CERTAIN CALENDAR

**2nd Sub. S.B. 20**, MUNICIPAL GOVERNMENT AMENDMENTS, was before the Senate.

On motion of Senator Walker, the bill was circled.

#### SECOND READING CALENDAR

On motion of Senator Peterson, the circle was removed from **1st Sub. H.B. 18**, MATERIAL HARMFUL TO MINORS AMENDMENTS, and it was before the Senate. Senator Peterson explained the bill.

Senator Peterson proposed the following amendment:

- 1. Page 1, Line 17
  - 17 by removing "age verification mechanism" as a form of restriction;

► <u>amends the definition of "service provider" to include only</u> <u>Internet service providers:</u>

► <u>allows a provider to comply with the requirement to provide</u> <u>filtering for users by referring users to a third party that provides filtering</u> <u>software:</u> and

2. Page 4, Line 98:

98 minor, the person <u>intentionally</u> { <u>or knowingly</u> } :

3. Page 4, Line 117:

117 76–10–1230 <u>, a provider of an electronic communications</u> service as defined in 18 U.S.C. 2510, a telecommunications service, information service, or mobile service as defined in 47 U.S.C. 153 including a commercial mobile service as defined in 47 U.S.C. [2] 332(d), or a cable operator as defined in 47 U.S.C. 522 , if:

4. Page 5, Line 119:

119 only incidentally through the {-Internet service-} provider's function of:

5. Page 5, Line 122:

122 (B) the {-Internet service-} provider does not intentionally aid or abet in the distribution of

6. Page 5, Lines 124 through 125:

124 (C) the {-Internet service-} provider does not knowingly receive {-funds-} from or through a
125 person who distributes the pornographic material {-in exchange-} <u>a fee greater than the fee generally charged by the</u>

- provider, as a specific condition for permitting the person to
- 7. Page 5, Lines 134 through 135:

134 (C) the hosting company does not knowingly receive {-funds-} from or through a person

135 who distributes the pornographic material {-**in** exchange-} <u>a fee greater than the fee generally charged by the</u> provider, as a specific condition for permitting the person to distribute,

8. Page 5, Lines 137 through 138:

137 {----} (4) {-----} [(a)] {-----} A service provider, as defined in Section 76–10–1230, is not negligent under

138 this section if it complies with Section 76–10–1231.  $\{---\}$ 

9. Page 6, Lines 175 through 178:

175 (7) (a) Except as provided in Subsection (7)(b), "service provider" means  $\{ \div \}$ 

176 (i) an Internet service provider  $\{-; \text{ or }$ 

177 (ii) a person who otherwise provides an Internet access service to a consumer in Utah

178 with the intent of making a profit } .

10. Page 7, Lines 202 through 203:

202 (ii) providing software, {-or-} engaging a third party to provide software, <u>or referring users to a third party that provides filtering software</u>, by providing a clear and conspicuous hyperlink or <u>written statement</u>.

<u>•</u> for

203 {-contemporaneous-} installation on the consumer's computer that blocks, in an easy-to-enable and

Senator Peterson's motion to amend passed on a voice vote.

On motion of Senator Peterson, the bill was circled.

#### THIRD READING CALENDAR

**H.B. 234**, KINDERGARTEN ASSESSMENT AMENDMENTS, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting	in	the	affirmative	were:	Senators
--------	----	-----	-------------	-------	----------

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

Absent or not voting were: Senators Buttars Hickman

**H.B. 234** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

#### SECOND READING CALENDAR

On motion of Senator Eastman, the circle was removed from **1st Sub. H.B. 135**, GRANTS FROM DEPARTMENT OF COMMUNITY AND CULTURE, and it was before the Senate. Senator Eastman explained the bill. The bill passed second reading on the following roll call:

#### Yeas, 25; Nays, 1; Absent, 3.

#### Voting in the affirmative were: Senators

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

Voting in the negative was: Senator Madsen

Absent or not voting were:SenatorsBellButtarsHickman

On motion of Senator Hillyard, **1st Sub. H.B. 135** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Stowell, the circle was removed from **S.B. 168**, HIGHWAY FUNDING AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill.

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

1st Sub. S.B. 168 Highway Funding Amendments (D. Stowell)

On motion of Senator Stowell, the bill was circled.

\* \* \*

On motion of Senator Walker, the circle was removed from **2nd Sub. S.B. 20**, MUNICIPAL GOVERNMENT AMENDMENTS, and it was before the Senate. Senator Walker explained the bill.

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

#### 3rd Sub. S.B. 20 Municipal Government Amendments (C. Walker)

Senator Stephenson, Stowell, Madsen, Jenkins, and Knudson commented. The bill passed second reading on the following roll call:

#### Yeas, 21; Nays, 3; Absent, 5.

Voting in the offirmative wares Senators

voting in the ampinative were: Senators			
Bell	Christensen	Davis	Dayton
Dmitrich	Fife	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Waddoups
Walker			

Voting in the negative were: Senators			
Goodfellow	Madsen	Stowell	
Absent or not voti Bramble Valentine	i <b>ng were:</b> Senators Buttars	Eastman	Van Tassell

**S.B. 176**, UNEMPLOYMENT INSURANCE CONTRIBUTION RATES AMENDMENTS, was read the second time.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

**S.B. 70**, EMOTIONAL SUPPORT ANIMALS, was read the second time. Senator McCoy explained the bill.

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

#### 1st Sub. S.B. 70 Emotional Support Animals (S. McCoy)

Senators Dayton and Hillyard commented. The bill passed second reading on the following roll call:

#### Yeas, 19; Nays, 1; Absent, 9.

#### Voting in the affirmative were: Senators

Davis	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Madsen	Mayne
McCoy	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	

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

Absent or not voting were: Senators			
Bell	Bramble	Buttars	Christensen
Eastman	Knudson	Niederhauser	Walker
Valentine			

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President:

February 15, 2008 The Speaker of the House has signed 1st Sub. S.B. 44, PENALTIES FOR

FAILING TO SECURE A LOAD OR LITTERING ON A HIGHWAY, by Senator P. Jones, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 2nd Sub. S.B. 144, PARAMETERS ON GOVERNOR'S ABILITY TO ENTER AGREEMENTS BINDING THE STATE, by Senator S. Jenkins, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1st Sub. S.B. 44 and 2nd Sub. S.B. 144 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

#### **INTRODUCTION OF BILLS**

S.B. 277, Post-conviction Remedies Act Revisions (G. Bell), read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Bramble and at 3:15 p.m., the Senate adjourned until 10:00 a.m., Monday, February 18, 2008.

## TWENTY-NINTH DAY

### **MORNING SESSION**

### **FEBRUARY 18, 2008**

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

Prayer – Chaplain Dan Hornok Pledge of Allegiance – Staff Sergeant Juanita Doll Roll Call – All Senators present

Posting of Colors - Utah National Guard

#### COMMITTEE OF THE WHOLE

On motion of Senator Dayton, Miss Utah, Jill Stevens, presented an overview of the lives of Presidents Washington and Lincoln and their service to our nation in Committee of the Whole. Senator McCoy commented.

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

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 15, 2008 The House passed, **S.B. 225**, GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk S.B. 225 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 15, 2008

The House passed, as substituted and amended, **1st Sub. H.B. 92**, GARNISHMENT AMENDMENTS, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed, as amended, H.B. 121, COUNTY CHARGES FOR SERVICES TO INCARCERATED PERSONS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed H.B. 307, CANCER SCREENING AND MORTALITY REDUCTION SPECIAL GROUP LICENSE PLATE, by Representative C. Moss, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. 1st Sub. H.B. 92, H.B. 121, and H.B. 307 were read the first time and referred to the Rules Committee.

#### STANDING COMMITTEE REPORTS

Mr. President:

February 15, 2008 The Business and Labor Committee reports a favorable recommendation on

S.B. 83. CHECK CASHING AND DEFERRED DEPOSIT LENDING REGISTRATION ACT, by Senator K. Mayne; and

The Business and Labor Committee reports a favorable recommendation on H.B. 26, NOTARY PUBLIC REVISIONS, by Representative G. Donnelson.

Kevin T. Van Tassell, Chair

Mr. President:

February 15, 2008

The Education Committee reports a favorable recommendation on S.B. 234, MINIMUM SCHOOL PROGRAM AMENDMENTS - COUNSELING AND GUIDANCE PROGRAMS. by Senator M. Dmitrich: and

The Education Committee reports a favorable recommendation on S.B. 241, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, by Senator P. Jones; and

The Education Committee reports a favorable recommendation on H.B. 112, PUBLIC EDUCATION FOUNDATION AMENDMENTS, by Representative S. Allen, with the following amendments:

- 1. Page 1, Lines 15 through 16:
  - 15 schools:

▶ prohibits a school district foundation from engaging in certain political activities;

16 requires a local school board that establishes a ► foundation to require the foundation

2. Page 2, Lines 49 through 54:

49 managed for that school; {-and }

50 (h) shall, for foundation accounts from which monies are distributed to schools,

- 51 provide all the schools within a school district information that:
- 52 (i) details account transactions; and
- 53 (ii) shows available balances in the accounts  $\{-\frac{1}{2}\}$  : and (i) may not:

(i) engage in lobbying activities;

(ii) attempt to influence legislation; or

(iii) participate in any campaign activity for or against:

(A) a political candidate; or

(B) an initiative, referendum, proposed constitutional amendment, bond, or any other ballot proposition submitted to the voters

54 (3) A local school board that establishes a foundation under Subsection (1) shall: ; and

The Education Committee reports a favorable recommendation on **H.B. 271**, UTAH PURPLE HEART RECIPIENTS TUITION ACT AMENDMENTS, by Representative R. Barrus; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 287**, REGULATION OF TEACHER – STUDENT RELATIONSHIPS, by Representative S. Sandstrom; and

The Education Committee reports a favorable recommendation on **H.C.R. 1**, METH AWARENESS FOR STUDENTS AND EDUCATORS RESOLUTION, by Representative C. Oda.

Margaret Dayton, Chair

Mr. President: February 15, 2008 The Government Operations and Political Subdivisions Committee recommends **S.B. 47**, LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES REVISIONS, by Senator D. Stowell, be replaced and favorably recommends **1st Sub. S.B. 47**, LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES REVISIONS with the following amendments:

1. Page 6, Lines 153 through 154:

153 77–7–18, as last amended by Laws of Utah 2005, Chapter 2

154 {-78-27-63, as last amended by Laws of Utah 2007, Chapters 280, 329, and 357-}

<u>78B-4-509</u>, as renumbered and amended by Laws of Utah 2008, <u>Chapter 3</u>

2. Page 93, Lines 2852 through 2857:

2852 (1) (a) (i) An improvement district that provides electric service as authorized under

2853 Subsection 17B-2a-403(1)(a)(iv) {-:

2854  $(\underline{i})$  } is a public utility and subject to the jurisdiction of the Public Service

2856 (ii) <u>An improvement district that was created before May 5.</u> 2008 to provide electric service:

(A) may include only an area where:

2857  $\{-(A)\}$  (I) no retail electricity has been provided to commercial, industrial, residential, and

3. Page 93, Lines 2861 through 2864:

2861  $\{-(B)\}$  (II) electric service is provided to at least one user of electricity within the electric

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2862 service district as of September 1, 1985; and
```

2863 {-(iii) } (B) shall have filed an application for certification and received approval by the Public

2864 Service Commission by September 1, 1986.

(iii) An improvement district created on or after May 5, 2008 to provide electric service may not include an area within:

(A) the certificated service area of:

(I) an investor-owned electric utility; or

(II) an electric cooperative; or

(B) the service area of a municipality that provides electric service.

4. Page 132, Lines 4058 through 4061:

 4058
 (5) "Local building authority" :

 (a)
 means a nonprofit corporation that is:

4059 created as provided in Section  $\{-(a)\}$ <u>(i)</u> 17D-2-201; 4060 <u>(ii)</u> described in Section 17D-2-103; and  $\left\{-\underline{(b)}\right\}$ 4061  $\{-(c)\}$ (iii) subject to and governed by the provisions <u>; and</u> of this chapter  $\{-, -\}$ (b) includes a nonprofit corporation created as a municipal building authority before May 5, 2008 under the law then in effect.

5. Page 246, Line 7593 through Page 247, Line 7628:

7593 Section 167. Section  $\{-78-27-63-\}$  <u>78B-4-509</u> is amended to read:

7594 { 78-27-63. Inherent risks of certain recreational activities -- Claim barred against

7595 county or municipality — No effect on duty or liability of person participating in

7596 recreational activity or other person.

7597 (1) As used in this section:

7598 (a) "Inherent risks" means those dangers, conditions, and potentials for personal injury

7599 or property damage that are an integral and natural part of participating in a recreational

7600 activity.

7601 (b) "Municipality" has the meaning as defined in Section 10-1-104.

7602 (c) "Person" includes an individual, regardless of age, maturity, ability, capability, or

7603 experience, and a corporation, partnership, limited liability company, or any other form of

7604 business enterprise.

7605 (d) "Recreational activity" includes a rodeo, an equestrian activity, skateboarding,

7606 skydiving, para gliding, hang gliding, roller skating, ice skating, fishing, hiking, walking,

7607 running, jogging, bike riding, or in-line skating on property:

7608 (i) owned, leased, or rented by, or otherwise made available to:

7609 (A) with respect to a claim against a county, the county; and

7610 (B) with respect to a claim against a municipality, the municipality; and

7611 (ii) intended for the specific use in question.

7612 (2) Notwithstanding anything in Sections 78–27–37, 78–27–38, 78–27–39, 78–27–40,

7613 78–27–41, 78–27–42, and 78–27–43 to the contrary, no person may make a claim against or

7614 recover from any of the following entities for personal injury or property damage resulting

7615 from any of the inherent risks of participating in a recreational activity:

7616 (a) a county, municipality, local district under Title 17B, Limited Purpose Local

7617 Government Entities Local Districts, <u>or</u> special service district under Title [17A] <u>17D</u>,

7618 Chapter [2, Part 13, Utah] <u>1</u>, Special Service District Act[<del>, or</del> dependent district under Title

7619 17A, Chapter 3, Dependent Districts]; or

7620 (b) the owner of property that is leased, rented, or otherwise made available to a

7621 county, municipality, local district, special service district, or dependent district for the purpose

7622 of providing or operating a recreational activity.

7623 (3) (a) Nothing in this section may be construed to relieve a person participating in a

7624 recreational activity from an obligation that the person would have in the absence of this

7625 section to exercise due care or from the legal consequences of a failure to exercise due care.

7626 (b) Nothing in this section may be construed to relieve any other person from an

7627 obligation that the person would have in the absence of this section to exercise due care or

7628 from the legal consequences of a failure to exercise due care.-}

78B-4-509. Inherent risks of certain recreational activities — Claim barred against county or municipality — No effect on duty or liability of person participating in recreational activity or other person.

(1) As used in this section:

(a) "Inherent risks" means those dangers, conditions, and potentials for personal injury or property damage that are an integral and natural part of participating in a recreational activity.

(b) "Municipality" has the meaning as defined in Section 10-1-104.

(c) "Person" includes an individual, regardless of age, maturity, ability, capability, or experience, and a corporation, partnership, limited liability company, or any other form of business enterprise.

(d) "Recreational activity" includes a rodeo, an equestrian activity, skateboarding, skydiving, para gliding, hang gliding, roller skating, ice skating, fishing, hiking, walking, running, jogging, bike riding, or in-line skating on property:

(i) owned, leased, or rented by, or otherwise made available to:

(A) with respect to a claim against a county, the county; and

(B) with respect to a claim against a municipality, the municipality; and

(ii) intended for the specific use in question.

(2) Notwithstanding anything in Sections 78B–5–817 through 78B–5–823 to the contrary, no person may make a claim against or recover from any of the following entities for personal injury or property damage resulting from any of the inherent risks of participating in a recreational activity:

(a) a county, municipality, local district under Title 17B, Limited Purpose Local Government Entities – Local Districts,

<u>or</u> special service district under Title  $\{-17A-\}$  <u>17D</u>, Chapter  $\{-2, Part 13, Utah-\}$  <u>1</u>, Special Service District Act  $\{-, or dependent district under Title 17A, Chapter 3, Dependent Districts-} ; or$ 

(b) the owner of property that is leased, rented, or otherwise made available to a county, municipality, local district, <u>or</u> special service district { , or dependent district } for the purpose of providing or operating a recreational activity.

(3) (a) Nothing in this section may be construed to relieve a person participating in a recreational activity from an obligation that the person would have in the absence of this section to exercise due care or from the legal consequences of a failure to exercise due care.

(b) Nothing in this section may be construed to relieve any other person from an obligation that the person would have in the absence of this section to exercise due care or from the legal consequences of a failure to exercise due care.

Renumber remaining sections accordingly; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.C.R. 5**, CONCURRENT RESOLUTION CALLING FOR CONGRESS TO PASS BALANCED IMMIGRATION REFORM, by Senator H. Stephenson, with the following amendments:

- Page 2, Lines 28–30: Delete lines 28 through 30.
- Page 4, Lines 99–102: Delete lines 99 through 102 And renumber accordingly; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 238**, CAMPAIGN FINANCE FILING REQUIREMENTS, by Representative G. Hughes; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 250**, PUBLIC EMPLOYEE BENEFIT APPROVAL PROVISIONS, by Representative J. Dougall; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 262**, RECOVERY OF FEDERAL REIMBURSEMENT FOR COSTS ASSOCIATED WITH ILLEGAL IMMIGRANTS, by Representative K. Morgan; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.C.R. 2**, CONCURRENT RESOLUTION DECLARING FEBRUARY 6, 2008 RONALD REAGAN DAY, by Representative M. Morley.

Peter C. Knudson, Chair

Mr. President:

February 15, 2008

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.J.R. 12, JOINT

# RESOLUTION HONORING HILL AIR FORCE BASE'S 388TH AND 419TH FIGHTER WINGS, by Senator S. Killpack; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.J.R. 4**, JOINT RESOLUTION URGING SCHOOL CLOSINGS TO RECOGNIZE VETERANS DAY, by Representative C. Wimmer.

Mark B. Madsen, Chair

On motion of Senator Bramble, the committee reports were adopted. S.B. 83, H.B. 26, S.B. 234, S.B. 241, H.B. 112, as amended, H.B. 271, 1st Sub. H.B. 287, H.C.R. 1, 1st Sub. S.B. 47, as amended, S.C.R. 5, as amended, H.B. 238, H.B. 250, H.B. 262, H.C.R. 2, S.J.R. 12, and H.J.R. 4 were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President: February 15, 2008 The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 296**, VOTING MACHINES USED BY MUNICIPALITIES, by Representative N. Hansen, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 310**, ABSENTEE BALLOT REVISIONS, by Representative D. Aagard, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Bramble, the committee reports were adopted. **H.B. 296** and **H.B. 310** were considered read the second time and placed on the Consent Calendar.

#### **INTRODUCTION OF BILLS**

**S.B. 273**, **Regulation of Gifts** (G. Bell), read the first time by short title and referred to the Rules Committee.

#### CONSENT CALENDAR

**S.B. 187**, BAIL IN CAPITAL OFFENSE CASES, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

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

#### Voting in the affirmative were: Senators

Absent or not voting were: Senators				
Goodfellow	Hickman	Stephenson	Stowell	
Waddoups				

S.B. 187 was transmitted to the House for consideration.

\* \* \*

**S.B. 290**, PRIVATE INVESTIGATORS' ACCESS TO DRIVER LICENSURE INFORMATION, 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				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Waddoups	Walker	Valentine		
Absent or not voting were: Senators				
Greiner	Hickman	Hillyard	Stephenson	
Stowell	Van Tassell			

S.B. 290 was transmitted to the House for consideration.

#### CONCURRENCE CALENDAR

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **1st Sub. S.B. 11**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

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

manye were. Senate	13	
Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman
Goodfellow	Greiner	Hillyard
Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser
Romero	Stephenson	Waddoups
Valentine		
	Bramble Dayton Goodfellow Jones Mayne Romero	DaytonDmitrichGoodfellowGreinerJonesKillpackMayneMcCoyRomeroStephenson

#### Voting in the affirmative were: Senators

Absent or no	t voting were: Senators	
Hickman	Stowell	Van Tassell

1st Sub. S.B. 11 was returned to the House for the signature of the Speaker.

#### TIME CERTAIN CALENDAR

On motion of Senator Dayton, under suspension of the rules, **H.B. 269**, SCOTT B. LUNDELL MILITARY SURVIVORS' TUITION WAIVER 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

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

Absent or not voting were: Senators Goodfellow Stowell

**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.

#### THIRD READING CALENDAR

**3rd Sub. S.B. 20**, MUNICIPAL GOVERNMENT AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

Yeas, 25; Nays, 3; Absent, 1.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Van Tassell	Waddoups	Walker
Valentine			
Voting in the negative were: Senators			

voung in u	e negutive were benut	015
Hillyard	Madsen	Stowell

Absent or not voting was: Senator Goodfellow

3rd Sub. S.B. 20 was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 70**, EMOTIONAL SUPPORT ANIMALS, was read the third time and explained by Senator McCoy. Senator Dayton commented.

On motion of Senator McCoy, the bill was circled.

\* \* \*

On motion of Senator Eastman, the circle was removed from **1st Sub. S.B. 46**, ANTI–FLOW CONTROL AMENDMENTS, and it was before the Senate.

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

#### 2nd Sub. S.B. 46 Anti-flow Control Amendments (D. Eastman)

Senator Eastman explained the bill. Senators Christensen, Waddoups, and Jenkins commented.

On motion of Senator Eastman, the bill was circled.

\* \* \*

On motion of Senator Goodfellow, the circle was removed from **H.B. 275**, VEHICLE TOWING REQUIREMENTS and it was before the Senate.

Senator Waddoups proposed the following amendment:

 Page 3, Lines 66 through 71 House Floor Amendments 2–4–2008

66 (ii) Signage under Subsection (2)(b)(i) shall display:

67 (A) where parking is subject to towing; and (B)(I) the Internet website address that provides access to towing database information in accordance with Section 41–6a–1406; or

(II) one of the following:

68 { (B)  $\hat{H}$  (D)  $\hat{H}$  (Aa) the name and phone number of the tow truck operator or tow truck

68a motor carrier

69 <u>that performs a tow truck service for the locations listed under</u> <u>Subsection (2)(b)(i);</u>  $\hat{H} \rightarrow$ <u>or</u>

69a {-(II) } (Bb) the name of the mobile home park or multifamily dwelling and the phone number

69b of the mobile home park or multifamily dwelling manager or management office that

69c <u>authorized the vehicle, vessel, or outboard motor to be towed</u>  $\{-\frac{1}{2} \notin \hat{H} \text{ and } \}$ 

70 (C) the Internet website address that provides access to towing database information in

71 <u>accordance with Section 41 6a 1406.</u> } .

Senator Waddoups' motion to amend passed on a voice vote. The bill passed on the following roll call:

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

### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Eastman Hillyard Killpack Niederhauser

H.B. 275, as amended, was returned to the House for further consideration.

#### SECOND READING CALENDAR

S.B. 74, HEALTH CARE PROVIDER ACCESS, was read the second time.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**S.B. 121**, ACCESS TO QUALIFIED HEALTH CARE PROVIDERS, was read the second time.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**S.B. 174**, DENTIST AND DENTAL HYGIENIST PRACTICE ACT 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 Bell Bramble Christensen Davis Fife Goodfellow Greiner Davton Jenkins Knudson Madsen Jones Mayne McCov Niederhauser Peterson Romero Stephenson Stowell Van Tassell Walker Waddoups Absent or not voting were: Senators Dmitrich Eastman Buttars Hickman Valentine Hillyard Killpack \* \* \*

**S.B. 175**, DEATH CERTIFICATE PROCEDURE AMENDMENTS, was read the second time. Senator Greiner explained the bill. Senators Dayton and Christensen commented.

On motion of Senator Greiner, the bill was circled.

S.B. 71, SCHOOL DISTRICTS AMENDMENTS, was read the second time.

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

**2nd Sub. S.B. 71 School Districts Amendments** (C. Walker) Senator Walker explained the bill.

On motion of Senator Walker, the bill was circled.

\* \* \*

**S.B. 91**, BENEFITS TO AMERICAN BOARD CERTIFIED TEACHERS, was read the second time. Senator Madsen explained the bill. Senators Romero and Bell commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators					
Bell	Bramble	Buttars	Christensen		
Dayton	Eastman	Fife	Goodfellow		
Hickman	Jenkins	Jones	Killpack		
Madsen	Niederhauser	Peterson	Stephenson		
Stowell	Van Tassell	Waddoups	Walker		
Valentine					
Voting in the nega	Voting in the negative were: Senators				
Davis	Mayne	McCoy	Romero		
Absent or not voting were: Senators					
Dmitrich	Greiner	Hillyard	Knudson		

\* \* \*

On motion of Senator Stowell, the circle was removed from **1st Sub. S.B. 168**, HIGHWAY FUNDING AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill. Senators McCoy and Bell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Buttars	Davis	Dayton
Eastman	Fife	Goodfellow	Hickman

Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Absent or not voti Bramble Killpack	ng were: Senators Christensen	Dmitrich	Greiner

**S.J.R. 10**, JOINT RESOLUTION AMENDING CONSTITUTION REGARDING TAXES OF THE ELDERLY, was read the second time. Senator Davis explained the bill. Senator Valentine commented. The bill failed second reading on the following roll call:

#### Yeas, 13; Nays, 14; Absent, 2.

Christensen	Davis	Dmitrich	Fife
Goodfellow	Jones	Knudson	Mayne
McCoy	Romero	Stowell	Van Tassell
Waddoups			
Voting in the n	egative were: Senato	rs	
Bell	Dayton	Eastman	Greiner
	TT'11 1	Jenkins	Killpack
Hickman	Hillyard	JUIKIIIS	1
Hickman Madsen	Hillyard Niederhauser	Peterson	Stephenson

Absent or not voting were: Senators Bramble Buttars

\* \* \*

S.B. 185, ECONOMIC INCENTIVE REVISIONS, was read the second time.

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

#### 1st Sub. S.B. 185 Economic Incentive Revisions (L. Hillyard)

On motion of Senator Hillyard, the bill was circled.

S.B. 59, WILDLIFE AMENDMENTS, was read the second time.

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

#### 1st Sub. S.B. 59 Wildlife Amendments (A. Christensen)

Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Bramble

\* \* \*

**1st Sub. S.B. 157**, RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY, was read the second time.

On motion of Senator Madsen, the bill was circled.

\* \* \*

S.B. 180, REGENTS' SCHOLARSHIP PROGRAM, was read the second time.

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

#### 1st Sub. S.B. 180 Regents' Scholarship Program (L. Hillyard)

Senator Hillyard explained the bill. Senators Hickman, Christensen, Dayton, Jones, and Niederhauser commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Voting in the negative were: Senators Christensen Stephenson

Absent or not voting were: Senators Eastman Buttars

\* \* \*

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

# **AFTERNOON SESSION**

The Senate reassembled at 2:45 p.m., with President Valentine presiding.

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 18, 2008 The House passed, S.B. 95, MARKUP ON ALCOHOLIC BEVERAGES, by Senator M. Dmitrich, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 95 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 18, 2008 The House passed, as amended, H.B. 66, PARAEDUCATOR TO TEACHER SCHOLARSHIP PROGRAM, by Representative R. Menlove, and it is transmitted for consideration: and

The House passed H.B. 356, TAXATION OF MOIST SNUFF, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed **H.B. 375**, DECEPTION DETECTION EXAMINERS LICENSING ACT AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 66, H.B. 356,** and **H.B. 375** were read the first time and referred to the Rules Committee.

#### **RULES COMMITTEE REPORTS**

To the Members of the Senate: February 18, 2008 The Rules Committee recommends assignment of the following bills to standing committees:

#### **Business and labor Committee**

2nd Sub. H.B. 75	Inventory and Review of Commercial Activities		
	(Rep. C. Frank) (Sen. H. Stephenson)		
2nd Sub. H.B. 346	Division of Real Estate Related Amendments		
	(Rep. G. Froerer) (Sen. S. Killpack)		

#### **Education Committee**

H.B. 96	Retired Teachers – Return to Work (Rep. D. Bowman)
	(Sen. L. Hillyard)

#### **Government Operations and Political Subdivisions Committee**

S.B. 221	Capital Development and Improvement Amendments
	(Sen. L. Hillyard)
S.R. 3	Senate Resolution Petitioning Congress to Address the
	Illegal Immigration Crisis (Sen. M. Madsen)
H.B. 80	Administrative Rule Penalty Amendments (Rep. B. Ferry)
	(Sen. H. Stephenson)
H.B. 153	Impact Fees Amendments (Rep. M. Morley)
	(Sen. G. Bell)
H.B. 177	County and Municipal Land Use Regulation of Potential
	Geologic Hazard Areas (Rep. M. Morley)
	(Sen. W. Niederhauser)

#### Health and Human Services Committee

3rd Sub. H.B. 131	Community Based Self Sufficiency Grants
	(Rep. J. Seelig) (Sen. S. McCoy)

Judiciary, Law Enforcement, and Criminal Justice Committee			
S.B. 277	Post-conviction Remedies Act Revisions (Sen. G. Bell)		

Natural Resources,	Agriculture and Environment Committee
S.B. 228	Regulation of Wells (Sen. M. Dayton)
S.B. 238	Aquatic Invasive Species Interdiction Act
	(Sen. J. Greiner)
S.B. 251	Task Force Studying Funding for Fighting Forest Fires
	(Sen. D. Stowell)
1st Sub. H.B. 323	Eminent Domain Amendments (Rep. A. Tilton)
	(Sen. D. Peterson)
H.B. 137	State Facility Water Conservation Program
	(Rep. L. Wiley) (Sen. P. Knudson)
1st Sub. H.B. 148	Aquaculture Revitalization Act (Rep. M. Noel)
	(Sen. D. Peterson)
H.J.R. 10	Joint Resolution Opposing Designation of Public Lands
	Currently Urged by Congress and the Bureau of Land
	Management (Rep. A. Tilton) (Sen. M. Dmitrich)

#### **Revenue and Taxation Committee**

1st Sub. H.B. 58	Severance Tax Amendments (Rep. J. Dougall)		
	(Sen. W. Niederhauser)		
H.B. 69	Repeal of Board Leeway for Reading Improvement		
	(Rep. J. Dougall) (Sen. W. Niederhauser)		
1st Sub. H.B. 351	Individual Income Tax – Health Insurance		
	(Rep. J. Dunnigan) (Sen. W. Niederhauser)		

#### Transportation, Public Utilities and Technology Committee

H.B. 151 Motor Vehicle Revisions (Rep. S. Urquhart) (Sen. S. Killpack)

#### Workforce Services and Community and Economic Development Committee S.R. 4 Senate Resolution Regarding Trade with Taiwan

S.R. 4 Senate Resolution Regarding Trade with Taiwan (Sen. C. Bramble)

#### Bill Hickman

Rules Committee Chair

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

#### **INTRODUCTION OF BILLS**

**S.B. 278, Technical Amendments to Titles 78a and 78b** (G. Bell), read the first time by short title and referred to the Rules Committee.

#### SECOND READING CALENDAR

**S.B. 182**, SURVIVAL ACTION UPON INJURY OR DEATH, was read the second time.

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

#### 1st Sub. S.B. 182 Survival Action Upon Injury or Death (M. Waddoups)

Senator Waddoups explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton	
Dmitrich	Fife	Goodfellow	Greiner	
Hickman	Jenkins	Jones	Killpack	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Stowell	Van Tassell	
Waddoups	Walker			
Absent or not voting were: Senators				
Bramble	Buttars	Eastman	Hillyard	
Knudson	Madsen	Valentine		

\* \* \*

**S.B. 116**, RETIREMENT OFFICE AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Christensen	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones

Killpack Peterson Van Tassell	Mayne Romero Walker	McCoy Stephenson	Niederhauser Stowell
Absent or not votin Bramble Madsen	<b>ng were:</b> Senators Buttars Waddoups	Eastman Valentine	Knudson

1st Sub. S.B. 57, FRANCHISE LAW AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

\* \* \*

**S.B. 93**, LICENSED DIRECT ENTRY MIDWIFE AMENDMENTS, was read the second time.

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

#### 1st Sub. S.B. 93 Licensed Direct Entry Midwife Amendments (M. Dayton)

Senator Dayton explained the bill. Senators McCoy, Walker, Jones, Jenkins, Christensen, and Bell commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

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

#### \* \* \*

On motion of Senator Stephenson, the circle was removed from **S.B. 176**, UNEMPLOYMENT INSURANCE CONTRIBUTION RATES

AMENDMENTS, and it was before the Senate. Senator Stephenson explained the bill. Senator Hickman commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Buttars

\* \* \*

**S.B. 184**, CHILD CARE LICENSING EXEMPTIONS, was read the second time.

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

#### 2nd Sub. S.B. 184 Child Care Licensing Exemptions (J. Greiner)

Senator Greiner explained the bill. Senator Goodfellow commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Buttars Waddoups

**S.B. 186**, CUSTODY AND PARENT–TIME FOR NON–PARENTS, was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 2, Lines 39 through 48

39	As used in this chapt	ter:			
40	(1) "Parent" means a	a biological or adoptive parent.			
41	41 (2) "Person other than a parent" means a person : (a) related to the child by marriage or				
42	blood, including:				
43	{- <u>(a)</u> } <u>(i)</u>	siblings:			
44	{- <u>(b)</u> } <u>(ii)</u>	<u>aunts;</u>			
45	{- <u>(c)</u> } ( <u>iii)</u>	uncles:			
46	$\{-\underline{(d)}\}$ $\underline{(iv)}$	grandparents: or			
47 $\{-(e)\}$ $(v)$ current or former step-parents, or any of the persons in Subsections (2)(a) through (d) in a step					
48	relationship to the child	<u>; or</u>			

(b) with whom the child has a court–sanctioned relationship . Senator Hillyard's motion to amend passed on a voice vote. Senators McCoy, Waddoups, Jenkins, and Fife commented. The bill passed second reading on the

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

following roll call:

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were:SenatorsDaytonMadsen

Absent or not	voting were: Senato	ors	
Buttars	Hickman	Killpack	Stephenson
		* * *	

On motion of Senator Hillyard, the circle was removed from **1st Sub. S.B. 185**, ECONOMIC INCENTIVE REVISIONS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the af	firmative were: Sen	ators	
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stowell	Van Tassell	Waddoups	Walker
Valentine			
Absent or not v	oting were: Senators	5	
Buttars	Hickman	Killpack	Stephenson
		* * *	

On motion of Senator Eastman, the circle was removed from **1st Sub. S.B. 57**, FRANCHISE LAW AMENDMENTS, and it was before the Senate. Senator Eastman explained the bill.

Senator Eastman proposed the following amendment:

1. Page 3, Line 85 through Page 4, Line 89

85 (11) "Line-make" means  $\underline{:}$ (a) for other than a recreational vehicle, the motor vehicles that are offered for sale, lease, or

86 distribution  $\{-\frac{1}{2}\}$ 

87 (a) and a common name, trademark, service mark, or brand name of the franchisor,

88 or manufacturer of the motor vehicle  $\{-+\}$  .  $\{-+\}$  : or

 89 (b)
 { that are substantially similar in design and specification

 specification
 }
 for a recreational vehicle, a specific series of

recreational vehicle product that:

(i) is identified by a common series trade name or trademark;
(ii) is targeted to a particular market segment, as determined by decor, features, equipment, size, weight, and price range;
(iii) has a length and floor plan that distinguish the recreational vehicle from other recreational vehicles with substantially the same decor, features, equipment, size, weight, and price;
(iv) belongs to a single, distinct classification of recreational vehicle product type having a substantial degree of commonality in the construction of the chassis, frame, and body; and
(v) a franchise agreement authorizes a dealer to sell

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

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

#### Voting in the affirmative were: Senators

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

#### Absent or not voting were: Senators

Buttars	Stephenson	Walker
		* * *

**S.B. 188**, PILOT PROGRAM FOR SUMMER SCHOOL AND AFTER SCHOOL PROGRAMS FOR CHILDREN WITH A DISABILITY, was read the second time. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 4, Lines 92 through 93

92 {<u>(8) During the term of the pilot program, the division</u> shall provide oversight of

93 <u>summer school or after school programs that receive assistance</u> <u>under the pilot program.</u> } (8) A summer school or after school program that receives assistance under the pilot program shall:
(a) provide the division with the information necessary for the division to:
(i) account for the use of division funds; and
(ii) monitor the fiscal and operational functioning of the pilot program; and
(b) cooperate with the division to gather outcome data relating to participants in the pilot program.

Senator Bell'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

Bramble	Christensen	Davis	
Dmitrich	Fife	Goodfellow	
Hickman	Hillyard	Jenkins	
Knudson	Madsen	Mayne	
Niederhauser	Peterson	Romero	
Van Tassell	Waddoups	Walker	
Absent or not voting were: Senators			
Eastman	Killpack	Stephenson	
*	* *		
	Dmitrich Hickman Knudson Niederhauser Van Tassell <b>ing were:</b> Senators Eastman	DmitrichFifeHickmanHillyardKnudsonMadsenNiederhauserPetersonVan TassellWaddoups	

On motion of Senator Bramble and at 4:05 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 19, 2008.

# THIRTIETH DAY

# **MORNING SESSION**

# **FEBRUARY 19, 2008**

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

Prayer – Mark Hewlett Pledge of Allegiance – Senator Ross Romero Roll Call – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2008 The Speaker of the House has signed **1st Sub. S.B. 11**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Senator S. Jenkins, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1st Sub. S.B. 11 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 18, 2008 The House passed, as substituted, **2nd Sub. H.B. 127**, COMMUNITY COUNCIL ELECTIONS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 141**, IDENTITY THEFT REPORTING INFORMATION SYSTEM AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 145**, ADDITIONAL STATE RETIREMENT BENEFIT, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 149**, PROTECTIVE ORDER AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 161**, SEX OFFENDERS' CONTACT WITH CHILDREN, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 171**, DRIVING PRIVILEGE CARD AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 254**, SCHOOL COMMUNITY COUNCIL AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 336**, AUTHORITY TO ESTABLISH REFUGEE SERVICES FUND, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 341**, DAMAGE TO UNDERGROUND UTILITY FACILITIES AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 2nd Sub. H.B. 127, 1st Sub. H.B. 141, H.B. 145, 1st Sub. H.B. 149, H.B. 161, H.B. 171, 1st Sub. H.B. 254, 1st Sub. H.B. 336, and H.B. 341 were read the first time and referred to the Rules Committee.

#### STANDING COMMITTEE REPORTS

Mr. President: February 15, 2008 The Health and Human Services Committee reports a favorable recommendation on **S.B. 197**, PREFERRED DRUG LIST REVISIONS, by Senator A. Christensen; and

The Health and Human Services Committee recommends S.B. 211, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends 1st Sub. S.B. 211, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS.

D. Chris Buttars, Chair

Mr. President:

February 18, 2008

The Revenue and Taxation Committee reports a favorable recommendation on **2nd Sub. H.B. 54**, PROPERTY TAX ASSESSMENT REVISIONS, by Representative W. Harper, with the following amendments: 1. Page 12, Lines 343 through 352:

343 (ii) includes at least the following system features:

344 (A) has the ability to update all parcels of real property located within the county each

345 <u>year;</u>

346 (B) can be programmed with specialized criteria;

347 (C) provides uniform and equal treatment of parcels within the same class of real

348 property throughout the county; and

349 (D) annually updates all parcels of residential real property within the county <u>using accepted valuation methodologies as</u> <u>determined by rule</u>.

350 (c) "Property review date" means the date a county assessor completes a detailed

351 <u>review of the property characteristics of a parcel of real property in accordance with Subsection</u>

352 <u>(3)(a).</u>

2. Page 12, Lines 356 through 361:

356 (b) The county assessor of a county of the first, second, or third class shall conduct the

357 <u>annual update described in Subsection (2)(a) by using a mass</u> <u>appraisal system on or before the</u>

358 following:

- 359 (i) for a county of the first class, January 1, 2009:
- 360 (ii) for a county of the second class, January 1,  $\{-2010\}$  2011; and
- 361 (iii) for a county of the third class, January 1,  $\{-2011\}$  2013.
- 3. Page 13, Lines 393 through 397:

393 (d) If a county loses its allocation of the revenue generated statewide from the

394 imposition of the multicounty assessing and collecting levy described in Subsection (4)(c), the

395 revenue the county would have received shall:

396 (i) be retained in the Property Tax Valuation Agency Fund for that calendar year; and

397 (ii) be distributed the following calendar year in accordance with Section 59-2-906.2.; and

The Revenue and Taxation Committee recommends H.B. 106, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES, by Representative R. McGee, be replaced and favorably recommends 1st Sub. H.B. 106, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 279, TAX INCENTIVES FOR MILITARY MEMBERS, by Representative W. Harper.

Wayne L. Niederhauser, Chair

Mr. President:

February 18, 2008 The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 247, VETERANS PROCUREMENT PROVISIONS, by Senator F. Fife; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 264, DEVELOPMENT AROUND MILITARY INSTALLATIONS, by Senator S. Killpack.

Mark B. Madsen, Chair

Mr. President:

February 18, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on 1st Sub. H.B. 40, SAFE DRINKING WATER REVISIONS, by Representative S. Andersen; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on 2nd Sub. H.B. 51, WATER RIGHT FORFEITURE PROTECTION, by Representative P. Painter.

Darin G. Peterson, Chair

Mr. President:

February 18, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 202, ENERGY RESOURCE AND CARBON EMISSION REDUCTION INITIATIVE, by Senator C. Bramble, with the following amendments:

1. Page 23, Lines 686 through 687:

686 (2) (a) Cost-effectiveness under Subsection (1) for other than a cooperative association is determined in comparison to other viable

687 resource options using the criteria provided by Subsection 54–17–201(2)(c)(ii).

(b) For an electrical corporation that is a cooperative association, cost-effectiveness is determined using criteria applicable to the cooperative association's acquisition of a significant energy resource established by the cooperative association's board of directors.

- 2. Page 24, Lines 736 through 737:
  - 736 (3) The commission may :
    - (a) consult with another state or a federal agency and any
  - 737 <u>regional system or trading program to fulfil Subsection</u> (1)  $\{-\frac{1}{2}, \frac{1}{2}, \frac{1}{2}\}$

(b) allow use of a renewable energy certificate that is issued, monitored, accounted for, or transferred by or through a regional system or trading program, including the Western Renewable Energy Generation Information system, to fulfil this part's provisions.

3. Page 26, Lines 776 through 777:

776 (2) (a) <u>A progress report concerning a plan under</u> <u>Subsection (1)</u> for other than a cooperative association shall be filed with the

777 commission by January 1 of each of the years 2010, 2015, 2020, and 2024.

(b) For an electrical corporation that is a cooperative association, a progress report shall be filed with the cooperative association's board of directors by January 1 of each of the years 2010, 2015, 2020, and 2024.

4. Page 26, Lines 781 through 786:

781(c)(i)an analysis of the cost-effectiveness of renewableenergy sourcesfor other than a cooperative association; or

(ii) an estimate of the cost of achieving the target for an electrical corporation that is a cooperative association :

782 (d) a discussion of conditions impacting the renewable energy source and qualifying

783 electricity markets;

784 (e) any recommendation for a suggested legislative or program change: and

785 (f) for other than a cooperative association, any other information requested by the commission or considered relevant by the 786 electrical corporation.

5. Page 27, Line 816:

816 (b) force majeure.

(11) By July 1, 2026, an electrical corporation that is a cooperative association shall file a final progress report demonstrating:
 (a) how Subsection 54–17–602(1) is satisfied for the year 2025; or
 (b) the reason why Subsection 54–17–602(1) is not satisfied for the year 2025 if it is not satisfied.

(12) The plan and any progress report filed under this section by an electrical corporation that is a cooperative association shall be publicly available at the cooperative association's office or posted on the cooperative association's website. ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 203**, HIGHWAY ABANDONMENT AMENDMENTS, by Senator D. Peterson; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 231**, TRANSPORTATION GOVERNANCE, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 72**, MOTORCYCLE LICENSE AND ENDORSEMENT AMENDMENTS, by Representative P. Neuenschwander; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 292**, LEGISLATIVE TASK FORCE TO STUDY RADIO COMMUNICATION SYSTEM IN UTAH, by Representative B. Dee; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 320**, VEHICLE IMPOUND YARD REQUIREMENTS, by Representative C. Oda; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.J.R. 8**, JOINT RESOLUTION URGING

CONGRESS TO ELIMINATE TRANSPORTATION EARMARKING THAT OVERRIDES STATE TRANSPORTATION PRIORITIES, by Representative Julie Fisher, with the following amendments:

1. Page 2, Lines 39a through 39b House Committee Amendments 2-4-2008:  $\{-39a \ \hat{H} \rightarrow \underline{Be \ it \ further \ resolved \ that \ the \ Legislature \ of \ the \ State \ of \ be \ state \ of \ state \ state \ of \ state \ of \ state \ state \ of \ state \ state \ of \ state \ state$ Utah strongly opposes any

39b increase in the Federal Gas Tax.  $\clubsuit \hat{H}$  }

Carlene M. Walker, Chair

Mr. President:

February 18, 2008 The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 194, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, with the following amendments:

Page 2, Lines 44 through 46: 1.

44 {-(2) Criminal prosecution for theft of regulated metal does not affect the right of a

45 person to bring a civil action for damages as described in Subsection (1), including court costs

46 and reasonable attorney fees. }

2. Page 7, Lines 196 through 197:

196 {-(5) The dealer shall hold suspect metal for seven days after the date of purchase before

197 selling it. } ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 209. **METHAMPHETAMINE** DECONTAMINATION STANDARDS AND FUNDING, by Senator D. C. Buttars: and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 65, CRIME OF STRANGULATION OR SMOTHERING, by Representative J. Seelig; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a EXPUNGEMENT recommendation on H.B. 70. LAW favorable AMENDMENTS, by Representative L. Fowlke.

Gregory S. Bell, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 197, 1st Sub. S.B. 211, 2nd Sub. H.B. 54, as amended, 1st Sub. H.B. 106, H.B. 279, S.B. 247, S.B. 264, 1st Sub. H.B. 40, 2nd Sub. H.B. 51, S.B. 202, as amended, S.B. 203, S.B. 231, 1st Sub. H.B. 72, H.B. 292, H.B. 320, H.J.R. 8, as amended, S.B. 194, as amended, S.B 209, H.B. 65, and H.B. 70 were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President: February 15, 2008 The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 281, GRANTS TO RURAL HOSPITALS -OVERSIGHT RESPONSIBILITIES, by Representative M. Newbold, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

February 18, 2008

Mr. President:

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 235, HUMAN REMAINS RELATED AMENDMENTS, by Senator K. VanTassell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President:

February 18, 2008 The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 236, JUDICIARY AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends 1st Sub. S.B. 236, JUDICIARY AMENDMENTS and that it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 242, LAW ENFORCEMENT TRACKING OF DOMESTIC VIOLENCE STATISTICS, by Senator J. Greiner, and The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 265**, UNLAWFUL DETAINER AMENDMENTS, by Senator M. Waddoups, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 97**, COURT–ORDERED RESTITUTION FOR COSTS OF INCARCERATION, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Killpack, the committee reports were adopted. **1st Sub. H.B. 281, S.B. 235, 1st Sub. S.B. 236, S.B. 242, S.B. 265,** and **H.B. 97** were considered read the second time and placed on the Consent Calendar.

\* \* \*

Mr. President:

February 15, 2008

The Health and Human Services Committee has returned **S.B. 133**, MEDICAL ASSISTANCE AND MANAGED CARE, by Senator G. Bell, to the Rules Committee with a recommendation that the bill be sent to interim study.

D. Chris Buttars, Chair

#### **INTRODUCTION OF BILLS**

**S.B. 245, Funding Relating to Airports** (C. Bramble), read the first time by short title and referred to the Rules Committee.

**S.B. 261, Political Subdivision Annexation Amendments** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

#### **COMMITTEE OF THE WHOLE**

On motion of Senator Killpack, U. S. Senator Orrin Hatch spoke in Committee of the Whole. Senators Jones, Stephenson, Dayton and Mayne commented.

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

#### COMMITTEE OF THE WHOLE

On motion of Senator Eastman, U. S. Senator Bob Bennett spoke in Committee of the Whole. Senator Waddoups commented.

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

\* \* \*

On motion of Senator Hickman the Senate voted to move **S.B. 81**, ILLEGAL IMMIGRATION, from the Time Certain Calendar today to Thursday, February 21, 2008 at 11:00 a.m.

#### CONSENT CALENDAR

**S.B. 274**, AMENDMENTS TO UTAH SERVICE MEMBERS' CIVIL RELIEF ACT, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Buttars Stowell

**S.B. 274** was transmitted to the House for consideration.

\* \* \*

**H.B. 101**, AMENDMENTS TO EMERGENCY INJECTION FOR ANAPHYLACTIC REACTION ACT, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were:SenatorsChristensenKillpackStowell

**H.B. 101** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 268**, HEALTH FACILITY COMMITTEE MEMBERSHIP, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Christensen Killpack Stowell

**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.

\* \* \*

**H.B. 277**, PANDEMIC PREPAREDNESS AMENDMENTS, was read the third time, explained by Senator Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Dayton
Dmitrich	Eastman	Fife	Goodfellow

Greiner	Hickman	Hillyard	Jenkins	
Jones	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Van Tassell	Waddoups	Walker	
Valentine				
Absent or not voting were: Senators				

Christensen Davis Killpack Stowell

**H.B. 277** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**S.B. 198**, CHILD SUPPORT TECHNICAL AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

# Voting in the affirmative were: Senators

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

# Absent or not voting were: Senators

Christensen	Killpack	Stephenson	Stowell
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S.B. 198 was transmitted to the House for consideration.

\* \* \*

**2nd Sub. H.B. 125**, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, was read the third time, explained by Senator Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Fife	Goodfellow

Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Van Tassell	Waddoups	Walker	Valentine
	voting were: Senators		
Christensen	Eastman	Killpack	Stephenson
Stowell			

2nd Sub. H.B. 125, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 288**, 911 COMMITTEE, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

# Voting in the affirmative were: Senators

0			
Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators				
Christensen	Eastman	Killpack	Stowell	

**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.

## THIRD READING CALENDAR

**S.B. 174**, DENTIST AND DENTAL HYGIENIST PRACTICE ACT AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Fife	Goodfellow

Greiner	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Van Tassell	Waddoups	Walker	Valentine
Absent or not voti Christensen	<b>ng were:</b> Senators Eastman	Hickman	Killpack
Stowell			

S.B. 174 was transmitted to the House for consideration.

\* \* \*

**S.B. 91**, BENEFITS TO AMERICAN BOARD CERTIFIED TEACHERS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Dayton	
Eastman	Fife	Greiner	Hillyard	
Jenkins	Jones	Knudson	Madsen	
Niederhauser	Peterson	Stephenson	Stowell	
Waddoups	Walker	Valentine		
Voting in the negative were: Senators				
Davis	Dmitrich	Goodfellow	Mayne	
McCoy	Romero			
Absent or not votin Christensen	<b>ng were:</b> Senators Hickman	Killpack	Van Tassell	

S.B. 91 was transmitted to the House for consideration.

\* \* \*

1st Sub. S.B. 168, HIGHWAY FUNDING AMENDMENTS, was read the third time.

On motion of Senator Stowell, the bill was circled.

\* \* \*

1st Sub. S.B. 59, WILDLIFE AMENDMENTS, was read the third time.

On motion of Senator Eastman, the bill was circled.

\* \* \*

1st Sub. S.B. 180, REGENTS' SCHOLARSHIP PROGRAM, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

## Voting in the affirmative were: Senators

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

**Voting in the negative was:** Senator

Stephenson

Absent or not voting were:SenatorsChristensenHickmanKillpack

**1st Sub. S.B. 180** was transmitted to the House for consideration. Senator Valentine declared a conflict of interest.

\* \* \*

**1st Sub. S.B. 182**, SURVIVAL ACTION UPON INJURY OR DEATH, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

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

# Absent or not voting were: Senators

Christensen Hickman Killpack

1st Sub. S.B. 182 was transmitted to the House for consideration.

\* \* \*

**S.B. 116**, RETIREMENT OFFICE AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting	in	the	affirmative	were:	Senators
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Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Killpack

S.B. 116 was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 93**, LICENSED DIRECT ENTRY MIDWIFE AMENDMENTS, was read the third time and explained by Senator Dayton. Senator McCoy commented and passed on the following roll call:

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

0			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jones	Knudson	Madsen
Mayne	Niederhauser	Romero	Stephenson
Stowell	Waddoups	Walker	Valentine
Voting in the ne	gative were: Senato	rs	
Jenkins	McCoy	Peterson	Van Tassell

#### Absent or not voting was: Senator Killpack

1st Sub. S.B. 93 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Christensen, the circle was removed from **1st Sub. S.B. 59**, WILDLIFE AMENDMENTS, and it was before the Senate. Senator Christensen explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Hickman Killpack

1st Sub. S.B. 59 was transmitted to the House for consideration.

\* \* \*

**S.B. 176**, UNEMPLOYMENT INSURANCE CONTRIBUTION RATES AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

#### Yeas, 23; Nays, 0; Absent, 6.

Bell	Bramble	Buttars	Dayton		
Dmitrich	Eastman	Fife	Goodfellow		
Greiner	Hillyard	Jenkins	Jones		
Madsen	Mayne	McCoy	Niederhauser		
Romero	Stephenson	Stowell	Van Tassell		
Waddoups	Walker	Valentine			
Absent or not voting were: Senators					
Christensen	Davis	Hickman	Killpack		
Knudson	Peterson				

S.B. 176 was transmitted to the House for consideration.

\* \* \*

**2nd Sub. S.B. 184**, CHILD CARE LICENSING EXEMPTIONS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators					
Bell	Bramble	Buttars	Dayton		
Dmitrich	Eastman	Fife	Goodfellow		
Greiner	Hickman	Hillyard	Jenkins		
Jones	Madsen	Mayne	McCoy		
Niederhauser	Romero	Stephenson	Stowell		
Van Tassell	Waddoups	Walker	Valentine		
Absent or not voting were: Senators					
Christensen	Davis	Killpack	Knudson		
Peterson					

2nd Sub. S.B. 184 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Eastman, and at 11:45 a.m., the Senate recessed.

# **AFTERNOON SESSION**

The Senate reassembled at 2:15 p.m., with President Valentine presiding.

# COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 2008 The House passed, **S.B. 139**, UTAH ANTITRUST 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. 146**, AMENDMENT TO UNIFORM ANATOMICAL GIFT 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. 150**, CRIMINAL PENALTIES REVISIONS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**S.B. 139, S.B. 146,** and **S.B. 150** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 19, 2008 The House passed H.B. 123, ACCELERATED LEARNING PROGRAMS AMENDMENTS, by Representative B. Ferry, and it is transmitted for consideration: and

The House passed **H.B. 173**, MONEY MANAGEMENT ACT UPDATES, by Representative P. Neuenschwander, and it is transmitted for consideration; and

The House passed, as amended, H.B. 181, DISPOSITION OF POTENTIAL EVIDENCE, by Representative T. Cosgrove, and it is transmitted for consideration: and

The House passed H.B. 185, WESTERN STATES PRESIDENTIAL PRIMARY AMENDMENTS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed, as amended, H.B. 229, PROTECTIONS FOR AGRICULTURAL PRACTICES, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 330, STATE SUPPLEMENTAL FUNDING FOR HEAD START, by Representative L. Shurtliff, et al, and it is transmitted for consideration; and

The House passed H.B. 332, USE OF PUBLIC SCHOOLS BY COMMUNITY ORGANIZATIONS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed H.B. 362, MOTOR FUEL TAX - OFF-HIGHWAY VEHICLE REFUND AMENDMENTS, by Representative B. Ferry, and it is transmitted for consideration: and

The House passed H.C.R. 5, CONCURRENT RESOLUTION URGING CONGRESSIONAL APPROVAL OF R.S. 2477 RIGHTS-OF-WAY RECOGNITION ACT, by Representative M. Brown, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. H.B. 123, H.B. 173, H.B. 181, H.B. 185, H.B. 229, 1st Sub. H.B. 330, H.B. 332, H.B. 362, and H.C.R. 5 were read the first time and referred to the Rules Committee.

To the Members of the Senate:

February 19, 2008

# **RULES COMMITTEE REPORTS**

To the Methods of the Schate.					
The Rules Committee recommends assignment of the following bills to					
standing committee	s:				
Education Commi	ttee				
H.B. 66	Paraeducator to Teacher Scholarship Program				
	(Rep. R. Menlove) (Sen. K. Mayne)				
Government Oper	ations and Political Subdivisions Committee				
S.B. 261	Political Subdivision Annexation Amendments				
	(Sen. M. Waddoups)				
H.B. 252	Charitable Solicitations Act Amendments				
	(Rep. W. Harper) (Sen. C. Bramble)				
	(rep. (). Halper) (ben. e. Branole)				
Health and Huma	n Services Committee				
H.B. 307	Cancer Screening and Mortality Reduction Special Group				
11.D. 307					
	License Plate (Rep. C. Moss) (Sen. P. Jones)				
Iudiciary I aw Fn	forcement, and Criminal Justice Committee				
S.B. 278	Technical Amendments to Titles 78a and 78b				
<b>5.D.</b> 2/0					
	(Sen. G. Bell)				
1st Sub. H.B. 92	Garnishment Amendments (Rep. J. Draxler)				
	(Sen. L. Hillyard)				
H.B. 121	County Charges for Services to Incarcerated Persons				
	(Rep. R. Greenwood) (Sen. G. Bell)				
H.B. 375	Deception Detection Examiners Licensing Act				
	Amendments (Rep. R. Barrus) (Sen. S. Jenkins)				
	Amenaments (Rep. R. Dartus) (Sen. S. Jenkills)				

Bill Hickman

Rules Committee Chair

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

# THIRD READING CALENDAR

On motion of Senator Eastman, the circle was removed from **2nd Sub. S.B. 46**, ANTI–FLOW CONTROL AMENDMENTS, and it was before the Senate. Senator Eastman explained the bill.

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

# 3rd Sub. S.B. 46 Anti-flow Control Amendments (D. Eastman)

Senator Eastman proposed the following amendment:

1. Page 7, Lines 193 through 194

 193
 (b) { fewer than two }
 one business entity operates all

 the
 private solid waste management facilities
 {-that are owned by

 194
 different entities exist -}
 within:

Senator Eastman's motion to amend passed on a voice vote. Senator Waddoups commented. The bill passed on the following roll call:

## Yeas, 25; Nays, 1; Absent, 3.

#### Voting in the affirmative were: Senators

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

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

Absent or not voting were:SenatorsButtarsHickmanKillpack

3rd Sub. S.B. 46 was transmitted to the House for consideration.

\* \* \*

**S.B. 186**, CUSTODY AND PARENT-TIME FOR NON-PARENTS, was read the third time.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

1st Sub. S.B. 185, ECONOMIC INCENTIVE REVISIONS, was read the third time.

587

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**1st Sub. S.B. 57**, FRANCHISE LAW AMENDMENTS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

Voting in the af	firmative were: Se	nators	
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Absent or not v	oting were: Senator	rs	
Buttars	Hickman	Hillyard	Killpack
Peterson			-

1st Sub. S.B. 57 was transmitted to the House for consideration.

\* \* \*

**S.B. 188**, PILOT PROGRAM FOR SUMMER SCHOOL AND AFTER SCHOOL PROGRAMS FOR CHILDREN WITH A DISABILITY, was read the third time and explained by Senator Bell. Senator Buttars commented and the bill passed on the following roll call:

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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Valentine			
Absent or not voti	ng were: Senators		
Hickman	Hillyard	Killpack	Walker

S.B. 188 was transmitted to the House for consideration.

\* \* \*

On motion of Senator McCoy, the circle was removed from **1st Sub. S.B. 70**, EMOTIONAL SUPPORT ANIMALS, and it was before the Senate. Senator McCoy explained the bill. Senators Dayton and Stephenson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hillyard	
Jenkins	Jones	Knudson	Madsen	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Stowell	Van Tassell	
Waddoups	Walker			
Absent or not voting were: Senators				
Hickman	Killpack	Valentine		

1st Sub. S.B. 70 was transmitted to the House for consideration.

# SECOND READING CALENDAR

**S.B. 162**, FEDERAL EDUCATION AGREEMENT REQUIREMENTS, was read the second time. Senator Dayton explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

# Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Walker		

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

Absent or not	voting were: Senate	ors	
Buttars	Hickman	Killpack	Van Tassell
Waddoups	Valentine		
		* * *	

S.B. 190, PUBLIC CLASSROOM DISPLAYS, was read the second time.

On motion of Senator Christensen, the bill was circled.

\* \* \*

**1st Sub. S.B. 89**, MITIGATION OF INVASIVE SPECIES, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Hillyard	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Walker	Valentine		
Voting in the nega	tive were: Senators		
Dayton	Greiner	Jenkins	Stephenson
Absent or not voting were: Senators			
Hickman	Killpack	Waddoups	
* * *			

**S.B. 84**, NET METERING PROGRAMS, was read the second time.

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

1st Sub. S.B. 84 Net Metering Programs (K. Van Tassell)

Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

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

# Voting in the affirmative were: Senators

Absent or not	voting were: Senators	
Killpack	Waddoups	Walker

\* \* \*

On motion of Senator Christensen, the circle was removed from S.B. 190, PUBLIC CLASSROOM DISPLAYS, and it was before the Senate. Senator Christensen explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

# Voting in the affirmative were: Senators

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

Voting in the negative was: Senator McCoy

Absent or not voting were: Senators Hillyard Killpack Waddoups

\* \* \*

S.B. 183, CHILD PORNOGRAPHY AMENDMENT, was read the second time. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

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

, oung in the arm	manye were benau	15	
Bell	Bramble	Buttars	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Van Tassell	Waddoups	Walker	Valentine
Absent or not voti Christensen Stowell	i <b>ng were:</b> Senators Davis	Hillyard	Killpack

# Voting in the affirmative were: Senators

\* \* \*

**1st Sub. S.B. 166**, NONDISCRIMINATION AMENDMENTS, was read the second time. Senator McCoy explained the bill. Senators Dayton, Van Tassell, and Bell commented. The bill passed second reading on the following roll call:

# Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators				
Bell	Bramble	Christensen	Davis	
Dmitrich	Eastman	Fife	Goodfellow	
Greiner	Hickman	Jenkins	Jones	
Knudson	Madsen	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				
Voting in the negative was: Senator				
Dayton				

Absent or not voting were:SenatorsButtarsHillyardKillpack

\* \* \*

**S,B, 189**, INDEPENDENT CONTRACTOR DATABASE, was read the second time. Senator Eastman explained the bill.

Senator Eastman proposed the following amendment:

1. Page 3, Lines 69 through 74

69 (1) (a) There is created within the department the Independent Contractor Enforcement

70 <u>Council consisting of the following</u> {-<u>three</u> } <u>four</u> <u>members:</u>

71 (i) the executive director of the department or the executive director's designee;

72 (ii) the executive director of the Department of Workforce Services or the executive

73 <u>director's designee</u>; {-<u>and</u> }

74 (iii) the commissioner of the Labor Commission or the commissioner's designee : and (iv) the chief information officer of the Department of Technology Services .

2. Page 4, Lines 91 through 95:

91 (b) beginning July 1, 2009, meet quarterly:

92 <u>(i)</u> <u>with:</u>

(A)  $\{-with\}$  the attorney general or a designee of the attorney general:  $\{-and\}$ 

93 (B) the chair of the State Tax Commission or a designee of the chair; and

(C) the commissioner of the Department of Public Safety or the commissioner's designee; and

94 (ii) (A) to review the most recent results from the database; and

95 (B) to coordinate regulatory and law enforcement efforts; and

3. Page 4, Lines 110 through 114:

110 (b) As part of the report required by this Subsection (3), the chairs of the Business and

111 <u>Labor Interim Committee shall provide an opportunity to the</u> following to report to the

112 <u>Business Labor Interim Committee on the usefulness of the</u> database:

113 (i) each accessing agency; { and }

114(ii) the attorney general: and(iii) the Department of Public Safety.

4. Page 5, Lines 125 through 127:

125 (1) (a) By no later than July 1, 2009, the department shall administer a database:

126 (i) designed by the council to share data amongst accessing agencies {-and } <u>i</u> the attorney

127 general . and the Department of Public Safety ; and

Senator Eastman's motion to amend passed on a voice vote. Senators Mayne, McCoy, Jenkins, Niederhauser, Jones, Bramble, Van Tassell, and Romero commented. The bill passed second reading on the following roll call:

# Yeas, 20; Nays, 2; Absent, 7.

# Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hillyard	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Romero	Stephenson	Van Tassell	Waddoups

**Voting in the negative were:** Senators Hickman Jenkins

Absent or not voting were: Senators				
Christensen	Greiner	Madsen	Peterson	
Stowell	Walker	Valentine		

\* \* \*

**S.B. 205**, UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT, was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**S.B. 220**, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION, 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 th	e affirmative	were: Senators
--------------	---------------	----------------

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow Jenkins Mayne Van Tassell	Greiner Jones McCoy Waddoups	Hickman Killpack Niederhauser	Hillyard Knudson Stephenson
Absent or not voti	ng were: Senators		
Christensen	Madsen	Peterson	Romero
Stowell	Walker	Valentine	
* * *			

1st Sub. S.B. 267, LOCAL GOVERNMENT AUTHORITY AMENDMENTS, was read the second time.

On motion of Senator Buttars, the bill was circled.

\* \* \*

**S.B. 43**, ADMINISTRATIVE RULES REAUTHORIZATION, was read the second time. Senator Stephenson explained the bill. Senators Hickman, Dmitrich, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Fife	
Goodfellow	Greiner	Hillyard	Jenkins	
Jones	Killpack	Knudson	Madsen	
Mayne	Niederhauser	Romero	Stephenson	
Van Tassell	Waddoups	Valentine		
Absent or not voting were: Senators				
Eastman	Hickman	McCoy	Peterson	
Stowell	Walker			

\* \* \*

On motion of Senator Bramble and at 4:10 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 20, 2008.

# THIRTY-FIRST DAY

# MORNING SESSION

# **FEBRUARY 20, 2008**

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

Prayer – Seth Melling, Senator Eastman's intern Pledge of Allegiance – Senator Fred Fife Roll Call – All Senators present

# READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

# COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 2008 The House passed, as substituted, **1st Sub. H.B. 94**, PUBLIC EMPLOYEES' RETIREMENT – SPOUSAL ELECTION, by Representative L. Shurtliff, and it is transmitted for consideration; and

The House passed **H.B. 158**, TAX CREDIT FOR MILITARY RETIRED PAY, by Representative S. Mascaro, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 189**, SCHOOL COMMUNITY COUNCILS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 304**, SALES AND USE TAX REVENUES FOR QUALIFIED EMERGENCY FOOD AGENCIES, by Representative L. Wiley, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 348**, ZION NATIONAL PARK SPECIAL GROUP LICENSE PLATE, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.B. 357**, PUBLIC ASSOCIATIONS SUBJECT TO GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 365**, AVIATION AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 369**, MUNICIPAL RENTAL FEES AMENDMENTS, by Representative M. Walker, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 373**, UNIFORM FEES ON VINTAGE MOTOR VEHICLES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 378**, STATE ACCOUNTING AND BUDGETARY PROCEDURES AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. 1st Sub. H.B. 94, H.B. 158, 1st Sub. H.B. 189, 1st Sub. H.B. 304, 1st Sub. H.B. 348, H.B. 357, H.B. 365, H.B. 369, 2nd Sub. H.B. 373, and H.B. 378 were read the first time and referred to the Rules Committee.

#### STANDING COMMITTEE REPORTS

Mr. President: February 19, 2008
 The Business and Labor Committee reports a favorable recommendation on
 S.B. 222, DIVISION OF REAL ESTATE LICENSING AND PRESENCE IN
 THE UNITED STATES, by Senator M. Dayton; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 295**, SECURITY ALARM BUSINESS LICENSING AMENDMENTS, by Senator M. Dayton; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 93**, INSURANCE FRAUD AMENDMENTS, by Representative D. Aagard, with the following amendments:

 Page 2, Line 57 through Page 3, Line 60 House Committee Amendments 1–30–2008:

57 (1) (a) A person shall report a fraudulent insurance act to the department if:

58 (i) the person has a good faith belief on the basis of a preponderance of the evidence

59 <u>that a fraudulent insurance act</u> is being, will be, or has been committed [related to title

60 insurance shall report the fraudulent act to the commissioner in a writing that provides] by a person other than the person making the report ; and ; and

The Business and Labor Committee reports a favorable recommendation on **H.J.R. 7**, JOINT RESOLUTION RECOGNIZING UNREINFORCED MASONRY BUILDINGS, by Representative L. Wiley.

Kevin T. Van Tassell, Chair

Mr. President: February 19, 2008 The Health and Human Services Committee reports a favorable recommendation on **2nd Sub. H.B. 276**, HEALTH PROFESSIONAL AUTHORITY – DEATH AND DISABILITY, by Representative B. Last; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 326**, CHILDREN'S HEALTH INSURANCE PROGRAM – OPEN ENROLLMENT, by Representative G. Curtis.

D. Chris Buttars, Chair

Mr. President:

February 18, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 210**, PROOF OF CITIZENSHIP REQUIRED TO VOTE, by Senator M. Madsen; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 290**, MUNICIPAL OVERSIGHT OF RENTAL DWELLINGS, by Representative G. Froerer; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 309**, ELECTION INFORMATION AMENDMENTS, by Representative J. Dougall.

Peter C. Knudson, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 222, S.B. 295, H.B. 93, as amended, H.J.R. 7, 2nd Sub. H.B. 276, 1st Sub. H.B. 326, S.B. 210, H.B. 290, and 1st Sub. H.B. 309 were placed on Second Reading Calendar.

# STANDING COMMITTEE REPORTS

Mr. President:

February 19, 2008

The Business and Labor Committee reports a favorable recommendation on **H.B. 128**, UTAH RESIDENTIAL MORTGAGE PRACTICES ACT AMENDMENTS, by Representative M. Newbold, 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. 159**, PROFESSIONAL EMPLOYER ORGANIZATION LICENSING ACT, by Representative J. Dunnigan, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

Mr. President:

February 18, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 239**, OFFICE OF THE ATTORNEY GENERAL – SAFETY NET INITIATIVE, by Senator C. Bramble, 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. 231**, LOCAL VOTER INFORMATION PAMPHLET AMENDMENTS, by Representative D. Aagard, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 261**, LOCAL DISTRICT PRIMARY ELECTIONS, by Representative K. Morgan, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 128, H.B. 159, S.B. 239, H.B. 231,** and **H.B. 261** were considered read the second time and placed on the Consent Calendar.

# **INTRODUCTION OF BILLS**

**S.B. 237, Commercial Airline and Airport Taxation Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 244, Division of Parks and Recreation to Support Nonprofit Corporation or Foundation (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

**S.B. 279**, **Water and Land Use Development** (D. Peterson), read the first time by short title and referred to the Rules Committee.

# THIRD READING CALENDAR

**S.B. 162**, FEDERAL EDUCATION AGREEMENT REQUIREMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

Buttars	Christensen	Davis
Dmitrich	Eastman	Fife
Hillyard	Jones	Killpack
Mayne	McCoy	Peterson
Stephenson	Stowell	Van Tassell
Valentine		
	Dmitrich Hillyard Mayne Stephenson	DmitrichEastmanHillyardJonesMayneMcCoyStephensonStowell

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

Absent or not voting were: Senators				
Bell	Goodfellow	Jenkins	Madsen	
Niederhauser	Waddoups			

S.B. 162 was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 89**, MITIGATION OF INVASIVE SPECIES, was read the third time, explained by Senator Stowell, and passed on the following roll call:

# Yeas, 24; Nays, 2; Absent, 3.

Voting in th	ne affirmative	were: Senators
--------------	----------------	----------------

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

# Voting in the negative were: Senators

Dayton Jenkins

Absent or not voting were:SenatorsBellMadsenNiederhauser

1st Sub. S.B. 89 was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 84**, NET METERING PROGRAMS, 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

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

Absent or not voting were: Senators			
Bell	Madsen	Niederhauser	Stephenson

1st Sub. S.B. 84 was transmitted to the House for consideration.

\* \* \*

**S.B. 190**, PUBLIC CLASSROOM DISPLAYS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

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

#### Absent or not voting were: Senators

Bell Madsen Niederhauser

S.B. 190 was transmitted to the House for consideration.

\* \* \*

**S.B. 183**, CHILD PORNOGRAPHY AMENDMENT, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Madsen Niederhauser

S.B. 183 was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 166**, NONDISCRIMINATION AMENDMENTS, was read the third time, explained by Senator McCoy, and passed on the following roll call:

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

# Voting in the affirmative were: Senators

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

Absent or not voting were:SenatorsHickmanMadsen

1st Sub. S.B. 166 was transmitted to the House for consideration.

\* \* \*

**S.B. 189**, INDEPENDENT CONTRACTOR DATABASE, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bramble	Buttars	Christensen	Davis	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hillyard	Jenkins	
Jones	Killpack	Knudson	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker	Valentine			

Absent or not voting were: Senators		
Bell	Hickman	Madsen

S.B. 189 was transmitted to the House for consideration.

\* \* \*

**S.B. 220**, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION, 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

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

Absent or not voting were:SenatorsBellHickman

S.B. 220 was transmitted to the House for consideration.

\* \* \*

**S.B. 43**, ADMINISTRATIVE RULES REAUTHORIZATION, 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

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

Absent or	<b>not voting were:</b> Senators	
Bell	Hickman	Madsen

S.B. 43 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Stowell, the circle was removed from **1st Sub. S.B. 168**, HIGHWAY FUNDING AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill.

On motion of Senator Stowell, the bill was circled.

# SECOND READING CALENDAR

**H.B. 286**, PERMANENT TEACHER LICENSE REVOCATION FOR SEXUAL ACTIVITY WITH STUDENTS, was read the second time. Senator Buttars explained the bill.

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

1st Sub. H.B. 286 Permanent Teacher License Revocation for Sexual Activity with Students (C. Wimmer)

The bill passed second reading on the following roll call:

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

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

# Voting in the affirmative were: Senators

Absent or not voting were:SenatorsBellHickmanMadsen

\* \* \*

On motion of Senator Peterson, the circle was removed from **1st Sub. H.B. 18**, MATERIAL HARMFUL TO MINORS AMENDMENTS, and it was before the Senate. Senator Peterson explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis		
Dayton	Dmitrich	Eastman	Fife		
Goodfellow	Hickman	Hillyard	Jenkins		
Jones	Knudson	Mayne	McCoy		
Niederhauser	Peterson	Romero	Stephenson		
Stowell	Van Tassell	Waddoups	Walker		
Valentine					
Absent or not voting were: Senators					
Buttars	Greiner	Killpack	Madsen		

\* \* \*

On motion of Senator Hillyard, the circle was removed from **S.B. 205**, UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT, and it was before the Senate. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators					
Bell	Bramble	Christensen	Dayton		
Dmitrich	Eastman	Fife	Goodfellow		

Greiner	Hickman	Hillyard	Jenkins		
Jones	Killpack	Knudson	Mayne		
McCoy	Niederhauser	Peterson	Romero		
Stephenson	Van Tassell	Waddoups	Walker		
Valentine					
Absent or not voti	ng were: Senators				
Buttars	Davis	Madsen	Stowell		
	* * *				

**H.B. 41**, CAMPAIGN REPORT AMENDMENTS, was read the second time. Senator Knudson explained the bill. Senators Killpack, Bell, and Davis commented.

On motion of Senator Knudson, the bill was circled.

\* \* \*

**1st Sub. H.B. 49**, BUDGET RESERVE ACCOUNT AND DISASTER RECOVERY ACCOUNT AMENDMENTS, was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 2, Line 36

36  $\{-63-38-2.9-\}$  <u>63J-1-205</u>, Utah Code Annotated 1953

2. Page 9, Lines 261 through 262:

261	Section	4.	Section	{ <del>-63-38-2.9-</del> }	<u>63J–1–205</u>	is
enacted	to read:					

262 { $-\underline{63-38-2.9}$ } <u>63J-1-205</u>. Revenue volatility report.

Senator Hillyard'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.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Hickman Madsen

\* \* \*

H.B. 103, USE OF STATE ALTERNATIVE FUEL NETWORK, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

#### Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators						
Bell	Bramble	Buttars	Christensen			
Davis	Dayton	Dmitrich	Fife			
Goodfellow	Greiner	Jenkins	Jones			
Knudson	Mayne	McCoy	Niederhauser			
Peterson	Romero	Stephenson	Stowell			
Van Tassell	Waddoups	Walker				
Absent or not v	oting were: Senato	rs				
Eastman	Hickman	Hillyard	Killpack			
Madsen	Valentine					
* * *						

H.B. 122. DRIVER LICENSE – APPLICATION OF MINOR AMENDMENTS, was read the second time. Senator Buttars 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	Dmitrich	Fife	Goodfellow		
Greiner	Jenkins	Jones	Knudson		
Mayne	McCoy	Niederhauser	Peterson		
Romero	Stephenson	Stowell	Van Tassell		
Waddoups	Walker				

Absent or not voti	ng were: Senators		
Bell	Eastman	Hickman	Hillyard
Killpack	Madsen	Valentine	

\* \* \*

**H.B. 46**, ADOPTION AND TERMINATION OF PARENTAL RIGHTS, was read the second time. Senator Walker explained the bill.

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

# 1st Sub. H.B. 46 Adoption and termination of Parental Rights (S. Allen)

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	Dmitrich	Eastman	Fife
Goodfellow	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Van Tassell
Waddoups	Walker		
Absent or not vot	ing were: Senators		
Bell	Greiner	Hickman	Hillyard
Madsen	Stowell	Valentine	

\* \* \*

**H.B. 321**, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, was read the second time.

On motion of Senator Eastman, the bill was circled.

\* \* \*

On motion of Senator Dayton, under suspension of the rules, **H.C.R. 3**, CONCURRENT RESOLUTION – DECLARING LOVE YOUR LIBRARY WEEK, was considered read the second and third times and passed on the following roll call:

Voting in the affirmative were: Senators			
Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jenkins	Jones
Killpack	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Van Tassell
Waddoups	Walker		
<b>Voting in the negative was:</b> Senator Stephenson			
Absent or not vo	ting were: Senators		
Bell	Hickman	Hillyard	Madsen
Stowell	Valentine		

**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.

\* \* \*

**1st Sub. H.B. 37**, UTAH BUSINESS RESOURCES CENTERS ACT, 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	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Absent or not voting were: Senators			
Bell	Buttars	Hickman	Hillyard
Madsen			

\* \* \*

On motion of Senator Mayne, under suspension of the rules, **1st Sub. H.B. 48**, MOBILE HOME OWNERS' RIGHTS, was considered read the second and third

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

times. Senators Walker, Van Tassell, Waddoups, Stowell, Fife, and Eastman commented and the bill passed on the following roll call:

# Yeas, 25; Nays, 3; Absent, 1.

# Voting in the affirmative were: Senators

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

Voting in the negative were:SenatorsDaytonMadsenStowell

Absent or not voting was: Senator Greiner

**1st 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.

\* \* \*

On motion of Senator Bramble, and at 11:50 a.m., the Senate recessed.

# **AFTERNOON SESSION**

The Senate reassembled at 2:15 p.m., with President Valentine presiding.

On motion of Senator Knudson, **H.B. 122** was placed on Third Reading Table due to fiscal impact.

On motion of Senator Knudson, **1st Sub. H.B. 37** was placed on Third Reading Table due to fiscal impact.

# COMMUNICATIONS FROM THE HOUSE

Mr. President: February 20, 2008 The House passed, **S.B. 34**, CONFIDENTIALITY OF REPORTS TO DRIVER LICENSE DIVISION, by Senator A. Christensen, which has been signed by the Speaker and it is transmitted for the signature of the President; and The House passed, **S.B. 52**, IDENTITY THEFT AMENDMENT, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 63**, ADULT PROTECTIVE SERVICES AMENDMENTS, by Senator K. VanTassell, 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. 66**, UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS 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. 76**, STATE PARKS AND RECREATION AMENDMENTS, by Senator B. Goodfellow, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 94**, BURGLARY OF A RAILROAD CAR, by Senator D. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 120**, DEPARTMENT OF CORRECTIONS EMPLOYEE VEHICLE USE, by Senator D. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 122**, UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION 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. 124**, SALES AND USE TAX – DEFINITIONS OF PERMANENTLY ATTACHED TO REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY, 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. 135**, EXTENDING THE SALES AND USE TAX EXEMPTION FOR POLLUTION CONTROL FACILITIES, 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. 163**, CERTIFIED PUBLIC ACCOUNTANT LICENSING 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 House passed, S.C.R. 2, RESOLUTION PROMOTING LEGISLATORS BACK TO SCHOOL PROGRAM, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk S.B. 34, S.B. 52, S.B. 63, 1st Sub. S.B. 66, S.B. 76, S.B. 94, S.B. 120, S.B. 122, S.B. 124, S.B. 135, S.B. 163, and S.C.R. 2 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 20, 2008 The House passed, as amended, H.B. 39, DIVESTMENT OF CERTAIN RETIREMENT FUND INVESTMENTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 157, ALCOHOLIC BEVERAGE CONTROL VIOLATIONS AMENDMENTS, by Representative C. Oda, et al, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 223, EXEMPTION FROM LICENSURE BY DIVISION OF REAL ESTATE, by Representative M. Walker, and it is transmitted for consideration; and

The House passed H.B. 226, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as amended, H.B. 257, EMPLOYEE VERIFICATION, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, H.B. 352, AMENDMENTS RELATED TO MONIES DERIVED FROM NAVAJO NATION RESERVATION LANDS IN UTAH, by Representative D. Clark, and it is transmitted for consideration; and

passed H.C.R. 4, CONCURRENT RESOLUTION The House ENCOURAGING CONGRESSIONAL ACTION TO DESIGNATE A NEW RECIPIENT OF ROYALTIES FROM NAVAJO RESERVATION LANDS, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. H.B. 39, 1st Sub. H.B. 157, 1st Sub. H.B. 223, H.B. 226, H.B. 257, H.B. 352, and H.C.R. 4 were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

February 20, 2008

The House substituted and passed, **1st Sub. S.B. 77**, REVISIONS TO GOVERNMENT RECORDS ACCESS MANAGEMENT ACT, by Senator M. Dayton, and it is transmitted for further consideration; and

The House substituted, amended, and passed, **1st Sub. S.B. 92**, REAL PROPERTY RECORDING AMENDMENTS, by Senator D. Stowell, and it is transmitted for further consideration; and

The House substituted and passed, **1st Sub. S.B. 155**, PUNITIVE DAMAGES AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

# **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 20, 2008

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

# **Education Committee**

H.B. 123	Accelerated Learning Programs Amendments	
	(Rep. B. Ferry) (Sen. P. Knudson)	
2nd Sub. H.B. 127	Community Council Elections (Rep. K. Sumsion)	
	(Sen. M. Dayton)	
1st Sub. H.B. 254	School Community Council Amendments	
	(Rep. R. Menlove) (Sen. M. Dayton)	
H.B. 332	Use of Public Schools by Community Organizations	
	(Rep. G. Hughes) (Sen. H. Stephenson)	

# **Government Operations and Political Subdivisions Committee**

S.B. 245	Funding Relating to Airports (Sen. C. Bramble)
H.B. 173	Money Management Act Updates
	(Rep. P. Neuenschwander) (Sen. K. VanTassell)
H.B. 185	Western States Presidential Primary Amendments
	(Rep. K. Grover) (Sen. M. Dayton)

#### Health and Human Services Committee

1st Sub. H.B. 330	State Supplemental Funding for Head Sta			
	(Rep. L. Shurtliff) (Sen. G. Bell)			

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

1st Sub. H.B. 141	Identity Theft Reporting Information System	
	Amendments (Rep. D. Aagard) (Sen. G. Bell)	
1st Sub. H.B. 149	Protective Order Amendments (Rep. L. Fowlke)	
	(Sen. L. Hillyard)	
H.B. 161	Sex Offenders' Contact with Children	
	(Rep. R. Greenwood) (Sen. D. Peterson)	

Natural Resources,	Agriculture and Environment Committee
H.B. 229	Protections for Agricultural Practices (Rep. M. Morley)
	(Sen. D. Peterson)
H.C.R. 5	Concurrent Resolution Urging Congressional Approval of
	R.s. 2477 Rights-of-way Recognition Act
	(Rep. M. Brown) (Sen. M. Dmitrich)

#### **Revenue and Taxation Committee**

H.B. 172	Distribution of Local Option Sales and Use Tax Revenues
	(Rep. B. Dee) (Sen. S. Jenkins)

#### Transportation, Public Utilities and Technology Committee

H.B. 341	Damage to Underground Utility Facilities Amendments
	(Rep. D. Clark) (Sen. S. Killpack)
H.B. 362	Motor Fuel Tax – Off-highway Vehicle Refund
	Amendments (Rep. B. Ferry) (Sen. D. Stowell)

#### Workforce Services and Community and Economic Development Committee

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1st Sub. H.B. 336 Authority to Establish Refugee Services Fund (Rep. C. Herrod) (Sen. G. Bell)
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#### Bill Hickman

Rules Committee Chair

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

#### SECOND READING CALENDAR

**1st Sub. H.B. 95**, DOCUMENT FRAUD, 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

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

#### Absent or not voting were: Senators

	8	
Eastman	Walker	Valentine

On motion of Senator Knudson, **1st Sub. H.B. 95** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Bell, the circle was removed from **H.B. 321**, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, and it was before the Senate. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

, othing in this will		in the second se	
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	

#### Absent or not voting were: Senators Walker Valentine

\* \* \*

On motion of Senator Hickman, **S.B. 81**, ILLEGAL IMMIGRATION, will be considered Thursday, February 21, 2008 at 10:45 a.m..

\* \* \*

**H.B. 99**, BUSINESS REGISTRATION – INCLUSION OF OWNERSHIP DATA, was read the second time. Senator Romero explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators				
Bell	Christensen	Davis	Dmitrich	
Fife	Goodfellow	Greiner	Hickman	
Hillyard	Jenkins	Jones	Killpack	
Knudson	Mayne	McCoy	Niederhauser	
Romero	Stowell	Van Tassell		
<b>Voting in the nega</b> Bramble Peterson	<b>tive were:</b> Senators Buttars Waddoups	Dayton	Madsen	
Absent or not voting were: Senators				
Eastman	Stephenson	Walker	Valentine	
* * *				

**1st Sub. H.B. 119**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**H.B. 17**, CANCER SCREENING AND MORTALITY REDUCTION PROGRAM, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife

Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups		

Absent or not voting were: SenatorsEastmanWalkerValentine

On motion of Senator Christensen, **H.B. 17** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 45**, SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

#### Absent or not voting were: Senators

	0	
Eastman	Walker	Valentine

On motion of Senator Christensen, **H.B. 45** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Christensen, legislative staff was authorized to draft a bill regarding animal torture.

\* \* \*

**1st Sub. H.B. 60,** LEGISLATIVE REVIEW OF HEALTH INSURANCE MANDATES, was read the second time. Senator Van Tassell explained the bill.

Senator Van Tassell proposed the following amendment:

1. Page 1, Line 17

17  $\blacktriangleright$  requires the <u>Insurance</u> Department {-of <u>Insurance</u>} to take certain actions in relationship to a

2. Page 2, Line 55:

55 (<u>B) the Health and Human Services</u> <u>Interim</u> <u>Committee.</u>

3. Page 3, Line 82:

82 (d) The <u>Insurance</u> Department {-<u>of Insurance</u> } shall:

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

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen	
Dayton	Dmitrich	Fife	Goodfellow	
Greiner	Hickman	Hillyard	Jenkins	
Jones	Killpack	Knudson	Madsen	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Stowell	Van Tassell	
Waddoups				
Absent or not voting were: Senators				

Davis Eastman Walker Valentine	Davis	Eastman	Walker	Valentine
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\* \* \*

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

#### THIRD READING CALENDAR

On motion of Senator Bell, the Senate voted to lift **1st Sub. H.B. 22**, EXPEDITED PARENT–TIME ENFORCEMENT, from the Third Reading Table for the purpose of substitution.

1st Sub. H.B. 22, EXPEDITED PARENT-TIME ENFORCEMENT, was read the third time.

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

#### 2nd Sub. H.B. 22 Expedited Parent-time Enforcement (Julie Fisher)

On motion of Senator Bell, **2nd Sub. H.B. 22** was placed on Third Reading Table due to fiscal impact.

#### SECOND READING CALENDAR

**1st Sub. H.B. 133**, HEALTH SYSTEM REFORM, was read the second time. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

 Page 31, Lines 953 through 954 House Floor Amendments 2–8–2008

953 (2) Subject to Subsection (3),  $\hat{H} \rightarrow$  and except as provided in Subsection (4)  $\leftarrow \hat{H}$  for

953a <u>taxable years beginning on or after January 1,</u> {-<u>2008</u>} <u>2009</u>, <u>a</u>

954 <u>claimant may claim a nonrefundable tax credit equal to the product</u> of:

2. Page 38, Lines 1150 through 1151:

1151 <u>operation</u> -} <u>take effect</u> for taxable years beginning on or <u>after January 1</u>, {-<u>2008</u>} <u>2009</u>.

Senator Killpack's motion to amend passed on a voice vote. Senators Jones, Waddoups, and Romero commented. The bill passed second reading on the following roll call:

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

### Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Dmitrich	Eastman	Fife	Greiner

Hickman	Hillyard	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Valentine				
Absent or not voting were: Senators				
Buttars	Christensen	Goodfellow	Walker	

On motion of Senator Killpack, **1st Sub. H.B. 133** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 301**, COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS, was read the second time. Senator Waddoups explained the bill. Senator Davis commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators				
Bell	Christensen	Davis	Dayton	
Dmitrich	Eastman	Fife	Goodfellow	
Greiner	Jenkins	Jones	Killpack	
Knudson	Mayne	McCoy	Niederhauser	
Peterson	Romero	Stephenson	Stowell	
Van Tassell	Waddoups	Valentine		
Absent or not voting were: Senators				
Bramble	Buttars	Hickman	Hillyard	
Madsen	Walker			

\* \* \*

**H.B. 117**, INSTREAM FLOW TO PROTECT TROUT HABITAT, was read the second time. Senator Knudson explained the bill. Senator Fife commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators			
Bell	Christensen	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner

Hillyard Knudson Niederhauser	Jenkins Madsen Peterson	Jones Mayne Romero	Killpack McCoy Stowell	
Van Tassell	Walker	Valentine	Slowen	
Voting in the nega	tive were: Senators			
Dayton	Stephenson	Waddoups		
Absent or not voting were: Senators				
Bramble	Buttars	Hickman		
	* >	* *		

**H.B. 143**, ADMINISTRATION OF INTERSTATE WATER, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hickman

Buttars

Madsen

\* \* \*

**H.B. 105**, TRANSPORTATION INFRASTRUCTURE LOAN FUND AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

\* \* \*

**H.B. 10**, DISCLOSURE OF IDENTITY TO OFFICER, was read the second time. Senator Greiner 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				
Bell	Bramble	Christensen	Dayton	
Dmitrich	Eastman	Fife	Goodfellow	
Greiner	Hillyard	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Romero	Stephenson	
Stowell	Waddoups	Walker	Valentine	
Absent or not voti Buttars Van Tassell	<b>ng were:</b> Senators Davis	Hickman	Peterson	

\* \* \*

**H.B. 14**, DISCHARGE OF FIREARM AMENDMENTS, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Dmitrich	Eastman	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Peterson	Romero	Stephenson	Stowell
Waddoups	Valentine		
	·•		
Absent or not v	oting were: Senators		
Buttars	Davis	Fife	Hickman

ButtarsDavisFifeHickmanNiederhauserVan TassellWalker

\* \* \*

**H.B. 23**, CHILD AND FAMILY PROTECTION, was read the second time. Senator Bramble explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Eastman	Fife

Goodfellow Killpack McCoy Waddoups	Hickman Knudson Romero Walker	Jenkins Madsen Stephenson Valentine	Jones Mayne Stowell
Absent or not votin Dmitrich Peterson	<b>ng were:</b> Senators Greiner Van Tassell	Hillyard	Niederhauser
* * *			

On motion of Senator Jenkins, the circle was removed from **H.B. 105**, TRANSPORTATION INFRASTRUCTURE LOAN FUND AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Davis	Dayton
Eastman	Fife	Goodfellow	Hickman
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Romero	Stephenson	Stowell	Waddoups
Walker	Valentine		
Absent or not vot	ting were: Senators		
Buttars	Christensen	Dmitrich	Greiner
Hillyard	Peterson	Van Tassell	
	*	* *	

**H.B. 33**, WAIVERS OF IMMUNITY – EXCEPTIONS, was read the second time. Senator Eastman explained the bill.

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

1st Sub. H.B. 33 Waivers of Immunity – Exceptions (G. Hughes)

The bill passed second reading on the following roll call:

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

Bell	Bramble	Buttars	Davis
Dayton	Eastman	Fife	Goodfellow
Hickman	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	Niederhauser
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		
<b>Absent or not voti</b> Christensen McCoy	<b>ng were:</b> Senators Dmitrich Peterson	Greiner Stephenson	Hillyard

Voting in the affirmative were: Senators

\* \* \*

**H.B. 34**, EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, was read the second time. Senator Jenkins explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

#### Yeas, 23; Nays, 0; Absent, 6.

#### Voting in the affirmative were: Senators Bell Bramble Buttars Davis Dayton Eastman Goodfellow Fife Hickman Jenkins Hillvard Jones Killpack Knudson Madsen Mayne Niederhauser Romero Stowell Van Tassell Waddoups Walker Valentine Absent or not voting were: Senators Christensen Dmitrich Greiner McCoy Peterson Stephenson

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 119**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

 Page 9a, Lines 272u through 273 House Floor Amendments 2–5–2008 272u by the proof of costs for in-house programming submitted by the pharmacy.  $\bigstar \hat{H}$ 

(f) Notwithstanding any other provision of this section, the division may, by rule, allow up to 24 hours for the reporting of data to the database by a non-resident pharmacy, as defined in Section 58–17b–102.

273 Section  $\hat{H} \rightarrow [3] \underline{4} \leftarrow \hat{H}$ . Appropriation.

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

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Eastman	Fife	
Goodfellow	Greiner	Hillyard	Jenkins	
Jones	Killpack	Knudson	Madsen	
Mayne	Niederhauser	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				
Absent or not voting were: Senators				

Dmitrich Hickman McCoy Peterson

On motion of Senator Bramble, **1st Sub. H.B. 119** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 26**, NOTARY PUBLIC REVISIONS, 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

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

#### Absent or not voting were: Senators

Christensen Dmitrich Peterson

\* \* \*

**H.B. 112**, PUBLIC EDUCATION FOUNDATION AMENDMENTS, was read the second time. Senator Eastman explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Christensen

\* \* \*

**H.B. 271**, UTAH PURPLE HEART RECIPIENTS TUITION ACT AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Christensen

\* \* \*

**1st Sub. H.B. 287**, REGULATION OF TEACHER – STUDENT RELATIONSHIP, was read the second time. Senator Bramble explained the bill.

Senator Greiner commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Christensen Hillyard

\* \* \*

On motion of Senator Bramble and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Thursday, February 21, 2008.

## THIRTY-SECOND DAY

## MORNING SESSION

## **FEBRUARY 21, 2008**

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

Prayer – Bishop Darren Beck Pledge of Allegiance – Senator Howard Stephenson Roll Call – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 20, 2008 The House passed, **S.B. 65**, SOLICITING GANG MEMBERS PROHIBITED, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 98**, LICENSING OF SECURITY SERVICES, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 125**, HIGH SCHOOL VOTER REGISTRATION, by Senator K. VanTassell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 147**, CANDIDATE FILING REQUIREMENTS, 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. 148**, ENFORCEMENT OF FRONT LICENSE PLATE DISPLAY REQUIREMENT AMENDMENTS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 165**, ALCOHOLIC BEVERAGE SINGLE EVENT PERMITS, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 167**, ALCOHOLIC BEVERAGES ON ELECTION DAY, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 170**, BOARD OF WATER RESOURCES AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk S.B. 65, S.B. 98, S.B. 125, S.B. 147, S.B. 148, S.B. 165, S.B. 167, and S.B. 170 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 20, 2008 The House concurred in the Senate amendments and passed **H.B. 30**, VEHICLE CONCEALING ILLEGAL ITEMS, 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. 42**, WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE, by Representative G. Snow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 62**, CLEAN FUEL SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative T. Kiser, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 125**, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, by Representative K. Gibson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 272**, FALSE IMPERSONATION AND REPRESENTATION, by Representative G. Froerer, and it is transmitted for the signature of the President; and Day 32

The House concurred in the Senate amendments and passed **H.B. 275**, VEHICLE TOWING REQUIREMENTS, by Representative B. Daw, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk H.B. 30, H.B. 42, 1st Sub. H.B. 62, 2nd Sub. H.B. 125, 1st Sub. H.B. 272, and H.B. 275, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

The House substituted and passed, **3rd Sub. S.B. 15**, DRIVING UNDER THE INFLUENCE AMENDMENTS, by Senator C. Walker, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

\* \* \*

Mr. President:

February 20, 2008

February 20, 2008

The House refused to concur with the Senate Amendments to **2nd Sub. H.B. 47**, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, by Representative R. Menlove, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk On motion of Senator Knudson, the Senate voted to refuse to recede from its amendments to **2nd Sub. H.B. 47**. President Valentine appointed a conference committee consisting of Senators Knudson, Christensen, and Davis to meet with a like committee from the House.

#### STANDING COMMITTEE REPORTS

 Mr. President: February 20, 2008 The Revenue and Taxation Committee reports a favorable recommendation on S.B. 218, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX, by Senator W. Niederhauser; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 58**, SEVERANCE TAX AMENDMENTS, by Representative J. Dougall; and The Revenue and Taxation Committee recommends **H.B. 69**, REPEAL OF BOARD LEEWAY FOR READING IMPROVEMENT, by Representative J. Dougall, be replaced and favorably recommends **1st Sub. H.B. 69**, REPEAL OF BOARD LEEWAY FOR READING IMPROVEMENT; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 351**, INDIVIDUAL INCOME TAX – HEALTH INSURANCE, by Representative J. Dunnigan, with the following amendments:

1. Page 1, Lines 23 through 24:

23 This bill {<u>has retrospective operation</u>} <u>takes effect</u> for taxable years beginning on or after January 1,

24 {<del>-2008</del>-} <u>2009</u>

 Page 19, Lines 577 through 579 House Committee Amendments 2–7–2008:

577 (2) Subject to Subsection (3), and except as provided in Subsection (4), for taxable

578 <u>years beginning on or after January 1</u>, {-<u>2008</u> } <u>2009</u> <u>. a</u> <u>claimant may claim a nonrefundable tax credit</u>

579 equal to the product of:

3. Page 21, Lines 622 through 624:

622 Section 5. {-Retrospective operation-} <u>Effective</u> <u>date</u> .

623 <u>This bill</u> {<u>has retrospective operation</u>} <u>takes effect</u> for taxable years beginning on or after January 1.  $624 \quad \{-\underline{2008} \} \quad \underline{2009} \quad .$ 

Wayne L. Niederhauser, Chair

Mr. President: February 20, 2008 The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.R. 4**, SENATE RESOLUTION REGARDING TRADE WITH TAIWAN, by Senator C. Bramble.

Mark B. Madsen, Chair

Mr. President: February 20, 2008 The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 238**, AQUATIC INVASIVE SPECIES INTERDICTION ACT, by Senator J. Greiner, with the following amendments:

1. Page 5, Line 135:

135 (a) the division, port-of-entry agent, or peace officer: ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 251**, TASK FORCE STUDYING FUNDING FOR FIGHTING FOREST FIRES, by Senator D. Stowell; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 137**, STATE FACILITY WATER CONSERVATION PROGRAM, by Representative L. Wiley; and

The Natural Resources, Agriculture, and Environment Committee recommends **1st Sub. H.B. 148**, AQUACULTURE REVITALIZATION ACT, by Representative M. Noel, be replaced and favorably recommends **2nd Sub. H.B. 148**, AQUACULTURE REVITALIZATION ACT; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 323**, EMINENT DOMAIN AMENDMENTS, by Representative A. Tilton; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.J.R. 10, JOINT RESOLUTION OPPOSING

#### DESIGNATION OF PUBLIC LANDS CURRENTLY URGED BY CONGRESS AND THE BUREAU OF LAND MANAGEMENT, by Representative A. Tilton.

Darin G. Peterson, Chair

Mr. President: The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 19, ASSAULT ON A PEACE OFFICER PENALTY AMENDMENTS, by Representative P. Ray; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 90, EXPUNGEMENT AMENDMENTS, by Representative R. C. Webb.

Gregory S. Bell, Chair

On motion of Senator Bramble, the committee reports were adopted. S.B. 218, 1st Sub. H.B. 58, 1st Sub. H.B. 69, 1st Sub. H.B. 351, as amended, S.R. 4, S.B. 238, as amended, S.B. 251, H.B. 137, 2nd Sub. H.B. 148, 1st Sub. H.B. 323, H.J.R. 10, H.B. 19, and H.B. 90were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President:

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 228, REGULATION OF WELLS, by Senator M. Dayton, and recommends it be considered read for the second time and placed on the Consent Calendar.

Darin G. Peterson, Chair

Mr. President:

February 20, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 263, SELF AUTHENTICATION OF DOCUMENTS, by Senator S. McCoy, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends H.B. 178, JURISDICTION FOR PROSECUTION, by Representative P. Neuenschwander, be replaced and favorably recommends 1st Sub. H.B. 178, JURISDICTION FOR PROSECUTION and that it be considered read for the second time and placed on the Consent Calendar; and

February 20, 2008

February 20, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 312**, CRIME VICTIM REPARATIONS REVISIONS, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 314**, SEXUAL OFFENSES – DEFINITIONS, by Representative R. Bigelow, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 327**, ENTICING A MINOR BY ELECTRONIC MEANS, by Representative K. Gibson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 377**, CODE OF CRIMINAL PROCEDURE AMENDMENTS, by Representative R. Lockhart, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 228, S.B. 263, 1st Sub. H.B. 178, H.B. 312, H.B. 314, H.B. 327, and H.B. 377 were considered read the second time and placed on the Consent Calendar.

#### **INTRODUCTION OF BILLS**

**S.B. 296**, **Financial Institutions Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.

#### CONSENT CALENDAR

**H.B. 296**, VOTING MACHINES USED BY MUNICIPALITIES, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Romero	Stephenson
Stowell	Waddoups	Walker	Valentine

#### Absent or not voting were: Senators

Dmitrich Killpack Niederhauser Peterson Van Tassell

**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.

\* \* \*

**H.B. 310**, ABSENTEE BALLOT REVISIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators Bell Bramble Buttars Davis Dmitrich Dayton Eastman Fife Goodfellow Greiner Hickman Hillyard Jenkins Jones Knudson Madsen Mayne McCoy Romero Stephenson Valentine Stowell Waddoups Walker Absent or not voting were: Senators Christensen Killpack Niederhauser Peterson Van Tassell

**H.B. 310** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

#### SPECIAL ORDER OF BUSINESS

Students from the Uintah Elementary School recited the Declaration of Independence.

#### **CONCURRENCE CALENDAR**

**1st Sub. S.B. 77**, REVISIONS TO GOVERNMENT RECORDS ACCESS MANAGEMENT ACT, was before the Senate.

On motion of Senator Dayton, the bill was circled.

\* \* \*

On motion of Senator Stowell, the Senate voted to concur in the House amendments to **1st Sub. S.B. 92**, REAL PROPERTY RECORDING AMENDMENTS. The bill, as amended, passed on the following roll call:

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hickman	Hillyard	
Jenkins	Jones	Killpack	Knudson	
Madsen	Mayne	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker	Valentine			
Absent or not voting were: Senators				

Absent of	not voting were. Schators	
Buttars	McCoy	Niederhauser

1st Sub. S.B. 92 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 **1st Sub. S.B. 155**, PUNITIVE DAMAGES AMENDMENTS. The bill, as amended, passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators		
Christensen	Davis	Niederhauser

1st Sub. S.B. 155 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Dayton, the circle was removed from **1st Sub. S.B. 77**, REVISIONS TO GOVERNMENT RECORDS ACCESS MANAGEMENT ACT, and it was before the Senate.

On motion of Senator Dayton, the Senate voted to concur in the House amendments to **1st Sub. S.B. 77**, REVISIONS TO GOVERNMENT RECORDS ACCESS MANAGEMENT ACT. The bill, as amended, passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: SenatorsHickmanMadsenNiederhauser

1st Sub. S.B. 77 was returned to the House for the signature of the Speaker.

#### TIME CERTAIN CALENDAR

**S.B. 81**, ILLEGAL IMMIGRATION, was read the second time. Senator Hickman explained the bill. Senators Bell, McCoy, Hillyard, Romero, Jones, and Fife commented.

Senator Hickman proposed the following amendment:

1. Page 13, Lines 371 through 392

371 <u>engraved plate or other device for the printing of an identification</u> <u>document:</u>

372(a) a{-business, company, corporation, serviceorganization, or}federal, state, or local

373 government agency for employee identification, which is designed to identify the bearer as an

374 employee:

375 (b) {<u>a business, company, corporation, or service</u> organization for customer

376 <u>identification</u>, which is designed to identify the bearer as a customer or member;

377 <u>(c)</u>} <u>a federal, state, or local government agency for</u> purposes authorized or required by

378 <u>law or a legitimate purpose consistent with the duties of the agency, including such documents</u>

379 <u>as voter identification cards, driver licenses, identification cards, passports, birth certificates,</u>

380 and Social Security cards; and

 $\{-(d)\}$  (c) a public school or state or private educational institution to identify the bearer as an

382 <u>administrator</u>, faculty member, student, or employee {-:

383 (e) a professional organization or labor union to identify the bearer as a member of the

384 professional organization or labor union; and

385 <u>(f) a business, corporation, or company that manufactures</u> <u>medical-alert identification</u>

386 <u>for individuals required to have the identification on their</u> <u>persons</u> } .

387 (2) The name of the issuing entity shall be clearly printed upon the face of the

388 identification document.

389 (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity

390 providing an identity document, card, or certificate underSubsection (1)  $\{-(c)\}$ (b) or  $\{-(d)\}$ (c) shall issue

391 the document, card, or certificate only to:

392 (a) a United States citizen;

 Page 14, Lines 405 through 407 Senate Committee Amendments 2–12–2008:

405 conditional resident.

 $\begin{array}{cccc} 406 & (b) (i) \ An \ entity \ listed \ in \ Subsection \ (1) & \{-\underbrace{(e)} \} & (b) \ or \\ \{-\underbrace{(d)} \} & \underbrace{(c)} & may \ issue \ a \ Subsection \ (1) & \{-\underbrace{(e)} \} & (b) \ or \\ \{-\underbrace{(d)} \} & \underbrace{(c)} & \end{array}$ 

407 <u>identification document to an applicant who satisfies the</u> requirements of Subsection (4)(a).

 Page 14, Lines 421 through 422 Senate Committee Amendments 2–12–2008:

421 (5) (a) Subsection (3) does not apply to an identification document issued under

422 <u>Subsection (1)</u>  $\{-(d)\}$  <u>(c)</u> that is only:

Senator Hickman's motion to amend passed on a voice vote.

###

Senator Hickman proposed the following amendment:

 Page 2, Lines 44 through 46 Senate Committee Amendments 2–12–2008

44 verify the work eligibility status of the contractor's new employees;

45 ► {-identifies as a discriminatory employment practice the discharging of } provides that it is unlawful to discharge a lawful

46 employee while retaining an unauthorized alien in the same job category;

 Page 14, Line 429 through Page 15, Line 431 Senate Committee Amendments 2–12–2008:

429 <u>63–99a–103.</u> Status verification system –– Registration and use –– Performance of

430 services -- {-Discriminatory-} <u>Unlawful</u> practice.

431 (1) As used in this section:

 Page 16, Lines 465 through 467 Senate Committee Amendments 2–12–2008:

465 (4) (a) It is { <u>a discriminatory practice</u> } <u>unlawful</u> for an employing entity in the state to discharge an 466 <u>employee working in Utah who is a United States citizen or</u> permanent resident alien while

467 retaining an employee who:

Senator Hickman's motion to amend passed on a voice vote.

###

Senator Hickman proposed the following amendment:

 Page 2, Lines 51 through 54 Senate Committee Amendments 2–12–2008

51 requires an applicant for a state or local public benefit to {-execute an affidavit

52 attesting to-} <u>certify</u> the applicant's lawful presence in the United States, and provides

53 penalties for making a false, fictitious, or fraudulent statement or representation in

54 the {-affidavit-} application ;

- 2. Page 16, Lines 462 through 464:
  - 462 (b) Subsection (3)(a) does not apply to a contract : (i) entered into by the entities referred to

463 <u>in Subsection (3)(a) prior to July 1, 2009</u>, even though the contract <u>may involve the physical</u>

464 performance of services within the state on or after July 1, 2009  $\underline{:}$  or

<u>(ii) that involves underwriting, remarketing, broker-dealer</u> activities, securities placement, investment advisory, financial advisory, or other financial or investment banking services

 Page 17, Lines 510 through 511 Senate Committee Amendments 2–12–2008:

510 (f) the exemption for paying the nonresident portion of total tuition  $\hat{S} \rightarrow [$ for the time

510a <u>periods</u>] <u>as</u> €Ŝ

511 set forth in Section 53B-8-106  $\{-\frac{1}{2}\}$  : and

(g) an applicant for a license under Section 61–1–4, if the applicant is registered with the Financial Industry Regulatory Authority and files an application with state Division of Securities through the Central Registration Depository.

 Page 17, Lines 512 through 521 Senate Committee Amendments 2–12–2008:

512 (4) (a) An agency or political subdivision required to verify the lawful presence in the

513 <u>United States of an applicant under this section shall require the</u> <u>applicant to</u> {-<u>execute an</u>

514 affidavit under penalty of perjury stating that:

- 515 (i) the applicant is a United States citizen; or
- 516 <u>(ii) the applicant is:</u>
- 517 (A) a qualified alien as defined in 8 U.S.C., Sec. 1641; and
- 518 (B) lawfully present in the United States.

519 (b) An agency or political subdivision providing a state or local benefit under this

520 <u>section shall provide notary public services at no cost to an</u> <u>applicant.</u> } <u>produce documentation substantiating the applicant's</u> <u>lawful presence, which may include:</u>

(i) a certified copy of a birth certificate that documents the applicant as a natural born citizen of the United States;

(ii) a United States military card or a military dependent's identification card;

(iii) a United States Coast Guard Merchant Mariner card;

(iv) a Native American tribal document; or

(v) any other form of documentation that establishes lawful presence of the applicant in the United States as prescribed by a rule enacted by the agency or the political subdivision, or in the case of a federal benefit, any other form of documentation prescribed by federal law or regulation.

521 (5) { (a) } An agency or political subdivision shall verify { an affidavit executed } the documentation provided by an applicant under 5. Page 18, Lines 525 through 536:

525 Security.

526 {-(b) The affidavit is presumed proof of lawful presence in the United States until

527 <u>eligibility verification is made under Subsection (5)(a).</u> }

528 (6) (a) An individual who knowingly and willfully makes a false, fictitious, or

529 fraudulent statement or representation in an{ affidavitexecuted}application for benefits under this section or in therequired documentationunder Subsection (4)(a) is

530 subject to the criminal penalties applicable in this state for:

531 (i) making a written false statement under Subsection 76–8–504(2); and

532 (ii) fraudulently obtaining public assistance program benefits under Sections 76–8–1205

533 <u>and 76–8–1206</u> <u>and unemployment compensation under Section</u> <u>76–8–1301</u>.

534 (b) If the {<u>affidavit</u>} <u>application or accompanying</u> <u>documentation</u> <u>constitutes a false claim of U.S. citizenship under 18</u> <u>U.S.C., Sec.</u>

535 <u>911, the agency or political subdivision shall file a complaint with the United States Attorney</u>

 536
 General for the applicable district based upon the venue in which

 the
 {-affidavit was executed
 }
 application was made
 .

Senator Hickman's motion to amend passed on a voice vote.

###

Senator Hickman proposed the following amendment:

 Page 3, Lines 68 through 72 Senate Committee Amendments 2–12–2008

68 • makes it a class A misdemeanor for a person to:

69 • transport in this state an alien <u>for commercial</u> <u>advantage or private financial gain</u>, knowing that the alien is in the United States in

violation of federal law, in furtherance of the illegal presence in the United

71 States; or

72 • conceal, harbor, or shelter from detection an alien, in a place within this state, <u>for commercial advantage or private financial gain.</u>

 Page 20, Lines 600 through 606 Senate Committee Amendments 2–12–2008:

600 (2) It is unlawful for a person to:

601 (a) transport, move, or attempt to transport in this state an alien for commercial advantage or private financial gain , knowing or in reckless

602 <u>disregard of the fact that the alien is in the United States in violation</u> of federal law, in

603 <u>furtherance of the illegal presence of the alien in the United States;</u> or

604 (b) conceal, harbor, or shelter from detection an alien in a place within this state,

605 <u>including a building or means of transportation</u>, <u>for commercial</u> <u>advantage or financial gain</u>, <u>knowing or in reckless disregard of the</u> <u>fact</u>

606 that the alien is in the United States in violation of federal law.

Senator Hickman's motion to amend passed on a voice vote.

###

Senator Hickman proposed the following amendment:

 Page 20, Lines 596 through 597 Senate Committee Amendments 2–12–2008

596 Section  $\hat{S} \rightarrow [13]$  10  $\Leftarrow \hat{S}$ . Section 76–10–2701 is enacted to read:

#### <u>PART 27. TRANSPORTING OR HARBORING OF ILLEGAL</u> <u>ALIENS</u>

597  $\underline{76-10-2701}$ . Transporting or harboring aliens -- Definition -- Penalty.

 Page 20, Lines 609 through 612 Senate Committee Amendments 2–12–2008:

609 (a) a state or local public benefit described in 8 U.S.C., Section 1621(b); or

610 (b) {-regulated public health services provided by a private charity using private funds. } charitable or humanitarian assistance, including medical care, housing, counseling, food, victim assistance, religious services and sacraments, and transportation to or from a location where the assistance is provided, by a charitable, educational, or religious organization or its employees, agents, or volunteers using private funds.

(5)(a) It is not a violation of this part for a religious denomination or organization or an agent, officer, or member of a religious denomination or organization to encourage, invite, call, allow, or enable an alien to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses.

(b) Subsection (5)(a) applies only to an alien who has been a member of the religious organization or denomination for at least one year.

611 Section  $\hat{S} \rightarrow [14] \underline{11} \leftarrow \hat{S}$ . Coordinating S.B. 81 with H.B. 63 -- Technical renumbering.

612 If this S.B. 81 and H.B. 63, Recodification of Title 63 State Affairs in General, both

Senator Hickman's motion to amend passed on a voice vote.

###

Senator McCoy proposed the following substitute motion:

 Page 20 , Line 610: Senate Committee Amendments 2–12–2008: Strike (5)(b) and renumber (5)(a) Senator McCoy's motion failed on a voice vote.

###

Senator Hickman proposed the following amendment:

 Page 20, Line 605: Senate Committee Amendments 2–12–2008: After "<u>for commercial advantage or</u>" insert "<u>private</u>"

Senator Hickman's motion to amend passed on a voice vote.

On motion of Senator Hickman, the bill was circled.

#### COMMITTEE OF THE WHOLE

On motion of Senator Hickman, U. S. Congressman Rob Bishop spoke in Committee of the Whole. Senators McCoy, Dayton, and Bell commented.

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

\* \* \*

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

## **AFTERNOON SESSION**

The Senate reassembled at 2:35 p.m., with President Valentine presiding.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 21, 2008 The House passed, **1st Sub. S.B. 29**, TRUTH IN TAXATION 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. 56**, NATUROPATHIC PHYSICIAN LICENSING AMENDMENTS, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 114**, NOTARY PUBLIC REVISION, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 143**, INSURANCE FINANCIAL REQUIREMENTS, by Senator K. VanTassell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 159**, WORKERS' COMPENSATION AMENDMENTS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 179**, SALVAGE VEHICLE AMENDMENTS, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 29, 1st Sub. S.B. 56, S.B. 114, S.B. 143, S.B. 159, and S.B. 179 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 21, 2008 The House passed **H.B. 371**, DIGITAL CERTIFICATES FOR BREATHALIZERS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 7**, CONCURRENT RESOLUTION DECLARING COLORECTAL CANCER AWARENESS MONTH, by Representative E. Hutchings, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 371** and **H.C.R. 7** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

February 21, 2008

The House substituted and passed, **1st Sub. S.B. 136**, APPORTIONMENT OF BUSINESS INCOME AND DEDUCTION OF NET LOSSES BY AN ACQUIRED CORPORATION, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House substituted and passed, **1st Sub. S.B. 152**, PRESUMPTIVE PERSONAL REPRESENTATIVE, by Senator G. Bell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

\* \* \*

Mr. President:

February 21, 2008 The House has rejected 1st Sub. S.B. 45, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, by Senator H. Stephenson, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 45 was returned to the staff for filing.

#### **RULES COMMITTEE REPORTS**

To the Members of the Senate: February 21, 2008 The Rules Committee recommends assignment of the following bills to standing committees:

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

1st Sub. H.B. 157 Alcoholic Beverage Control Violations Amendments (Rep. C. Oda) (Sen. J. Hickman) Exemption from Licensure by Division of Real Estate 1st Sub. H.B. 223 (Rep. M. Walker) (Sen. S. Killpack) H.B. 257 Employee Verification (Rep. C. Herrod) (Sen. M. Waddoups)

#### **Education Committee**

1st Sub. H.B. 189	School Community Councils (Rep. R. Bigelow)
	(Sen. L. Hillyard)
H.B. 226	Disruption of School Activities (Rep. C. Moss)
	(Sen. R. Romero)

#### **Government Operations and Political Subdivisions Committee**

H.B. 352	Amendments Related to Monies Derived from Navajo
	Nation Reservation Lands in Utah (Rep. D. Clark)
	(Sen. C. Bramble)
H.B. 357	Public Associations Subject to Government Records
	Access and Management Act (Rep. M. Noel)
	(Sen. S. Jenkins)
H.B. 369	Municipal Rental Fees Amendments (Rep. M. Walker)
	(Sen. W. Niederhauser)
H.B. 378	State Accounting and Budgetary Procedures Amendments
	(Rep. R. Bigelow) (Sen. L. Hillyard)
H.C.R. 4	Concurrent Resolution Encouraging Congressional Action
	to Designate a New Recipient of Royalties from Navajo

Reservation Lands in Utah (Rep. D. Clark) (Sen. C. Bramble)

# Natural Resources, Agriculture and Environment CommitteeS.B. 279Water and Land Use Development (Sen. D. Peterson)

#### **Retirement and Independent Entities Committee**

1st Sub. H.B. 94	Public Employees' Retirement – Spousal Election
	(Rep. L. Shurtliff) (Sen. J. Greiner)
H.B. 145	Additional State Retirement Benefit (Rep. K. Holdaway)
	(Sen. B. Goodfellow)

#### **Revenue and Taxation Committee**

S.B. 237	Commercial Airline and Airport Taxation Amendments
	(Sen. W. Niederhauser)
H.B. 158	Tax Credit for Military Retired Pay (Rep. S. Mascaro)
	(Sen. D. C. Buttars)
1st Sub. H.B. 304	Sales and Use Tax Revenues for Qualified Emergency
	Food Agencies (Rep. L. Wiley) (Sen. M. Dmitrich)

#### Transportation, Public Utilities and Technology Committee

1st Sub. H.B. 348	Zion National Park Special Group License Plate
	(Rep. B. Last) (Sen. D. Stowell)
H.B. 365	Aviation Amendments (Rep. W. Harper)
	(Sen. W. Niederhauser)
2nd Sub. H.B. 373	Uniform Fees on Vintage Motor Vehicles
	(Rep. W. Harper) (Sen. D. Eastman)

# Workforce Services and Community and Economic DevelopmentCommitteeS.B. 296Financial Institutions Amendments (Sen. C. Bramble)

#### Bill Hickman

Rules Committee Chair

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

#### STANDING COMMITTEE REPORTS

Mr. President:

February 21, 2008

The Business and Labor Committee reports a favorable recommendation on **S.B. 200**, PROFESSIONAL ENGINEERS LICENSING AMENDMENTS, by Senator F. Fife, with the following amendments:

1. Page 4, Line 115 through Page 5, Line 142:

115(E) jails and detention facilitieswith a gross area greater than3.000 square feet: or

116 (F) an occupancy with an occupant load greater than 5,000;

117 (ii) buildings and other structures designated as essential facilities, including:

118 (A) hospitals and other health care facilities having surgery or emergency treatment

119 facilities with a gross area greater than 3,000 square feet

120 (B) fire, rescue, and police stations and emergency vehicle garages with a mean height greater than 24 feet or a gross area greater than 5,000 square feet :

121 (C) designated earthquake, hurricane, or other emergency shelters with a gross area greater than 3,000 square feet :

122 (D) designated emergency preparedness, communication, and operation centers and

123 <u>other buildings required for emergency response</u> with a mean height more than 24 feet or a gross area greater than 5,000 square feet :

124 (E) power–generating stations and other public utility facilities required as emergency

125 <u>backup facilities</u> with a gross area greater than 3,000 square <u>feet</u> :

126 (F) structures with a mean height more than 24 feet or a gross area greater than 5,000 square feet containing highly toxic materials as defined by the division by rule,

127 where the quantity of the material exceeds the maximum allowable quantities set by the

128 division by rule; and

129 (G) aviation control towers, air traffic control centers, and emergency aircraft hangars <u>at commercial service and cargo air</u> services airports as defined by the Federal Aviation Administration with a mean height greater than 35 feet or a gross area greater than 20,000 square feet <u>:</u>

130 {-or

131 (H) buildings having critical national defense functions;-} and

132 (iii) buildings and other structures requiring special consideration, including:

133 (A) structures or buildings that are:

134 (I) normally occupied by human beings; and

135 (II) five stories or more in height; or

136 (III) that have an average roof height more than 60 feet above the average ground level

137 measured at the perimeter of the structure; or

138 (B) all buildings over 60,000 aggregate gross square feet in area; and

139 (b) <u>includes the definition of</u> professional engineering or the practice of professional engineering as {-<u>defined in</u>

140 <u>this section</u> } <u>provided in Subsection (9)</u> .

141 (15) "Structure" means that which is built or constructed, an edifice or building of any

142 kind, or [any] a piece of work artificially built up or composed of parts joined together in

2. Page 6, Lines 179 through 180:

179 (e) have successfully completed three years of licensed professional engineering

180 experience established by rule by the division in collaboration with the board <u>, except that prior to January 1, 2009, an applicant for</u> <u>licensure may submit a signed affidavit in a form prescribed by the</u> <u>division stating that the applicant is currently engaged in the practice of</u> <u>structural engineering</u>;

3. Page 6, Line 182 through Page 7, Line 187:

182 collaboration with the board[; and], except that prior to January 1, 2009, an applicant for

183 <u>licensure may submit a signed affidavit in a form prescribed by the division stating</u>  $\{-\frac{1}{2}\}$ 

184 (i) } that the applicant is currently engaged in the practice of structural engineering:  $\{-and\}$ 

185 <u>(ii) the applicant is competent to engage in the practice of structural engineering as</u>

186 defined in Section 58-22-102; } and

187 (g) meet with the board or representative of the division upon request for the purpose

4. Page 10, Line 305 through Page 11, Line 307:

305 (4) engaging in the practice of engineering, structural engineering, or surveying as set

306 forth in Subsections 58–22–102(9), (11), and (14), if the person has not been licensed under this chapter, except as provided in Section 58-1-307 or

307 <u>Subsections 58–3a–304(1)(b) through (f); or</u>; and

The Business and Labor Committee reports a favorable recommendation on **2nd Sub. H.B. 75**, INVENTORY AND REVIEW OF COMMERCIAL ACTIVITIES, by Representative C. Frank, et al; and

The Business and Labor Committee reports a favorable recommendation on **2nd Sub. H.B. 346**, DIVISION OF REAL ESTATE RELATED AMENDMENTS, by Representative G. Froerer.

Kevin T. Van Tassell, Chair

Mr. President:

February 21, 2008

The Health and Human Services Committee reports a favorable recommendation on **3rd Sub. H.B. 131**, COMMUNITY BASED SELF SUFFICIENCY GRANTS, by Representative J. Seelig; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 307**, CANCER SCREENING AND MORTALITY REDUCTION SPECIAL GROUP LICENSE PLATE, by Representative C. Moss.

D. Chris Buttars, Chair

Mr. President: February 21, 2008 The Education Committee reports a favorable recommendation on **S.B. 223**, STANDARDS FOR ACCEPTANCE OF SCHOOL TRANSFER APPLICATIONS, by Senator M. Madsen; and

The Education Committee reports a favorable recommendation on **H.B. 66**, PARAEDUCATOR TO TEACHER SCHOLARSHIP PROGRAM, by Representative R. Menlove; and

The Education Committee reports a favorable recommendation on **H.B. 85**, TEACHER LOAN PROGRAM, by Representative L. Hemingway, with the following amendments:

 Page 2, Lines 32 through 34 House Committee Amendments 1–29–2008:

32 (2) The State Board of Education shall:

33 (a) subject to the availability of funding for the loan program from appropriations and loan principal and interest repayments, award {-appropriated } available loan funds to individual teachers who:

34 (i) teach full time in a school district  $\hat{H} \rightarrow$  or charter school  $\leftarrow \hat{H}$  within the state;

 Page 3, Lines 77 through 79 House Committee Amendments 1–29–2008:

77 (ii) require full repayment of the outstanding loan principal and interest if and when the primary

78 residence is sold within ten years of loan issuance.

(6) If appropriations and loan principal and interest repayment funds are insufficient to cover the costs associated with the Teacher Loan Program for all eligible applicants, the State Board of Education shall: (a) limit the number of loans authorized to correspond to the amount of available funds; and

(b) select loan recipients using the criteria established pursuant to Subsection (5)(a).

79 Section 2. Appropriation. ; and

The Education Committee reports a favorable recommendation on **H.B. 96**, RETIRED TEACHERS – RETURN TO WORK, by Representative D. Bowman.

Margaret Dayton, Chair

Mr. President: February 20, 2008 The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 253**, COUNTY LAW ENFORCEMENT DUTIES, by Senator M. Waddoups; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.R. 3**, SENATE RESOLUTION PETITIONING CONGRESS TO ADDRESS THE ILLEGAL IMMIGRATION CRISIS, by Senator M. Madsen, with the following amendments:

1. Page 1, Lines 19-20:

After "immigrants" delete ", place a moratorium on temporary worker and guest worker legislation,"

0 /

 Page 2, Lines 55–56: After "immigrants" delete ", place a moratorium on temporary worker and guest worker legislation until illegal immigration has been brought under control"

3. Page 2, Lines 34–35:

After "immigrants" delete "," and insert "is" After " population" delete ", should be considered an invasion"; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 153**, IMPACT FEES AMENDMENTS, by Representative M. Morley; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 177**, COUNTY AND MUNICIPAL LAND USE REGULATION OF POTENTIAL GEOLOGIC HAZARD AREAS, by Representative M. Morley; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 182**, DEADLINE FOR VOTING PRECINCT DESIGNATION, by Representative G. Hughes; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.J.R. 3**, RESOLUTION REAFFIRMING THE WORDS, UNDER GOD, IN THE PLEDGE OF ALLEGIANCE, by Representative K. Gibson.

Peter C. Knudson, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 200, as amended, 2nd Sub. H.B. 75, 2nd Sub. H.B. 346, 3rd Sub. H.B. 131, H.B. 307, S.B. 223, H.B. 66, H.B. 85, as amended, H.B. 96, S.B. 253, S.R. 3, as amended, H.B. 153, H.B. 177,H.B. 182, and H.J.R. 3 were placed on Second Reading Calendar.

# STANDING COMMITTEE REPORTS

Mr. President: February 21, 2008 The Business and Labor Committee reports a favorable recommendation on
H.B. 342, INSURANCE CODE 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 38 through 40:

38 Insurance Act; and

40 **•** makes additional technical amendments.

2. Page 3, Line 70:

70 {-31A-30-108, as last amended by Laws of Utah 2004, Chapters 2 and 329-}

- Page 12, Lines 341 through 354 House Floor Amendments 2–12–2008:
  - 341 (50) (a) "Eligible employee" means:
  - 342 (i) an employee who:

343 (A) works on a full–time basis; and

344 (B) has a normal work week of 30 or more hours;  $\{--\}$  or  $\{--\}$ 

345 {-[--} (ii) a person described in Subsection (50) (b). {-]-}

346  $\{---\}$  (b) "Eligible employee" includes, if the individual is included under a health benefit

347 plan of a small employer:  $\{--\}$ 

348  $\{---\}$  (i)  $\{----\}$   $\{--(ii)\}$  a sole proprietor;

349 {-[--} (ii) {-]-} {-(iii) } a partner in a partnership; or

350 {-[--} (iii) {-]--} {-[iv]} an independent contractor.

351 {-[--} (c) {-]-} {-[-b] } "Eligible employee" does not include  $\hat{H} \rightarrow$  [[], unless eligible under Subsection

352 (50)(b): (i) []]  $\bigstar \hat{H}$  an individual who works on a temporary or substitute basis for a small

352a employer  $\hat{H} \rightarrow [[:]; [:]] [:]$ 

353 [f] (ii) an employer's spouse; or []]

354 [[] (iii) a dependent of an employer. []]  $\leftarrow \hat{H}$ 

4. Page 64, Line 1980 through Page 65, Line 1983:

1980 (4) The Basic Health Care Plan adopted by the commissioner under this section shall

1981 provide for:

1982 (a) a lifetime maximum benefit per person not to exceed \$1,000,000;

1983 (b) an annual maximum benefit per person not  $\{-\text{to exceed } \$300,000-\}$  less than \$250,000;

5. Page 103, Line 3166 through Page 106, Line 3269:

3166 { Section 26. Section 31A-30-108 is amended to read:

3167 31A-30-108. Eligibility for small employer and individual market.

3168 (1) (a) Small employer carriers shall accept residents for small group coverage as set

3169 forth in the Health Insurance Portability and Accountability Act, P.L. 104–191, 110 Stat. 1962,

3170 Sec. 2701(f) and 2711(a).

3171 (b) Individual carriers shall accept residents for individual coverage pursuant:

3172 (i) to P.L. 104–191, 110 Stat. 1979, Sec. 2741(a) (b); and

3173 (ii) Subsection (3).

3174 (2) (a) Small employer carriers shall offer to accept all eligible employees and their

3175 dependents at the same level of benefits under any health benefit plan provided to a small

3176 employer.

3177 (b) Small employer carriers may:

3178 (i) request a small employer to submit a copy of the small employer's quarterly income

3179 tax withholdings to determine whether the employees for whom coverage is provided or

3180 requested are bona fide employees of the small employer; and

3181 (ii) deny or terminate coverage if the small employer refuses to provide documentation

3182 requested under Subsection (2)(b)(i).

3183 (3) Except as provided in Subsections (5) and (6) and Section 31A-30-110, individual

3184 carriers shall accept for coverage individuals to whom all of the following conditions apply:

3185 (a) the individual is not covered or eligible for coverage:

- 3186 (i) (A) as an employee of an employer;
- 3187 (B) as a member of an association; or
- 3188 (C) as a member of any other group; and
- 3189 (ii) under:

3190 (A) a health benefit plan; or

3191 (B) a self-insured arrangement that provides coverage similar to that provided by a

3192 health benefit plan as defined in Section 31A-1-301;

3193 (b) the individual is not covered and is not eligible for coverage under any public

3194 health benefits arrangement including:

3195 (i) the Medicare program established under Title XVIII of the Social Security Act;

3196 [(ii) the Medicaid program established under Title XIX of the Social Security Act;]

3197 [(iii)] (ii) any act of Congress or law of this or any other state that provides benefits

3198 comparable to the benefits provided under this chapter; or

3199 [(iv)] (iii) coverage under the Comprehensive Health Insurance Pool Act created in

3200 Chapter 29, Comprehensive Health Insurance Pool Act;

3201 (c) unless the maximum benefit has been reached the individual is not covered or

3202 eligible for coverage under any:

3203 (i) Medicare supplement policy;

3204 (ii) conversion option;

3205 (iii) continuation or extension under COBRA; or

3206 (iv) state extension;

3207 (d) the individual has not terminated or declined coverage described in Subsection

3208 (3)(a), (b), or (c) within 93 days of application for coverage, unless the individual is eligible for

3209 individual coverage under P.L. 104–191, 110 Stat. 1979, Sec. 2741(b), in which case, the

3210 requirement of this Subsection (3)(d) does not apply; and

3211 (e) the individual is certified as ineligible for the Health Insurance Pool if:

3212 (i) the individual applies for coverage with the Comprehensive Health Insurance Pool

3213 within 30 days after being rejected or refused coverage by the covered carrier and reapplies for

3214 coverage with that covered carrier within 30 days after the date of issuance of a certificate

3215 under Subsection 31A-29-111 (5)(c); or

3216 (ii) the individual applies for coverage with any individual carrier within 45 days after:

3217 (A) notice of cancellation of coverage under Subsection 31A-29-115(1); or

3218 (B) the date of issuance of a certificate under Subsection 31A - 29 - 111 (5)(c) if the

3219 individual applied first for coverage with the Comprehensive Health Insurance Pool.

3220 (4) (a) If coverage is obtained under Subsection (3)(e)(i) and the required premium is

3221 paid, the effective date of coverage shall be the first day of the month following the individual's

3222 submission of a completed insurance application to that covered carrier.

3223 (b) If coverage is obtained under Subsection (3)(e)(ii) and the required premium is

3224 paid, the effective date of coverage shall be the day following the:

3225 (i) cancellation of coverage under Subsection 31A-29-115(1); or

3226 (ii) submission of a completed insurance application to the Comprehensive Health

3227 Insurance Pool.

3228 (5) (a) An individual carrier is not required to accept individuals for coverage under

3229 Subsection (3) if the carrier issues no new individual policies in the state after July 1, 1997.

3230 (b) A carrier described in Subsection (5)(a) may not issue new individual policies in

3231 the state for five years from July 1, 1997.

3232 (c) Notwithstanding Subsection (5)(b), a carrier may request permission to issue new

3233 policies after July 1, 1999, which may only be granted if:

3234 (i) the carrier accepts uninsurables as is required of a carrier entering the market under

3235 Subsection 31A-30-110; and

3236 (ii) the commissioner finds that the carrier's issuance of new individual policies:

3237 (A) is in the best interests of the state; and

3238 (B) does not provide an unfair advantage to the carrier.

3239 (6) (a) If the Comprehensive Health Insurance Pool as set forth under Title 31A,

3240 Chapter 29, is dissolved or discontinued, or if enrollment is capped or suspended, an individual

3241 carrier may decline to accept individuals applying for individual enrollment, other than

individuals applying for coverage as set forth in P.L. 104–191,Stat. 1979, Sec. 2741

3243 <del>(a)–(b).</del>

3244 (b) Within two calendar days of taking action under Subsection (6)(a), an individual

3245 carrier will provide written notice to the Utah Insurance Department.

3246 (7) (a) If a small employer carrier offers health benefit plans to small employers

3247 through a network plan, the small employer carrier may:

3248 (i) limit the employers that may apply for the coverage to those employers with eligible

3249 employees who live, reside, or work in the service area for the network plan; and

3250 (ii) within the service area of the network plan, deny coverage to an employer if the

3251 small employer carrier has demonstrated to the commissioner that the small employer carrier:

3252 (A) will not have the capacity to deliver services adequately to enrollees of any

3253 additional groups because of the small employer carrier's obligations to existing group contract

3254 holders and enrollees; and

3255 (B) applies this section uniformly to all employers without regard to:

3256 (I) the claims experience of an employer, an employer's employee, or a dependent of an

3257 employee; or

3258 (II) any health status-related factor relating to an employee or dependent of an

3259 employee.

3260 (b) (i) A small employer carrier that denies a health benefit product to an employer in

3261 any service area in accordance with this section may not offer coverage in the small employer

3262 market within the service area to any employer for a period of 180 days after the date the

3263 coverage is denied.

3264 (ii) This Subsection (7)(b) does not:

3265 (A) limit the small employer carrier's ability to renew coverage that is in force; or

3266 (B) relieve the small employer carrier of the responsibility to renew coverage that is in

3267 force.

3268 (c) Coverage offered within a service area after the 180 day period specified in

3269 Subsection (7)(b) is subject to the requirements of this section. -}

Renumber remaining sections accordingly; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 184**, CONSTRUCTION AMENDMENTS, by Representative M. Morley, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

- Page 1, Lines 17 through 18 House Committee Amendments 2–8–2008:
  - 17 Other Special Clauses:

18  $\hat{H}$  [None] This bill takes effect on { January 1, 2009 } July 1, 2008 .  $\in \hat{H}$ 

 Page 2, Lines 48a through 48b House Committee Amendments 2–8–2008:

48a  $\hat{H}$  <u>Section 2. Effective Date</u> 48b <u>This bill takes effect on</u> {<u>January 1, 2009</u>}

Kevin T. Van Tassell, Chair

Mr. President:

February 20, 2008

July 1,

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 221**, CAPITAL DEVELOPMENT AND IMPROVEMENT AMENDMENTS, by Senator L. Hillyard, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 342**,as amended, **H.B. 184**, as amended, and **S.B. 221** were considered read the second time and placed on the Consent Calendar.

# INTRODUCTION OF BILLS

**S.B. 288, Condominium Ownership Act Amendments** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

**S.B. 294**, **Community Development and Renewal Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.

# TIME CERTAIN CALENDAR

On motion of Senator Hickman, the circle was removed from **S.B. 81**, ILLEGAL IMMIGRATION, and it was before the Senate. Senator Hickman explained the bill.

Senator Jenkins proposed the following amendment:

- Page 3, Lines 77 through 79 Senate Committee Amendments 2–12–2008
  - 77 Other Special Clauses: <u>This bill takes effect on July 1, 2009.</u>

78 This bill coordinates with H.B. 63, Recodification of Title 63 State Affairs in General,

- 79 by providing technical renumbering.
- Page 20, Lines 610 through 612 Senate Committee Amendments 2–12–2008:

610 (b) regulated public health services provided by a private charity using private funds.

 611 Section Ŝ→ [14] <u>11</u> ←Ŝ. <u>Effective date.</u> <u>This bill takes effect on July 1, 2009.</u> <u>Section 12.</u> Coordinating S.B. 81 with H.B. 63 — Technical renumbering.

612 If this S.B. 81 and H.B. 63, Recodification of Title 63 State Affairs in General, both

Senator Jenkins' motion to amend failed on the following roll call vote:

# Yeas, 12; Nays, 15; Absent, 2.

# Voting in the affirmative were: Senators

Buttars Goodfellow	Davis Jenkins	Dmitrich Jones	Fife Mayne		
McCoy	Romero	Stephenson	Van Tassell		
Voting in the negative were: Senators					
Bell	Bramble	Christensen	Davton		

Bell	Bramble	Christensen	Dayton
Eastman	Greiner	Hickman	Killpack
Knudson	Madsen	Niederhauser	Peterson
Waddoups	Walker	Valentine	

#### Absent or not voting were: Senators

Hillyard Stowell

Senators Romero, Peterson, Stephenson, Jones, Greiner, McCoy, Jenkins, and Bell commented.

On motion of Senator Hickman, the bill was circled.

\* \* \*

On motion of Senator Bramble, the Senate voted to lift **S.B. 294**, COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS, from the Rules Committee and assign it to the Government Operations and Political Subdivisions Committee.

\* \* \*

On motion of Senator Hickman, the circle was removed from **S.B. 81**, ILLEGAL IMMIGRATION, and it was before the Senate. Senator Hickman explained the bill. The bill passed second reading on the following roll call:

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

...

TT (1 1 (1 00)

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Eastman	Greiner	
Hickman	Hillyard	Jenkins	Killpack	
Knudson	Madsen	Niederhauser	Peterson	
Stephenson	Stowell	Waddoups	Walker	
Valentine				
Vating in the new				
voting in the neg	gative were: Senators	,		
Dmitrich	Fife	Goodfellow	Jones	
Mayne	McCoy	Romero	Van Tassell	

~

\* \* \*

On motion of Senator Niederhauser, the Senate voted to lift **H.B. 365** and **2nd Sub. H.B. 373** from the Transportation Committee and reassign them to the Revenue and Taxation Committee.

\* \* \*

On motion of Senator Bramble, the Senate voted to move S.R. 3, S.C.R. 5, S.B. 222, and S.B. 97 to the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Dmitrich, legislative staff was authorized to draft a Senate Resolution regarding child support waivers for the Navajo nation.

On motion of Senator Bramble, and at 4:10 p.m., the Senate sauntered.

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

#### THIRD READING CALENDAR

**1st Sub. H.B. 286**, PERMANENT TEACHER LICENSE REVOCATION FOR SEXUAL ACTIVITY WITH STUDENTS, was read the third time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

1st Sub. HB. 18, MATERIAL HARMFUL TO MINORS AMENDMENTS, was read the third time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Buttars, the circle was removed from **1st Sub. H.B. 286**, PERMANENT TEACHER LICENSE REVOCATION FOR SEXUAL ACTIVITY WITH STUDENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators Bell Bramble Buttar

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Greiner	Jenkins	Jones	Killpack
Knudson	Madsen	McCoy	Niederhauser
Peterson	Romero	Stephenson	Van Tassell
Waddoups	Walker	Valentine	
	a		
Absent or not voti	ng were: Senators		
Fife	Goodfellow	Hickman	Hillyard
Mayne	Stowell		

1st Sub. H.B. 286, as amended, was returned to the House for further consideration.

\* \* \*

**S.B. 205**, UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT, was read the third time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**1st Sub. H.B. 49**, BUDGET RESERVE ACCOUNT AND DISASTER RECOVERY ACCOUNT AMENDMENTS, was read the third time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Peterson, the circle was removed from **1st Sub. H.B. 18**, MATERIAL HARMFUL TO MINORS AMENDMENTS, and it was before the Senate.

Senator Peterson proposed the following amendment:

 Page 4, Line 101: Delete "presents" and insert "performs"

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

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Mayne 1st Sub. H.B. 18, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **S.B. 205**, UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT, and it was before the Senate.

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

1st Sub. S.B. 205 Uniform Interstate Depositions and Discovery Act (L. Hillyard)

Senator Hillyard explained the bill. The bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or	not voting were: Senators	
Buttars	Hickman	Stephenson

1st Sub. S.B. 205 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **1st Sub. H.B. 49**, BUDGET RESERVE ACCOUNT AND DISASTER RECOVERY ACCOUNT AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

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

Absent or not voting were: Senators Buttars Niederhauser

1st Sub. H.B. 49, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Stowell, the circle was removed from **1st Sub. S.B. 168**, HIGHWAY FUNDING AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill. Senators Knudson commented. The bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Buttars Dayton

1st Sub. S.B. 168 was transmitted to the House for consideration.

\* \* \*

**H.B. 103**, USE OF STATE ALTERNATIVE FUEL NETWORK, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Buttars

Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		
Absent or not voting were: Senators			

**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.

Niederhauser

\* \* \*

**1st Sub. H.B. 46**, ADOPTION AND TERMINATION OF PARENTAL RIGHTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

Hillyard

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

Absent or not voting were:SenatorsButtarsHillyardNiederhauser

1st Sub. H.B. 46 was returned to the House for further consideration.

\* \* \*

**H.B. 321**, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not ve	oting were: Senators	
Buttars	Hillyard	Niederhauser

**H.B. 321** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 99**, BUSINESS REGISTRATION – OPTIONAL INCLUSION OF OWNERSHIP DATA, was read the third time, explained by Senator Romero, and passed on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		
Voting in the nega	tive were: Senators		
Bramble	Dayton	Madsen	Peterson
<b>Absent or not voti</b> Buttars	<b>ng were:</b> Senators Hickman	Hillyard	

**H.B. 99** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 60**, LEGISLATIVE REVIEW OF HEALTH INSURANCE MANDATES, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

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

# Voting in the affirmative were: Senators

Absent or not voting were: Senators		5	
Buttars	Hickman	Hillyard	Niederhauser

1st Sub. H.B. 60 was returned to the House for further consideration.

\* \* \*

On motion of Senator Christensen the Senate voted to lift **H.B. 15**, CONTROL AND PREVENTION OF SEXUALLY TRANSMITTED DISEASES, from the Third Reading Table for the purpose of an amendment.

**H.B. 15**, CONTROL AND PREVENTION OF SEXUALLY TRANSMITTED DISEASES, was read the third time and explained by Senator Christensen.

Senator Christensen proposed the following amendment:

 Page 2, Line 47: Insert "(D) and suggest screening my a private physician; and"

Senator Christensen's motion to amend passed on a voice vote.

On motion of Senator Christensen, H.B. 15 was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 301**, COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

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

Absent or not vot	ing were: Senators	
Buttars	Goodfellow	Niederhauser

**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.

\* \* \*

**H.B. 117**, INSTREAM FLOW TO PROTECT TROUT HABITAT, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

#### Voting in the affirmative were: Senators

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

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

Absent or not voting were:SenatorsButtarsDavisNiederhauser

**H.B. 117** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 143**, ADMINISTRATION OF INTERSTATE WATER, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

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

# Voting in the affirmative were: Senators

Absent or	· not	voting	were:	Senators
-----------	-------	--------	-------	----------

Buttars	Davis	Jenkins	McCoy
---------	-------	---------	-------

**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.

\* \* \*

**H.B. 10**, DISCLOSURE OF IDENTITY TO OFFICER, was read the third time and explained by Senator Greiner. Senator Fife commented and the bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Buttars

**H.B.** 10 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 14**, DISCHARGE OF FIREARM AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

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

# Voting in the affirmative were: Senators

Absent or not voting was: Senator Buttars

**H.B. 14** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 23**, CHILD AND FAMILY PROTECTION, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or	not voting were: Senators	
Buttars	Hillyard	Niederhauser

**H.B. 23** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble and at 5:00 p.m., the Senate adjourned until 9:00 a.m., Friday, February 22, 2008.

# THIRTY-THIRD DAY

# **MORNING SESSION**

# **FEBRUARY 22, 2008**

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

Prayer – Bishop John C. Wester, Catholic Diocese of Salt Lake City
Pledge of Allegiance – Senator Chris Buttars
Roll Call – All Senators present

# READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

# COMMUNICATIONS FROM THE HOUSE

Mr. President: February 21, 2008 The Speaker of the House has signed **1st Sub. S.B. 77**, REVISIONS TO GOVERNMENT RECORDS ACCESS MANAGEMENT ACT, by Senator M. Dayton, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 92**, REAL PROPERTY RECORDING AMENDMENTS, by Senator D. Stowell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 155**, PUNITIVE DAMAGES AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1st Sub. S.B. 77, 1st Sub. S.B. 92, and 1st Sub. S.B. 155 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 21, 2008

The House passed, as amended, **H.B. 160**, CHARTER SCHOOL LAW REVISIONS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 167**, A VICTIM AMICUS BILL, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 202**, EMPLOYEE BENEFIT AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 263**, UTAH REGISTRY OF AUTISM AND DEVELOPMENTAL DISABILITIES, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 303**, PHOSPHORUS LIMIT IN DISHWASHING DETERGENT, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed **H.B. 353**, DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed, as amended, **1st Sub. H.B. 363**, BEVERLEY TAYLOR SORENSON ELEMENTARY ARTS LEARNING PROGRAM, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 374**, CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 399**, MEDICATION AIDE CERTIFIED AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 401**, MASTER PLUMBER LICENSING, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 406**, TRAFFIC CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 412**, BELOW COST SALES, by Representative S. Urquhart, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 160, H.B. 167, H.B. 202, 1st Sub. H.B. 263, H.B. 303, H.B. 353, 1st Sub. H.B. 363, H.B. 374, H.B. 399, H.B. 401, H.B. 406,** and **H.B. 412** were read the first time and referred to the Rules Committee. \* \* \*

Mr. President:

February 21, 2008

The Speaker of the House has appointed a Conference Committee consisting of Representatives R. Menlove, J. Dougall, and C. Johnson to meet with a like committee from the Senate to consider or amend **2nd Sub. H.B. 47**, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, by Representative R. Menlove.

\* \* \*

Sandy D. Tenney, Chief Clerk

Mr. President:

February 21, 2008

The Joint Conference Committee comprised of Sens. Peter C. Knudson, Allen M. Christensen, and Gene Davis, and Reps. Ronda Rudd Menlove, John Dougall, and Christine A. Johnson, recommends **2nd Sub. H.B. 47**, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, by Representative R. Menlove, with the following amendments:

1. Include the Senate committee amendment on Page 3, Line 83, of the Goldenrod copy dated 2–7–2008.

2. Also include the following amendments:

1. Page 1, Lines 19 through 21:

19 Frequires the department to report to the Legislature's Health and Human Services

20 Interim Committee concerning the adoption of the standards for the {-secure-}

21 electronic exchange of clinical health information; and

 Page 3, Lines 76 through 80 Senate Committee Amendments 2–7–2008:

76 (3) (a) Except as provided in Subsection (3)(b), a health care provider or third party

77 payer in Utah is required to use the standards adopted by the department under the provisions

78 <u>of Subsection (2) if the health care provider or third party payer</u> <u>elects to engage in an</u> 79electronic exchange of clinical health information with anotherhealth care provider $\{-1, 2\}$ orthird party

80 payer { <u>, or health care recipient</u> } .

3. Page 4, Lines 88 through 93:

88 (5) The department shall report on the use of the standards for the electronic exchange

89 <u>of clinical health information to the legislative Health and Human</u> <u>Services Interim Committee</u>

90 <u>no later than October 15, 2008 and no later than every October 15th</u> <u>thereafter. The report shall</u>

91 <u>include publicly available information concerning the costs and savings for the department.</u>

92 third party payers, and health care providers associated with the standards for the {-secure }

93 electronic exchange of clinical health records.

4. Page 4, Lines 108 through 118:

108 (iii) The commissioner shall coordinate the administrative rules adopted under the

109 provisions of this section with the administrative rules adopted by the Department of Health for

110 <u>the implementation of the standards for the</u> {<u>secure</u>} } electronic exchange of clinical health

111 <u>information under Section 26–1–37</u>. The department shall establish procedures for developing

112 the rules adopted under this section, which ensure that the Department of Health is given the

113 opportunity to comment on proposed rules.

114 (b) The commissioner shall regulate any fees charged by insurers to the providers for:

115 (i) uniform claim forms [<del>or</del>];

116 (ii) electronic billing[-]; or

117 (iii) the {-secure } electronic exchange of clinical health information permitted by Section

118 26-1-37.

Senator Peter C. Knudson and Rep. Rhonda Rudd Menlove, Committee Chairs

On motion of Senator Knudson, the Senate voted to adopt the conference committee report.

2nd Sub. H.B. 47. STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, was before the Senate, explained by Senator Knudson, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Bramble

2nd Sub. H.B. 47 was returned to the House for further consideration.

\* \* \*

Mr. President:

February 21, 2008 The House requests the return of 1st Sub. S.B. 45, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, by Senator H. Stephenson, for reconsideration.

Sandy D. Tenney, Chief Clerk 1st Sub. S.B. 45 was returned to the House for reconsideration.

# INTRODUCTION OF BILLS

S.B. 86, Economic Analysis and Reporting of Cost of Land Use **Regulation** (M. Madsen), read the first time by short title and referred to the Rules Committee.

**S.B. 297**, **Animal Torture and Cruelty Amendments** (A. Christensen), read the first time by short title and referred to the Rules Committee.

#### CONSENT CALENDAR

**1st Sub. H.B. 281**, GRANTS TO RURAL HOSPITALS – OVERSIGHT RESPONSIBILITIES, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

# Absent or not voting were: Senators

	0	
Hillyard	Jenkins	Killpack

1st Sub. H.B. 281 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**S.B. 235**, HUMAN REMAINS RELATED AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not	voting were: Senators	
Hillyard	Niederhauser	Valentine

Stowell

S.B. 235 was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 236**, JUDICIARY AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson

Van Tassell

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

1st Sub. S.B. 236 was transmitted to the House for consideration.

\* \* \*

Waddoups

Walker

**S.B. 242**, LAW ENFORCEMENT TRACKING OF DOMESTIC VIOLENCE STATISTICS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

# Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Eastman Valentine

S.B. 242 was transmitted to the House for consideration.

#### \* \* \*

**S.B. 265**, UNLAWFUL DETAINER AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

# Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Dmitrich	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker		
Absent or not voti	ng were: Senators		
Bell	Buttars	Eastman	Fife
Hillyard	Stephenson	Valentine	

S.B. 265 was transmitted to the House for consideration.

#### \* \* \*

**H.B. 97**, COURT–ORDERED RESTITUTION FOR COSTS OF INCARCERATION, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

# Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Dmitrich	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	
Absent or not voti	ng were: Senators		
Bell	Buttars	Eastman	Fife
Hillyard	Valentine		

**H.B. 97** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

# CONCURRENCE CALENDAR

On motion of Senator Walker, the Senate refused to concur in the House amendments. **3rd Sub. S.B. 15**, DRIVING UNDER THE INFLUENCE AMENDMENTS, was returned to the House.

\* \* \*

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 136**, APPORTIONMENT OF BUSINESS INCOME AND DEDUCTION OF NET LOSSES BY AN ACQUIRED CORPORATION. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were:SenatorsButtarsGreinerValentine

1st Sub. S.B. 136 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bell, the Senate refused to concur in the House amendments. **1st Sub. S.B. 152**, PRESUMPTIVE PERSONAL REPRESENTATIVE, was returned to the House.

#### THIRD READING CALENDAR

**H.B. 105**, TRANSPORTATION INFRASTRUCTURE LOAN FUND AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting	in	the	affirmative	were:	Senators
--------	----	-----	-------------	-------	----------

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

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

Absent or not voti	ng were: Senators	
Buttars	Greiner	Valentine

**H.B. 105** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 33**, WAIVERS OF IMMUNITY – EXCEPTIONS, was read the third time and explained by Senator Eastman.

Senator Eastman proposed the following amendment:

1. Page 2, Line 53 through Page 3, Line 58:

53 (B) (I) was known by the person, official, or institution to be relevant to {-an} } a material issue or

54 <u>matter of inquiry in a pending judicial or administrative proceeding</u> <u>if the person, official, or</u>

55 <u>institution knew of the pending judicial or administrative</u> proceeding; or

56 (II) was known by the person, official, or institution to be relevant to {-an} } a material issue or matter

57 <u>of inquiry in a judicial or administrative proceeding, if disclosure of</u> <u>the evidence was</u>

58 <u>requested of the employee by a party to the proceeding or counsel</u> for a party to the proceeding.

2. Page 4, Line 116 through Page 5, Line 121:

116 (II) (Aa) was known by the employee to be relevant to  $\{-an\}$  a material issue or matter of inquiry in a

117 pending judicial or administrative proceeding, if the employee knew of the pending judicial or

118 administrative proceeding; or

119(Bb) was known by the employee to be relevant to<br/>{-an}{-an}a materialissue or matter of inquiry in a

120 judicial or administrative proceeding, if disclosure of the evidence was requested of the

121 employee by a party to the proceeding or counsel for a party to the proceeding.

Senator Eastman's motion to amend passed on a voice vote. Senator Stephenson commented and the bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Hickman Niederhauser Valentine

1st Sub. H.B. 33, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 34**, EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

# Voting in the affirmative were: Senators

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

#### Absent or not voting was: Senator

Niederhauser

**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. 26**, NOTARY REPUBLIC REVISIONS, 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

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

**H.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. 112**, PUBLIC EDUCATION FOUNDATION AMENDMENTS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were:SenatorsDavisVan Tassell

H.B. 112, as amended, was returned to the House further consideration.

\* \* \*

**H.B. 271**, UTAH PURPLE HEART RECIPIENTS TUITION ACT AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hickman	
Hillyard	Jenkins	Jones	Killpack	
Knudson	Madsen	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				

**H.B. 271** 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. 287**, REGULATION OF TEACHER – STUDENT RELATIONSHIPS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

1st Sub. H.B. 287 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**S.B. 81**, ILLEGAL IMMIGRATION, was read the third time and explained by Senator Hickman.

Senator Niederhauser proposed the following amendment:

 Page 20, Line 604: After "<u>(b)</u>" insert "<u>knowingly and intentionally</u>"

#### ###

Senator McCoy proposed the following substitute amendment:

 Page 20, Line 604: After "(b)" insert "knowingly with the intent of violating federal immigration law"

Senator McCoy's motion to amend passed on a voice vote.

Senators Walker, Niederhauser, McCoy, and Waddoups commented.

On motion of Senator Hickman, the bill was circled.

#### TIME CERTAIN

Senator Eastman introduced the Utah High School Rodeo National Champions.

#### THIRD READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **S.B. 186**, CUSTODY AND PARENT–TIME FOR NON–PARENTS, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 1, Lines 10 through 11

10 This bill allows persons who are related to a child and have assumed the role of parent

- 11 to petition the court for custody or  $\{-parent-time-\}$  <u>visitation</u>.
- 2. Page 1, Line 15:

15

► gain custody or

provides a procedure for a person other than a parent to visitation :

3. Page 2, Line 31 Senate 2nd Reading Amendments 2 - 18 - 2008:

31 CHAPTER 5a. CUSTODY AND {-PARENT-TIME-} VISITATION FOR PERSONS

- 4. Page 2, Line 35 Senate 2nd Reading Amendments 2-18-2008:
  - 35 This chapter is known as the "Custody and {<u>Parent\_time</u>} Visitation for Persons Other than Parents
- 5. Page 2, Lines 41 through 48a Senate 2nd Reading Amendments 2-18-2008:
  - {\_Ŝ**→** ÷ 41 (2) "Person other than a parent" means a person

(a)  $\langle \hat{\mathbf{s}} \rangle$  related to the child by marriage or 41a

42 blood, including:

 $\{--\}$  (a)  $\{--\}$   $\{--(i)\}$   $\{-(i)\}$   $\{-(i)\}$   $\{-(i)\}$  siblings; Ŝ➔ 43 44 Ŝ➔ ←Ŝ uncles; Ŝ→ {----} <u>(c)</u> {----} 45  $\{-(iii)\}$ Ŝ→ {----} <u>(d)</u> {----}  $\leftarrow \hat{S}$ grandparents; 46  $\{-(iv)\}$ or

ŝ**→** 47  $\{--+-\}$  (e)  $\{--+-\}$  $\{-(v)\}$ current or former  $\notin$   $\hat{S}$  <u>step-parents</u>, or any of the persons in Subsections (2)(a)

47a through (d) in a step

 $\{-\hat{S}\rightarrow : or$ 48 relationship to the child

48a (b) with whom the child has a court-sanctioned relationship **←Ŝ**\_} .

6. Page 2, Line 50 Senate 2nd Reading Amendments 2 - 18 - 2008:

50 <u>30-5a-103</u>. Custody and {<u>parent-time</u>} <u>visitation</u> for persons other than a parent.

 Page 2, Lines 55 through 56 Senate 2nd Reading Amendments 2–18–2008:

55 (2) A court may find the presumption in Subsection (1) rebutted and grant custodial or

56 {<u>parent\_time</u>} } <u>visitation</u> <u>rights to a person other than a</u> parent who, by clear and convincing evidence, has

- 8. Page 3, Lines 68 through 72:
  - 68 (g) the parent:

69 {-(i) has consented or acquiesced to the parental role of the person; }

70  $\{-(ii)\}$  (i) is absent; or

71 {-(iii) } (ii) is found by a court to {-be abusive, neglectful, or to have left } have abused or neglected the child {-dependent

72 <u>through the fault of the parent</u> } .

9. Page 3, Lines 73 through 74:

73 (3) A proceeding under this chapter may be commenced by filing a verified petition, or

74 petition supported by an affidavit, in the juvenile court if a matter is pending, or in the district court in the county in which the child:

10. Page 3, Lines 78 through 79:

78 (4) A proceeding under this chapter may be filed in a pending divorce, parentage

79 <u>action, or other proceeding</u>, <u>including a proceeding in the</u> <u>juvenile court</u>, <u>involving custody</u> {<u>and parent-time</u> <u>issues</u> } <u>of or visitation with a child</u>.

11. Page 3, Line 82:

82 <u>in Section</u>  $\{-\frac{78-45c-209}{2}\}$  <u>78B-13-209</u>.

12. Page 3, Line 88:

88 (b) any person who has court–ordered custody or {-parent\_time } visitation rights;

13. Page 4, Lines 91 through 94:

91 (e) a person or agency that has physical custody of the child or that claims to have

92 custody or { parent-time } visitation rights; and

93 (f) any other person or agency that has previously appeared in any action regarding

94  $\underline{custody} \ \underline{of} \ or \ \{-\underline{parent-time \ of}\ \} \ \underline{visitation \ with} \ the \ \underline{child.}$ 

Senator Hillyard's motion to amend passed on a voice vote. Senators Madsen and Dayton commented. The bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

, oung in the t			
Bell	Davis	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		
Voting in the n	egative were: Senato	ors	
U	0		
Bramble	Buttars	Christensen	Dayton

Jenkins Peterson Valentine

S.B. 186 was transmitted to the House for consideration.

#### SECOND READING CALENDAR

On motion of Senator Madsen, under suspension of the rules, **S.R. 3**, SENATE RESOLUTION PETITIONING CONGRESS TO ADDRESS THE ILLEGAL IMMIGRATION CRISIS, was considered read the second and third times. Senator Madsen explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife

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

Voting in the negative were:SenatorsMcCoyRomero

#### Absent or not voting was: Senator

Eastman

**S.R. 3** was signed by the President in open session and referred to the staff for enrolling.

\* \* \*

**S.C.R. 5**, CONCURRENT RESOLUTION CALLING FOR CONGRESS TO PASS BALANCED IMMIGRATION REFORM, was read the second time. Senator Stephenson explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were:SenatorsBrambleHickman

\* \* \*

**S.B. 222**, DIVISION OF REAL ESTATE LICENSING AND PRESENCE IN THE UNITED STATES, was read the second time. Senator Dayton explained the bill. Senator Killpack commented.

On motion of Senator Dayton, the bill was circled.

#### \* \* \*

**S.B. 97**, IMMIGRATION TASK FORCE, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

#### Yeas, 25; Nays, 1; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			
<b>Voting in the nega</b> Dayton	tive was: Senator		

Absent or not voting were:SenatorsGoodfellowHickmanValentine

\* \* \*

**S.B. 193**, ELECTION LAW CHANGES, 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

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

Absent or not voting were: Senators

Hillyard McCoy Valentine

\* \* \*

**S.B. 85**, WATER RIGHTS BOARD, was read the second time. Senator Stowell explained the bill.

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

#### 2nd Sub. S.B. 85 Water Rights Board (D. Stowell)

Senators Madsen and Van Tassell commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 9; Absent, 3.

Voting in the affirmative were: Senators				
Bramble	Christensen	Dayton	Eastman	
Greiner	Hickman	Hillyard	Jenkins	
Killpack	Madsen	Niederhauser	Peterson	
Stephenson	Stowell	Waddoups	Walker	
Valentine				
Voting in the nega	tive were: Senators			
Bell	Davis	Dmitrich	Fife	
Jones	Knudson	Mayne	Romero	
Van Tassell				
Absent or not voti	ng were: Senators			
Buttars	Goodfellow	McCoy		

#### COMMITTEE OF THE WHOLE

On motion of Senator Killpack, Dr. Joyce Leavitt Winterton, Assistant Administrator for the Office of Education at NASA Headquarters in Washington, D.C. and NASA Astronaut, Barbara Radding Morgan spoke in Committee of the Whole. Senators Valentine and Hickman commented.

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

\* \* \*

On motion of Senator Killpack, the Senate voted to consider House bills on a Senate bill day.

#### SECOND READING CALENDAR

On motion of Senator Killpack, under suspension of the rules, **H.C.R. 1**, METH AWARENESS FOR STUDENTS AND EDUCATORS 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

Bell Dmitrich Hillyard	Christensen Fife Jones	Davis Greiner Killpack	Dayton Hickman Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	
Absent or not voti	ng were: Senators		
Bramble	Buttars	Eastman	Goodfellow
Jenkins	Knudson		

**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.

\* \* \*

**H.B. 238**, CAMPAIGN FINANCE FILING REQUIREMENTS, was read the second time. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Madsen	Mayne
McCoy	Peterson	Romero	Stephenson
Stowell	Waddoups	Walker	Valentine

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

Absent or not voting were: Senators				
Buttars	Knudson	Niederhauser	Van Tassell	

\* \* \*

**H.B. 250**, PUBLIC EMPLOYEE BENEFIT APPROVAL PROVISIONS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Voting in the affirmative were: Senators			
Bell	Bramble	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Peterson	Romero	Stephenson
Stowell	Waddoups	Walker	Valentine
Absent or not voting were: SenatorsButtarsChristensenKillpackNiederhauserVan Tassell			

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

\* \* \*

H.B. 262, RECOVERY OF FEDERAL REIMBURSEMENT FOR COSTS ASSOCIATED WITH ILLEGAL IMMIGRANTS, was read the second time. Senator Goodfellow explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Buttars

Killpack

\* \* \*

H.C.R. 2, CONCURRENT RESOLUTION DECLARING FEBRUARY 6, 2008 RONALD REAGAN DAY, was read the second time. Senator Madsen explained the bill.

Senator Dayton proposed the following amendment:

1. Page 2, Line 48:

After "project" insert "and to his widow, Nancy Reagan"

Senator Dayton's motion to amend passed on a voice vote.

###

Senator Davis proposed the following amendment:

1. Page 2, Line 31 and 32: Delete lines 31 and 32

Senator Davis' motion to amend failed on a voice vote.

On motion of Senator Madsen, under suspension of the rules, **H.C.R. 2**, CONCURRENT RESOLUTION DECLARING FEBRUARY 6, 2008 RONALD REAGAN DAY, was considered read the second and third times and passed on the following roll call:

Yeas, 20; Nays, 4; Absent, 5.

Voting in the affirmative were: Senators			
Bell	Bramble	Christensen	Dayton
Dmitrich	Eastman	Greiner	Hickman
Jenkins	Jones	Knudson	Madsen
Mayne	Niederhauser	Peterson	Romero
Stephenson	Stowell	Walker	Valentine
Voting in the page	tiva wara. Sanatara		
0 0	tive were: Senators	C 1(1)	M
Davis	Fife	Goodfellow	McCoy
Absent or not voting were: Senators			
Buttars	Hillyard	Killpack	Van Tassell
Waddoups			

H.C.R. 2, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble, and at 11:50 a.m., the Senate recessed.

# AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Valentine presiding.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 22, 2008 The House passed, S.J.R. 6, JOINT RESOLUTION ENCOURAGING THE BOARD APPOINTMENTS GOVERNOR'S TO REFLECT UTAH GEOGRAPHIC BALANCE, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk **S.J.R.** 6 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, 2008 The House adopted the Joint Conference Committee Report dated February 22, 2008, and passed 2nd Sub. H.B. 47, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, by Representative R. Menlove, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 2nd Sub. H.B. 47, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President: February 22, 2008 The House passed, as amended, H.B. 165, SALES AND USE TAX EXEMPTIONS RELATING TO AIRCRAFT, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 316, SUBSTANCE ABUSE TREATMENT FOR PREGNANT WOMEN AND PREGNANT MINORS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, H.B. 339, HUMAN TRAFFICKING AMENDMENTS, by Representative C. Herrod, et al, and it is transmitted for consideration; and

The House passed, as amended, H.B. 347, MOTOR VEHICLE BUSINESS REGULATION AMENDMENTS, by Representative S. Andersen, and it is transmitted for consideration; and

The House passed **H.B. 437**, FUNERAL SERVICES LICENSING ACT AMENDMENTS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 467**, MOTOR VEHICLE INSURANCE ARBITRATION AMENDMENTS, by Representative S. Urquhart, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 165, 1st Sub. H.B. 316, H.B. 339, H.B. 347, H.B. 437,** and **H.B. 467** were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

February 22, 2008

The House substituted and passed, **1st Sub. S.B. 113**, ACCESS TO RESEARCH WORKERS' PERSONAL INFORMATION, by Senator G. Bell, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 45**, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

#### SECOND READING CALENDAR

**H.J.R. 4**, JOINT RESOLUTION URGING SCHOOL CLOSINGS TO RECOGNIZE VETERANS DAY, was read the second time.

On motion of Senator Hickman, the bill was circled.

\* \* \*

**2nd Sub. H.B. 54**, PROPERTY TAX ASSESSMENT REVISIONS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

\* \* \*

**S.B. 283**, TRANSPORTATION FUNDING AMENDMENTS, was read the second time. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Hillyard
Jenkins	Jones	Killpack	Madsen
Mayne	Niederhauser	Peterson	Romero
Stowell	Van Tassell	Waddoups	Walker
Valentine			
Absent or not voting were: Senators			
Greiner	Knudson	McCoy	Stephenson
	*	* *	

**1st Sub. S.B. 72**, JUSTICE COURT AMENDMENTS, was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 2, Lines 45 through 46

45 (2) (a) Each justice or judge  $\{--\}$  of a court of record  $\{--\}$  who wishes to retain office shall, in

46 the year the justice or judge is subject to a retention election:

2. Page 7, Lines 182 through 191:

182 (iv) two members appointed by the governing authority of the jurisdiction where the

183 judicial office is located.

(b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be appointed by the regional bar association. If no regional bar association exists, the state bar association shall make the appointment.

185 official of the county or municipality.

186{-(c)}(d)The nominating commission shall submitat least two names to the appointing

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

187 <u>authority of the jurisdiction expected to be served by the judge. The local government</u>

188 executive shall appoint a judge from the list submitted and the appointment ratified by the local

189 legislative body.

190 {-(d) } (e) The state court administrator shall provide staff to the commission. The Judicial

191 <u>Council shall establish rules and procedures for the conduct of the commission.</u>

3. Page 7, Lines 205 through 206:

205 (8) Before each retention election, each justice court judge shall be evaluated in

206 <u>accordance with the performance evaluation program established</u> <u>in Subsection</u>  $\{-\frac{78A-1-104(5)}{28A-2-104(5)}\}$  <u>78A-2-104(5)</u>.

4. Page 7, Line 211 through Page 8, Line 213:

211 [(b)] (2) Judges holding office [when this act takes effect] or appointed to fill any

212 vacancy <u>before January 1, 2009</u> hold office until [reappointed or a successor is appointed and

213 certified by the Judicial Council] the next general election.

(3)(a) Notwithstanding Section 20A-12-201, any municipal justice court judge holding office on January 1, 2009 may serve out their current term if the judge:

(i) stands for retention election in 2010, and is not retained in that election; or

(ii) chooses not to stand for election in 2010.

(b) A vacancy shall then exist in the office on the first Monday in February 2012.

Senator Hillyard's motion to amend passed on a voice vote. Senators Jenkins, Bell, Dmitrich, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

GoodfellowGreinerJenkinsJonesMadsenMcCoyRomeroStephensonValentine

Hickman Killpack Niederhauser Stowell Hillyard Knudson Peterson Waddoups

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

Absent or not voting were: SenatorsBrambleVan TassellWalker

\* \* \*

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

#### THIRD READING CALENDAR

On motion of Senator Hickman, the circle was removed from **S.B. 81**, ILLEGAL IMMIGRATION, and it was before the Senate.

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

#### 1st Sub. S.B. 81 Illegal Immigration (J. Hickman)

On motion of Senator Hickman, the bill was circled.

#### SECOND READING CALENDAR

**S.B. 191**, JUDICIAL CONDUCT COMMISSION AMENDMENTS, was read the second time. Senator Davis explained the bill.

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

#### 1st Sub. S.B. 191 Judicial Conduct Commission Amendments (G. Davis)

The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Waddoups	Walker		
Absent or not voting were: SenatorsKnudsonVan TassellValentine			

\* \* \*

**S.B. 192**, SEX OFFENSE AMENDMENTS, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Stephenson	Stowell
Waddoups	Walker		
Absent or not voting were: Senators			
Romero	Van Tassell	Valentine	

\* \* \*

**S.B. 204**, INCOME TAXATION – REAL ESTATE INVESTMENT TRUSTS, was read the second time. Senator Niederhauser explained the bill.

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

**2nd Sub. S.B. 204 Income Taxation – Real Estate Investment Trusts** (W. Niederhauser)

On motion of Senator Niederhauser, the bill was circled.

\* \* \*

S.B. 258, PROPERTY TAX COMMITTEE, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

\* \* \*

S.B. 196, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senator Killpack declared a conflict of interest. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators Van Tassell

Knudson

\* \* \*

S.B. 275, MILITARY JUSTICE CODE AMENDMENTS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Van Tassell

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President:

February 22, 2008

The House refuses to recede from its amendments to 1st Sub. S.B. 152, PRESUMPTIVE PERSONAL REPRESENTATIVE, by Senator G. Bell, and has appointed a Conference Committee consisting of Representatives S. Urquhart, F. Hunsaker, and R. McGee to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk On motion of Senator Bell, the Senate voted to refuse to recede from its amendments to **1st Sub. S.B. 152**. President Valentine appointed a conference committee consisting of Senators Bell, Waddoups, and Fife to meet with a like committee from the House.

#### **RULES COMMITTEE REPORTS**

To the Members of the Senate: February 22, 2008 The Rules Committee recommends assignment of the following bills to standing committees:

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

S.B. 288	Condominium Ownership Act Amendments
	(Sen. M. Waddoups)

Government Operations and Political Subdivisions Committee	
H.B. 171	Driving Privilege Card Amendments (Rep. B. Daw)
	(Sen. C. Bramble)
H.B. 239	Driver License Qualification Amendments
	(Rep. G. Donnelson) (Sen. C. Bramble)
H.B. 241	Repeal of Exemptions from Nonresident Tuition
	(Rep. G. Donnelson) (Sen. M. Dayton)

#### Health and Human Services Committee

 S.B. 297 Animal Torture and Cruelty Amendments (Sen. A. Christensen)
 H.C.R. 7 Concurrent Resolution Declaring Colorectal Cancer Awareness Month (Rep. E. Hutchings) (Sen. K. Mayne)

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

H.B. 371 Digital Certificates for Breathalizers (Rep. C. Herrod) (Sen. J. Greiner)

Bill Hickman

Rules Committee Chair

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

#### SECOND READING CALENDAR

On motion of Senator Bramble, the Senate voted to move **1st Sub. S.B. 211**, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, to the top of the Second Reading Calendar.

**1st Sub. S.B. 211**, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, was read the second time. Senator Bramble explained the bill.

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

#### 2nd Sub. S.B. 211 Alcoholic Beverage Control Amendments (C. Bramble)

On motion of Senator Bramble, the bill was circled.

\* \* \*

**S.B. 287**, APPROPRIATION FOR THE SWANSON TACTICAL TRAINING CENTER, was read the second time. Senator Jenkins explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Van Tassell

\* \* \*

On motion of Senator Madsen, the circle was removed from **1st Sub. S.B. 157**, RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

 Page 3, Lines 68 through 69 Senate Committee Amendments 2–6–2008

68 <u>entity on whose behalf the individual is acting or purporting to act.</u> <u>or both the individual and</u>

69 the governmental entity.

(5)(a) A law enforcement officer shall not be subject to disciplinary action for refusing to confiscate a firearm under this section if:

(i) ordered or directed to do so by a superior officer; and

(ii) by obeying the order or direction, the law enforcement officer would be committing a violation of this section.

(b) For purposes of this Subsection (5), disciplinary action might include: (i) dismissal, suspension, or demotion:

(ii) loss of or decrease in benefits, pay, privileges or conditions of employment; and

(iii) any type of written or electronic indication, permanent or temporary, on the officer's personnel record of the officer's refusal to obey the unlawful order.

(6)(a) If a law enforcement officer commits a violation of this section, the officer's liability in an action brought under Subsection (4)(a) is limited to five percent of the damages and civil penalty allowed under Subsection (4)(a) if the officer can show by clear and convincing evidence that the officer was obeying a direct and unlawful order from a superior officer or authority.

(b) The balance of the damages and civil penalty, the remaining 95 percent, shall be assessed against the superior officer or authority who ordered or directed the confiscation in violation of this section.

Senator Madsen's motion to amend passed on a voice vote.

On motion of Senator Madsen, under suspension of the rules, **1st Sub. S.B. 157**, RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY, was considered read the second and third times. The bill passed on the following roll call:

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

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman

Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	Niederhauser
Peterson	Stephenson	Stowell	Waddoups
Walker	Valentine		

Voting in the negative were:SenatorsMcCoyRomero

Absent or not voting was: Senator Van Tassell

1st Sub. S.B. 157 was transmitted to the House.

\* \* \*

**S.B.** 208, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

\* \* \*

**S.B. 256**, GOOD SAMARITAN ACT FOR ENGINEERS, was read the second time. Senator Waddoups explained the bill.

Senator Waddoups proposed the following amendment:

 Page 2, Lines 36 through 41 Senate Committee Amendments 2–14–2008

36 (d) "Public official" means an appointed or elected federal, state, or local official <u>including building inspectors and police and</u> fire chiefs, acting within the scope and jurisdiction of their {-with }

37 <u>authority</u> { <u>in the jurisdiction in which an emergency has been</u> <u>declared, including building</u>

38 <u>inspectors and police and fire chiefs</u> } <u>during a declared</u> <u>emergency</u>.

39(2) An architect or professional engineer, actingin good faithandwithin the scope of their respective

- 40 <u>licenses, is not liable for:</u>
- 41 (a) any acts, errors, or omissions; or

Senator Waddoups' motion to amend passed on a voice vote. Senator Hillyard commented. Senators Stowell and Fife declared conflicts of interest. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators Bell Bramble Buttars Christensen Davis Dmitrich Davton Eastman Fife Goodfellow Greiner Hillyard Jenkins Jones Killpack Knudson Madsen Mayne McCoy Niederhauser Peterson Romero Stephenson Stowell Valentine Walker Waddoups

Absent or not voting were: Senators Hickman Van Tassell

\* \* \*

**S.J.R. 9**, JOINT RESOLUTION AMENDING RULES OF EVIDENCE RELATING TO INFORMATION CONTAINED IN THE MANAGEMENT INFORMATION SYSTEM, was read the second time. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

 Page 1, Line 25b: Senate Committee Amendments 2–22–08 Delete "a<u>ffect</u>" and insert "<u>effect</u>"

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

## Yeas, 15; Nays, 12; Absent, 2.

#### Voting in the affirmative were: Senators

Davis	Dmitrich	Fife	Goodfellow
Jones	Killpack	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Waddoups	Valentine	

#### Voting in the negative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Greiner	Hillyard
Jenkins	Knudson	Peterson	Walker

Absent or not voting were:SenatorsHickmanVan Tassell

\* \* \*

On motion of Senator Bramble, the Senate voted to return **1st Sub. S.B. 267**, LOCAL GOVERNMENT AUTHORITY AMENDMENTS, to the Rules Committee.

\* \* \*

**S.B. 83**, CHECK CASHING AND DEFERRED DEPOSIT LENDING REGISTRATION ACT, was read the second time. Senator Mayne explained the bill. Senators Hillyard, Bramble, and McCoy commented. The bill passed second reading on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Madsen	Van Tassell

\* \* \*

On motion of Senator Hickman, the Senate voted to lift **S.B. 243**, THIS IS THE PLACE FOUNDATION – PROCUREMENT CODE EXEMPTION, and **S.B. 244**, DIVISION OF PARKS AND RECREATION TO SUPPORT NONPROFIT CORPORATION OR FOUNDATION, from the Rules Committee and assign them to the Natural Resources, Agriculture and Environment Committee.

#### \* \* \*

On motion of Senator Killpack, **S.J.R. 12**, JOINT RESOLUTION HONORING HILL AIR FORCE BASE'S 388TH AND 419TH FIGHTER WINGS, will be lifted from the Second Reading Calendar and placed on the Time Certain Calendar and considered Friday, February 29, 2008 at 10:30 a.m.

On motion of Senator Bramble and at 4:00 p.m., the Senate adjourned until 9:30 a.m., Monday, February 25, 2008.

# THIRTY-SIXTH DAY

# MORNING SESSION

# **FEBRUARY 25, 2008**

The Senate was called to order at 9:45 a.m., with President Pro Tem Curtis Bramble presiding.

**Prayer** – Joy Beattie, Former First Lady of the Senate **Pledge of Allegiance** – Senator Sheldon Killpack Roll Call - All Senators present

#### **READING OF TITLES OF BILLS AND RESOLUTIONS** (PLEASE REFER TO DAY 1, PAGE 64)

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 22, 2008 The Speaker of the House has signed 1st Sub. S.B. 136, APPORTIONMENT OF BUSINESS INCOME AND DEDUCTION OF NET LOSSES BY AN ACQUIRED CORPORATION, by Senator W. Niederhauser, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1st Sub. S.B. 136 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, 2008 The House passed H.B. 102, CHILD ABUSE HOMICIDE AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 136, ILLEGAL DRUG ACTIVITY REPORTING SYSTEM, by Representative C. Herrod, and it is transmitted for consideration: and

The House passed, as amended, H.B. 186, PROPERTY TAX - COUNTY ASSESSMENT AND COLLECTION AMENDMENTS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 187, DEATH CAUSED BY ILLEGAL DRUGS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 212**, EDUCATOR SALARY ADJUSTMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 221**, AGRICULTURE AND INDUSTRIAL PROTECTION AREA AMENDMENTS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 293**, PRIVATE BUILDING INSPECTOR AUTHORIZED, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 354**, APPRAISALS FOR STATE LAND PURCHASES, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 360**, INDIVIDUAL INCOME TAX – LONG–TERM CARE INSURANCE PREMIUMS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 370**, CHILDREN'S HEALTH INSURANCE PROGRAM AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 102, 2nd Sub. H.B. 136, H.B. 186, 1st Sub. H.B. 187, 2nd Sub. H.B. 212, H.B. 221, 2nd Sub. H.B. 293, 1st Sub. H.B. 354, H.B. 360,** and **1st Sub. H.B. 370** were read the first time and referred to the Rules Committee.

#### STANDING COMMITTEE REPORTS

Mr. President: February 22, 2008 The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 237**, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS, by Senator W. Niederhauser, with the following amendments:

1. Page 16, Lines 465 through 469:

465 (2) For purposes of the assessment of an airline's mobile flight equipment by the

466 <u>commission, a portion of the value of the airline's mobile flight</u> <u>equipment shall</u> {-by } <u>be</u> allocated to 467 the state by calculating the product of:

- 468 (a) the total value of the mobile flight equipment; and
- 469 (b) the mobile flight equipment allocation factor.
- 2. Page 17, Lines 516 through 523:

516 (2) The average value of an airline's real and tangible personal property owned or

517 <u>rented and used in this state attributable to mobile flight equipment</u> for purposes of the

518 <u>numerator of the fraction described in Subsection (1) shall be</u> calculated for each aircraft type

519 by determining the product of:

520 (a) the total average value of the airline's mobile flight equipment of the aircraft type

521 <u>owned or rented and used</u> {<u>in the state</u> } <u>during the tax</u> <u>period; and</u>

522 (b) a fraction, the numerator of which is the Utah revenue ton miles for the aircraft type

523 and the denominator of which is the airline revenue ton miles for the aircraft type.

3. Page 19, Lines 574 through 580:

574 (2) The total sales of an airline in this state during the tax period attributable to

575 transportation revenues in this state during the{-taxableyear}tax periodfor purposes of the numerator of the

576 <u>fraction described in Subsection (1) shall be calculated by</u> <u>determining the product of:</u>

577(a) the total transportation revenues{ in this state }during the{ taxable year }tax periodof the airline;

578 <u>and</u>

579 (b) a fraction, the numerator of which is the Utah revenue ton miles and the

580 denominator of which is the airline revenue ton miles.; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 158**, TAX CREDIT FOR MILITARY RETIRED PAY, by Representative S. Mascaro; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 365**, AVIATION AMENDMENTS, by Representative W. Harper.

Wayne L. Niederhauser, Chair

Mr. President: February 22, 2008 The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 296**, FINANCIAL INSTITUTIONS AMENDMENTS, by Senator C. Bramble.

Mark B. Madsen, Chair

February 22, 2008

Mr. President:

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 90**, PAYMENT IN LIEU OF PROPERTY TAXES ACT, by Senator G. Davis, with the following amendments:

1. Page 7, Lines 189 through 201:

189 (1) The Division of Finance shall calculate whether or not there is eligible surplus by

190 <u>no later than</u> {-<u>August</u> } <u>September</u> <u>15 of each fiscal</u> <u>year.</u>

191 (2) There is eligible surplus in a fiscal year if for the immediately preceding fiscal year

192 <u>there is an unrestricted, undesignated balance in the General</u> <u>Fund</u> {- <u>after:</u>

193 <u>(a) the transfers:</u>

194 <u>(i) to the General Fund Budget Reserve Account as provided in</u> Section 63–38–2.5; and

195 (ii) as provided in Section 63–38–2.7; and

196 (b) the earmark to the Industrial Assistance Fund provided for in Subsection

197 <u>63-38f-904(5).</u> } <u>.</u>

198 (3) If in a fiscal year there is eligible surplus, the Division of Finance shall notify the

- 199 <u>commission by no later than</u> {<u>September</u> } <u>October</u> 1:
- 200 (a) that there is eligible surplus; and
- 201 (b) of the amount of eligible surplus.
- 2. Page 7, Lines 204 through 207:

204 (1) Subject to an appropriation by the legislature of the eligible surplus and to the other provisions in this section, if the Division of Finance notifies the

205 <u>commission that there is eligible surplus, the commission shall pay</u> <u>an eligible municipality the</u>

206 total of the payments in lieu of property taxes that the eligible municipality applied for under

207 Section 59–3a–202 by no later than October 1 of that fiscal year.

- 3. Page 8, Lines 214 through 218:
  - 214 (c) determine if there is sufficient eligible surplus appropriated by the Legislature to pay the amount described in

215 <u>Subsection (2)(b).</u>

216(3) If there is insufficient eligible surplusappropriated by theLegislatureto pay the amount described in Subsection

217 (2)(b), the commission shall:

218 (a) reduce the amount each eligible municipality is due under Subsection (2)(a) by the ; and

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 224**, COAL MINE SAFETY ACT, by Senator M. Dmitrich, be replaced and favorably recommends **1st Sub. S.B. 224**, COAL MINE SAFETY ACT with the following amendments:

- 1. Page 10, Lines 274 through 276:
  - 274 (1) The commissioner shall:
  - 275 (a) direct the state's efforts to promote coal mine safety; and

276 (b) {-<u>investigate or</u> } participate with the Mine Safety and Health Administration in an investigation of a major coal mine accident in Utah.; and

The Natural Resources, Agriculture, and Environment Committee recommends S.B. 269, WATER RIGHTS – OMBUDSMAN, by Senator

D. Stowell, be replaced and favorably recommends **2nd Sub. S.B. 269**, WATER RIGHTS – OMBUDSMAN; and

The Natural Resources, Agriculture, and Environment Committee recommends **H.B. 229**, PROTECTIONS FOR AGRICULTURAL PRACTICES, by Representative M. Morley, be replaced and favorably recommends **1st Sub. H.B. 229**, PROTECTIONS FOR AGRICULTURAL PRACTICES; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.C.R. 5**, CONCURRENT RESOLUTION URGING CONGRESSIONAL APPROVAL OF R.S. 2477 RIGHTS–OF–WAY RECOGNITION ACT, by Representative M. Brown.

Darin G. Peterson, Chair

Mr. President:

February 22, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 151**, MOTOR VEHICLE REVISIONS, by Representative S. Urquhart; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 341**, DAMAGE TO UNDERGROUND UTILITY FACILITIES AMENDMENTS, by Representative D. Clark; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 362**, MOTOR FUEL TAX – OFF–HIGHWAY VEHICLE REFUND AMENDMENTS, by Representative B. Ferry.

Carlene M. Walker, Chair

Mr. President:

February 22, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 277**, POST–CONVICTION REMEDIES ACT REVISIONS, by Senator G. Bell, with the following amendments:

1. Page 4, Line 99:

99 (2) {-<u>The court may not enter a default judgment against the</u> <u>state.</u> } <u>The court may not</u>

2. Page 4, Lines 115 through 116:

115 (2) {-<u>A time bar or procedural bar may be waived by the state</u> only in a written waiver 116 <u>filed in the action and served on the petitioner.</u> } The state may raise any of the procedural bars

3. Page 4, Line 118:

118 <u>post-conviction relief</u> <u>, unless the court determines that the state</u> <u>should have raised the time bar or procedural bar at an earlier time.</u> Any court may raise a procedural bar or time bar on its own motion,

4. Page 8, Lines 234 through 235:

234 <u>work identified is reasonably likely to develop evidence or legal</u> arguments that will {-<u>entitle the</u>

235 <u>petitioner to</u> } <u>support</u> <u>post-conviction relief.</u>

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 237, as amended, H.B. 158, H.B. 365, S.B. 296, S.B. 90, as amended, 1st Sub. S.B. 224, as amended, 2nd Sub. S.B. 269, 1st Sub. H.B. 229, H.C.R. 5, H.B. 151, H.B. 341, H.B. 362, and S.B. 277, as amended, were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President: February 22, 2008 The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 304**, SALES AND USE TAX REVENUES FOR QUALIFIED EMERGENCY FOOD AGENCIES, by Representative L. Wiley, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 18, Lines 528 through 530:

528 (11) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year

529 <u>2008–09</u>, {-<u>\$1,000,000</u> } <u>\$915,000</u> shall be deposited into the Qualified Emergency Food Agencies Fund

530 created by Section 9-4-1409 and expended as provided in Section 9-4-1409; and

The Revenue and Taxation Committee reports a favorable recommendation on **2nd Sub. H.B. 373**, UNIFORM FEES ON VINTAGE MOTOR VEHICLES, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President:

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **1st Sub. H.B. 336**, AUTHORITY TO ESTABLISH REFUGEE SERVICES FUND, by Representative C. Herrod, and recommends it be considered read for the second time and placed on the Consent Calendar.

#### Mark B. Madsen, Chair

Mr. President:

February 22, 2008

February 22, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 278**, TECHNICAL AMENDMENTS TO TITLES 78A AND 78B, by Senator G. Bell, be replaced and favorably recommends **1st Sub. S.B. 278**, TECHNICAL AMENDMENTS TO TITLES 78A AND 78B and that it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 141**, IDENTITY THEFT REPORTING INFORMATION SYSTEM AMENDMENTS, by Representative D. Aagard, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 149**, PROTECTIVE ORDER AMENDMENTS, by Representative L. Fowlke, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. 1st Sub. H.B. 304, as amended, 2nd Sub. H.B. 373, 1st Sub. H.B. 336, 1st Sub. S.B. 278, 1st Sub. H.B. 141, and 1st Sub. H.B. 149 were considered read the second time and placed on the Consent Calendar.

#### **INTRODUCTION OF BILLS**

**S.B. 298**, **State Land Acquisition** (J. Hickman), read the first time by short title and referred to the Rules Committee.

#### CONSENT CALENDAR

**H.B. 128**, UTAH RESIDENTIAL MORTGAGE PRACTICES ACT AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hickman	Hillyard	
Jenkins	Jones	Knudson	Madsen	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Stowell	Van Tassell	
Waddoups	Walker			
Absent or not voting were: Senators				
Davis	Killpack	Valentine		

**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.

\* \* \*

**H.B. 159**, PROFESSIONAL EMPLOYER ORGANIZATION LICENSING ACT, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

#### Absent or not voting were: Senators

Davis Killpack Valentine

**H.B. 159** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**S,B, 239**, OFFICE OF THE ATTORNEY GENERAL – SAFETY NET INITIATIVE, was read the third time.

On motion of Senator Dmitrich, the bill was circled.

\* \* \*

**H.B. 231**, LOCAL VOTER INFORMATION PAMPHLET AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

#### Voting in the affirmative were: Senators

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

Absent or not voting were:SenatorsKillpackWalkerValentine

**H.B. 231** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 261**, LOCAL DISTRICT PRIMARY ELECTIONS, was read the third time, explained by Senator Jones, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups		

#### Absent or not voting were: Senators

Valentine Walker Killpack

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.

#### CONCURRENCE CALENDAR

On motion of Senator Bell, the Senate voted to concur in the House amendments to 1st Sub. S.B. 113. ACCESS TO RESEARCH WORKERS' PERSONAL INFORMATION. The bill, as amended, passed on the following roll call:

#### Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups		

Absent or not voting were: Senators Killpack Walker Valentine

1st Sub. S.B. 113 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Stephenson, the Senate refused to concur in the House amendments. 1st Sub. S.B. 45. INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, was returned to the House.

#### THIRD READING CALENDAR

S.C.R. 5. CONCURRENT RESOLUTION CALLING FOR CONGRESS TO PASS BALANCED IMMIGRATION REFORM, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not	voting were: Senators	
Buttars	Killpack	Valentine

S.C.R. 5 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **1st Sub. S.B. 185**, ECONOMIC INCENTIVE REVISIONS, and it was before the Senate.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:

# 2nd Sub. S.B. 185 Economic Incentives Revisions (L. Hillyard)

Senator Hillyard explained the bill.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**S.B. 97**, IMMIGRATION TASK FORCE, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

**Voting in the negative was:** Senator Dayton

#### Absent or not voting were: Senators

Buttars Killpack Valentine

S.B. 97 was transmitted to the House for consideration.

\* \* \*

**S.B. 193**, ELECTION LAW CHANGES, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bramble	Christensen	Davis
Dmitrich	Eastman	Fife
Greiner	Hickman	Hillyard
Jones	Knudson	Madsen
McCoy	Niederhauser	Peterson
Stephenson	Stowell	Van Tassell
Walker		
	Dmitrich Greiner Jones McCoy Stephenson	DmitrichEastmanGreinerHickmanJonesKnudsonMcCoyNiederhauserStephensonStowell

Absent or not voting were:SenatorsButtarsKillpackValentine

S.B. 193 was transmitted to the House for consideration.

\* \* \*

2nd Sub. S.B. 85, WATER RIGHTS BOARD, was read the third time.

On motion of Senator Stowell, the bill was circled.

\* \* \*

**H.B. 238**, CAMPAIGN FINANCE FILING REQUIREMENTS, was read the third time.

On motion of Senator Christensen, the bill was circled.

\* \* \*

**H.B. 250**, PUBLIC EMPLOYEE BENEFIT APPROVAL PROVISIONS, was read the third time.

On motion of Senator Christensen, the bill was circled.

#### \* \* \*

**H.B. 262**, RECOVERY OF FEDERAL REIMBURSEMENT FOR COSTS ASSOCIATED WITH ILLEGAL IMMIGRANTS, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

#### Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker		

# Absent or not voting were: Senators

Killpack Stephenson Valentine

**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.

\* \* \*

**S.B. 283**, TRANSPORTATION FUNDING AMENDMENTS, was read the third time.

On motion of Senator Christensen, the bill was circled.

\* \* \*

1st Sub. S.B. 72, JUSTICE COURT AMENDMENTS, was read the third time and explained by Senator Hillyard.

Senator Hillyard proposed the following amendment:

1. Page 1, Lines 21 through 22

21 Other Special Clauses:

22 This bill takes effect on January 1, 2009 <u>except that the</u> amendments to Section 78A–7–206 take effect on July 1, 2009.

2. Page 8, Line 234:

234 <u>in Subsection (1)(b)(ii) against the salary range determined in Subsection (1)(a)</u>  $\{-(i)\}$ .

3. Page 10, Lines 290 through 291:

290 Section 8. Effective date.

291This bill takes effect on January 1, 2009. except that theamendments to Section 78A-7-206 in this bill take effect n July 1,2009

Senator Hillyard's motion to amend passed on a voice vote. Senator Jenkins commented and the bill passed on the following roll call:

#### Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

**Absent or not voting was:** Senator Valentine

1st Sub. S.B. 72 was transmitted to the House for consideration.

\* \* \*

**S.B. 191**, JUDICIAL CONDUCT COMMISSION AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Walker		

#### Absent or not voting were: Senators

Eastman Waddoups Valentine

S.B. 191 was transmitted to the House for consideration.

\* \* \*

**S.B. 192**, SEX OFFENSE AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting	in	the	affirmative	were:	Senators
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Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Walker	Valentine

**Absent or not voting was:** Senator Waddoups

S.B. 192 was transmitted to the House for consideration.

\* \* \*

**S.B. 196**, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

# Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Walker	Valentine

Absent or not voting was: Senator Waddoups S.B. 196 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Killpack, the circle was removed from **H.B. 238**, CAMPAIGN FINANCE FILING REQUIREMENTS, and it was before the Senate. The bill passed on the following roll call:

#### Yeas, 29; Nays, 0; Absent, 0.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

**H.B. 238** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Killpack, the circle was removed from **S.B. 283**, TRANSPORTATION FUNDING AMENDMENTS, and it was before the Senate. Senator Killpack explained the bill. The bill passed on the following roll call:

#### Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Valentine		

#### Absent or not voting were: Senators

Bramble	Fife	Walker
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S.B. 283 was transmitted to the House for consideration.

#### \* \* \*

**S.B. 275**, MILITARY JUSTICE CODE AMENDMENTS, 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

S.B. 275 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, the Senate voted to move to the Consent Calendar.

#### CONSENT CALENDAR

On motion of Senator Bramble, the circle was removed from **S.B. 239**, OFFICE OF THE ATTORNEY GENERAL – SAFETY NET INITIATIVE, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

# Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

S.B. 239 was transmitted to the House for consideration.

# THIRD READING CALENDAR

**S.B. 287**, APPROPRIATION FOR THE SWANSON TACTICAL TRAINING CENTER, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in	the	affirmative	were:	Senators
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Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Eastman

Senator Greiner declared a conflict of interest.

S.B. 287 was transmitted to the House for consideration.

\* \* \*

**S.B. 256**, GOOD SAMARITAN ACT FOR ENGINEERS, was read the third time and explained by Senator Waddoups.

On motion of Senator Waddoups, the following substitute bill replaced the original bill:

# 1st Sub. S.B. 256 Good Samaritan Act for Engineers (M. Waddoups)

The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Eastman

1st Sub. S.B. 256 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 250**, PUBLIC EMPLOYEE BENEFIT APPROVAL PROVISIONS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in t	the affirmative	e were: Senators
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Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Eastman

**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.

\* \* \*

**S.J.R. 9**, JOINT RESOLUTION AMENDING RULES OF EVIDENCE RELATING TO INFORMATION CONTAINED IN THE MANAGEMENT INFORMATION SYSTEM, was read the third time.

On motion of Senator Davis, the bill was circled.

\* \* \*

**S.B. 83**, CHECK CASHING AND DEFERRED DEPOSIT LENDING REGISTRATION ACT, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

#### Voting in the affirmative were: Senators

#### Absent or not voting was: Senator

Eastman

S.B. 83 was transmitted to the House for consideration.

#### SECOND READING CALENDAR

**S.B. 234**, MINIMUM SCHOOL PROGRAM AMENDMENTS – COUNSELING AND GUIDANCE PROGRAMS, was read the second time. Senator Dmitrich explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Eastman

\* \* \*

**S.B. 241**, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, was read the second time. Senator Jones 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				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Goodfellow	

Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Waddoups	Walker
Valentine			
Absent or not voti	ng were: Senators		
Eastman	Fife	Knudson	Van Tassell
* * *			

**1st Sub. S.B. 47**, LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES REVISIONS, was read the second time. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 3, Lines 79 through 80

79 Other Special Clauses:

80 {-None-} <u>This bill coordinates with H.B. 77, Personal</u> <u>Property Tax Amendments, by providing technical amendments.</u>

2. Page 18, Line 523:

523 (3) obtain an easement or right-of-way across public or private property to {-insure } ensure

3. Page 25, Line 746:

746 accomplishment of the purposes of this  $\{-act-\}$  <u>chapter</u>.

4. Page 27, Lines 818 through 819:

818 investments within the state {-of Utah-} or such county or municipality, so long as it locates within

819 the state  $\{-of Utah -\}$  or such county or municipality its headquarters where its actual investment

5. Page 27, Line 821:

821 of its investments in companies located outside the state {-of Utah-} to an amount which in the

6. Page 27, Line 823:

823 located outside the state {-of-Utah-} in companies headquartered in Utah which the locally

7. Page 27, Line 825:

825 attention of investors outside the state  $\{-of-Utah-\}$  . For purposes of enabling an offering of bonds

8. Page 34, Line 1029:

1029 to receive ad valorem property taxes, existing under the laws of the state  $~\{-of~Utah-\}$  .

9. Page 59, Line 1797:

 1797
 (3) obtain an easement or right-of-way across public or private

 property to
 {-insure}

 ensure
 }

- 10. Page 89, Line 2738:
  - 2738 municipalities within the district is even; and
- Page 93, Lines 2852 through 2865 Senate Committee Amendments 2–18–2008:

2852 (1) (a)  $\{-\hat{S} \rightarrow \underline{(i)} \leftarrow \hat{S} \}$  An improvement district that provides electric service as authorized under

2853 Subsection 17B-2a-403(1)(a)(iv)  $\hat{S} \rightarrow \{---\}$  :

2854 (i)  $\{-\}$   $\bigstar$  is a public utility and subject to the jurisdiction of the Public Service

2855 Commission  $\hat{S} \rightarrow \{-+-\}$   $\{-+-\}$   $\{--+-\}$   $\{--+-\}$   $\{--+-\}$   $\{--+-\}$ 

2856 (ii) { $\hat{S} \rightarrow$  An improvement district that was created before May 5, 2008, to provide

2856a <u>electric service:</u>

2856b (A)  $\leftarrow \hat{S}$  may include only an area where:

2857  $\hat{S} \rightarrow \{-+\} (\underline{A}) \{-+-\} \{-+\} \{-+\} \} \notin \hat{S}$  <u>no retail</u> electricity has been provided to commercial, industrial, residential, and

2858 <u>other users of electricity from an investor-owned utility within</u> any part of an area certificated

2859 <u>by the Public Service Commission or an area adjacent to that</u> area, municipal agency, or 2860 <u>electric cooperative within the five years immediately</u> preceding September 1, 1985; and

2861  $\hat{S} \rightarrow \{-+\} (\underline{B}) \{-+\} \{-+\} \{-++\} \{-++\} \\ \notin \hat{S} \text{ electric service}$ is provided to at least one user of electricity within the electric 2862 service district as of September 1, 1985; and

2864 Service Commission by September 1, 1986.

2864a  $\{-\hat{S} \rightarrow \underline{(iii)} \text{ An improvement district created on or after May} 5, 2008 to provide electric service}$ 

2864b may not include an area within:

2864c (A) the certificated service area of:

2864d (I) an investor-owned electric utility; or

2864e (II) an electric cooperative; or

2864f (B) the service area of a municipality that provides electric service.  $\langle \hat{S} \rangle$ 

2865 (b) Nothing in this part may be construed to give the Public Service Commission

12. Page 139, Line 4275:

4275 acquisition or construction of the project is completed: and

13. Page 139, Line 4294:

4294 <u>Subsection</u>  $\{-(2)\}$  (1) (a)(i)(A); and

14. Page 141, Line 4338:

4338 <u>local entity</u>  $\{-\frac{1}{2}\}$  <u>:</u>

15. Page 145, Line 4481:

4481 (1) the local building authority  $\{ \stackrel{\cdot}{\rightarrow} \}$  :

16. Page 146, Line 4506:

4506 <u>Subsection 17D-1-601(1) or a notice under</u> {-<u>Section</u> } <u>Subsection 17D-1-601(2), any person in interest</u> <u>may</u> 17. Page 147, Line 4528:

4528 (b) the local building authority has made provision for the payment <u>when due</u> <u>of all</u>

18. Page 250, Line 7717:

7717 Section 17A–3–1306, Existing powers with respect to historic areas not limited.

Section 169. Coordinating S.B. 47 with H.B. 77 -- Technical amendments.

If this S.B. 47 and H.B. 77, Personal Property Tax Amendments 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 59–2–924.2(5) in H.B. 77 to read:

"(5)(a) This Subsection (5) applies to each county that:

(i) establishes a countywide special service district under Title 17D, Chapter 1, Special Service District Act, to provide jail service, as provided in Subsection 17D–1–201(10); and

<u>(ii) levies a property tax on behalf of the special service district</u> <u>under Section 17D-1-105.</u>

(b)(i) The certified tax rate of each county to which this Subsection (5) applies shall be decreased by the amount necessary to reduce county revenues by the same amount of revenues that will be generated by the property tax imposed on behalf of the special service district.

(ii) Each decrease under Subsection (5)(b)(i) shall occur contemporaneously with the levy on behalf of the special service district under Section 17D-1-105."

Senator Stowell's motion to amend passed on a voice vote. Senators Jenkins, Niederhauser, Greiner, and Valentine commented. Senator Dmitrich declared a conflict of interest. The bill passed second reading on the following roll call:

# Yeas, 26; Nays, 0; Absent, 3.

# Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

#### Absent or not voting were: Senators

Eastman Goodfellow Hickman

\* \* \*

S.B. 197, PREFERRED DRUG LIST REVISIONS, was read the second time.

On motion of Senator Christensen, the following substitute bill replaced the original bill:

# 1st Sub. S.B. 197 Preferred Drug List Revisions (A. Christensen)

Senator Christensen explained the bill. Senator Goodfellow commented. The bill passed second reading on the following roll call:

#### Yeas, 28; Nays, 0; Absent, 1.

# Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Eastman

\* \* \*

**S.B. 247**, VETERANS PROCUREMENT PROVISIONS, was read the second time. Senator Fife explained the bill. The bill passed second reading on the following roll call:

#### Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

#### Absent or not voting were: Senators

Christensen Eastman

\* \* \*

**S.B. 264**, DEVELOPMENT AROUND MILITARY INSTALLATIONS, was read the second time. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			
Absent or not voting were: Senators			
Christensen	Eastman	Fife	Peterson

\* \* \*

**S.B. 202**, ENERGY RESOURCE AND CARBON EMISSION REDUCTION INITIATIVE, was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Davis, the Senate voted to move to Third Reading Calendar.

# THIRD READING CALENDAR

On motion of Senator Davis, the circle was removed from **S.J.R. 9**, JOINT RESOLUTION AMENDING RULES OF EVIDENCE RELATING TO INFORMATION CONTAINED IN THE MANAGEMENT INFORMATION SYSTEM, and it was before the Senate. Senator Davis explained the bill. Senators Bell and Madsen commented. The bill passed on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Walker

# Voting in the affirmative were: Senators

Voting in	the negative were: Senators	
Bell	Waddoups	Valentine

Absent or not voting were: Senators Eastman Killpack

S.J.R. 9 was transmitted to the House for consideration.

#### SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from **S.B. 202**, ENERGY RESOURCE AND CARBON EMISSION REDUCTION INITIATIVE, and it was before the Senate. Senator Bramble explained the bill. Senators Jones, Van Tassell, and McCoy commented. The bill passed second reading on the following roll call:

#### Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were:SenatorsEastmanKillpack

#### **COMMITTEE OF THE WHOLE**

On motion of Senator Madsen, Brent Hayden, former President of Springville Museum of Art and former Representative of Utah House, spoke in Committee of the Whole. Senators Bramble and Romero commented. Senator Madsen introduced the winners of the All–State High School Art School. On motion of Senator Madsen, the Committee of the Whole was dissolved.

\* \* \*

On motion of Senator Bramble, and at 11:50 a.m., the Senate recessed.

# **AFTERNOON SESSION**

The Senate reassembled at 2:30 p.m., with President Valentine presiding.

# COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 25, 2008

The House concurred in the Senate amendments and passed **1st Sub. H.B. 18**, MATERIAL HARMFUL TO MINORS AMENDMENTS, by Representative P. Ray, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 33**, WAIVERS OF IMMUNITY – EXCEPTIONS, by Representative G. Hughes, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 46**, ADOPTION AND TERMINATION OF PARENTAL RIGHTS, by Representative S. Allen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 49**, BUDGET RESERVE ACCOUNT AND DISASTER RECOVERY ACCOUNT 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. 60**, LEGISLATIVE REVIEW OF HEALTH INSURANCE MANDATES, 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. 112**, PUBLIC EDUCATION FOUNDATION AMENDMENTS, by Representative S. Allen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 286**, PERMANENT TEACHER LICENSE REVOCATION FOR SEXUAL ACTIVITY WITH STUDENTS, 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.C.R. 2**, CONCURRENT RESOLUTION DECLARING FEBRUARY 6, 2008 RONALD REAGAN DAY, by Representative M. Morley, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk Communications filed. **1st Sub. H.B. 18, 1st Sub. H.B. 33, 1st Sub. H.B. 46, 1st Sub. HB. 49, 1st Sub. H.B. 60, H.B. 112, 1st Sub. H.B. 286,** and **H.C.R. 2**, 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 25, 2008

The House passed, as substituted, **2nd Sub. H.B. 168**, HEALTH INSURANCE MARKET CHOICES, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 203**, JUDICIAL REVIEW OF STATE ENGINEER'S DECISION, by Representative P. Painter, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 280**, SCHOOL FINANCE AMENDMENTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 349**, OPEN ENROLLMENT REVISIONS, by Representative Julie Fisher, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 384**, EMPLOYEE OBLIGATIONS RELATED TO WORKERS' COMPENSATION, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 410**, RESTRICTED ACCOUNTS AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 445**, NURSING HOME AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **2nd Sub. H.B. 168, 1st Sub. H.B. 203, H.B. 280, H.B. 349, 1st Sub. H.B. 384, H.B. 410,** and **H.B. 445** were read the first time and referred to the Rules Committee.

# **RULES COMMITTEE REPORTS**

To the Members of the Senate:

February 25, 2008

The Rules Committee recommends assignment of the following bills to standing committees:

# **Business and Labor Committee**

S.B. 86	Economic Analysis and Reporting of Cost of Land Use
	Regulation (Sen. M. Madsen)
H.B. 202	Employee Benefit Amendments (Rep. J. Dougall)
	(Sen. C. Bramble)
H.B. 401	Master Plumber Licensing (Rep. J. Dunnigan)
	(Sen. S. Jenkins)
H.B. 412	Below Cost Sales (Rep. S. Urquhart) (Sen. C. Bramble)
H.B. 437	Funeral Services Licensing Act Amendments
	(Rep. S. Urquhart) (Sen. J. Greiner)

# **Education Committee**

H.B. 160	Charter School Law Revisions (Rep. R. Lockhart)
	(Sen. D. Eastman)
1st Sub. H.B. 363	Beverley Taylor Sorenson Elementary Arts Learning
	Program (Rep. G. Hughes) (Sen. S. Killpack)

# Health and Human Services Committee

1st Sub. H.B. 263	Utah Registry of Autism and Developmental Disabilities
	(Rep. E. Hutchings) (Sen. K. Mayne)
1st Sub. H.B. 316	Substance Abuse Treatment for Pregnant Women and
	Pregnant Minors (Rep. E. Hutchings)
	(Sen. M. Waddoups)
H.B. 399	Medication Aide Certified Amendments
	(Rep. R. Lockhart) (Sen. S. Killpack)

# Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 167	A Victim Amicus Bill (Rep. R. C. Webb)
	(Sen. P. Knudson)
H.B. 339	Human Trafficking Amendments (Rep. C. Herrod)
	(Sen. C. Bramble)
H.B. 374	Child Abuse and Neglect Prevention and Treatment
	Amendments (Rep. P. Ray) (Sen. D. Peterson)

Natural Resources,	Agriculture and Environment Committee
H.B. 303	Phosphorus Limit in Dishwashing Detergent
	(Rep. C. Johnson) (Sen. P. Knudson)

#### **Retirement and Independent Entities Committee**

H.B. 39Divestment of Certain Retirement Fund Investments<br/>(Rep. Julie Fisher) (Sen. M. Dayton)

Transportation, Public Utilities and Technology Committee		
H.B. 165	Sales and Use Tax Exemptions Relating to Aircraft	
	(Rep. B. Dee) (Sen. S. Killpack)	
H.B. 347	Motor Vehicle Business Regulation Amendments	
	(Rep. S. Andersen) (Sen. D. Eastman)	
H.B. 406	Traffic Code Amendments (Rep. J. Dunnigan)	
	(Sen. S. Jenkins)	
H.B. 467	Motor Vehicle Insurance Arbitration Amendments	
	(Rep. S. Urquhart) (Sen. C. Bramble)	

Bill Hickman

Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

#### STANDING COMMITTEE REPORTS

Mr. President: February 25, 2008 The Business and Labor Committee reports a favorable recommendation on **H.B. 257**, EMPLOYEE VERIFICATION, by Representative C. Herrod; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 223**, EXEMPTION FROM LICENSURE BY DIVISION OF REAL ESTATE, by Representative M. Walker.

Kevin T. Van Tassell, Chair

Mr. President: February 25, 2008 The Health and Human Services Committee reports a favorable recommendation on **S.B. 297**, ANIMAL TORTURE AND CRUELTY AMENDMENTS, by Senator A. Christensen; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 330**, STATE SUPPLEMENTAL FUNDING FOR HEAD START, by Representative L. Shurtliff; and

recommendation on **H.C.R. 7**, CONCURRENT RESOLUTION DECLARING COLORECTAL CANCER AWARENESS MONTH, by Representative E. Hutchings.

D. Chris Buttars, Chair

Mr. President: February 25, 2008 The Education Committee recommends **H.B. 332**, USE OF PUBLIC SCHOOLS BY COMMUNITY ORGANIZATIONS, by Representative G. Hughes, be replaced and favorably recommends **1st Sub. H.B. 332**, USE OF PUBLIC SCHOOLS BY COMMUNITY ORGANIZATIONS with the following amendments:

1. Page 4, Lines 110 through 112:

110 charge of the grounds and protect school property when used for civic center purposes[-]:

111  $[(5) \text{ It}] (e) \{-\text{may not } \text{refuse }\}$  shall allow the use of a civic center, for other than school purposes, [if]

112 <u>unless</u> it determines <u>that</u> the use [inadvisable.] interferes with a school function or purpose; and

Margaret Dayton, Chair

Mr. President: February 22, 2008 The Government Operations and Political Subdivisions Committee recommends **S.B. 245**, FUNDING RELATING TO AIRPORTS, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 245**, FUNDING RELATING TO AIRPORTS; and

The Government Operations and Political Subdivisions Committee recommends S.B. 261, POLITICAL SUBDIVISION ANNEXATION AMENDMENTS, by Senator M. Waddoups, be replaced and favorably recommends 1st Sub. S.B. 261, POLITICAL SUBDIVISION ANNEXATION AMENDMENTS; and

The Government Operations and Political Subdivisions Committee recommends **S.R. 1**, SENATE RESOLUTION URGING UNITED STATES WITHDRAWAL FROM SECURITY AND PROSPERITY PARTNERSHIP OF NORTH AMERICA, by Senator F. Fife, be replaced and favorably recommends

1st Sub. S.R. 1. SENATE RESOLUTION URGING THE CONSIDERATION OF THE UNITED STATES ENDING ITS PARTICIPATION IN THE SECURITY AND PROSPERITY PARTNERSHIP OF NORTH AMERICA with the following amendment:

1. Page 2, Line 45: After "States" delete "would" and insert "might"; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 352. AMENDMENTS RELATED TO MONIES DERIVED FROM NAVAJO NATION RESERVATION LANDS IN UTAH, by Representative D. Clark; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.C.R. 4. CONCURRENT RESOLUTION ENCOURAGING CONGRESSIONAL ACTION TO DESIGNATE A NEW RECIPIENT OF ROYALTIES FROM NAVAJO RESERVATION LANDS, by Representative D. Clark.

Peter C. Knudson, Chair

On motion of Senator Hickman, the committee reports were adopted. H.B. 257, 1st Sub. H.B. 223, S.B. 297, 1st Sub. H.B. 330, H.C.R. 7, 1st Sub. H.B. 332, as amended, 1st Sub. S.B. 245, 1st Sub. S.B. 261, 1st Sub. S.R. 1, as amended, H.B. 352, and H.C.R. 4 were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President:

February 25, 2008

The Business and Labor Committee reports a favorable recommendation on S.B. 288, CONDOMINIUM OWNERSHIP ACT AMENDMENTS, by Senator M. Waddoups, 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 1st Sub. H.B. 157, ALCOHOLIC BEVERAGE CONTROL VIOLATIONS AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

Mr. President:

February 25, 2008 The Education Committee reports a favorable recommendation on 1st Sub. H.B. 254, SCHOOL COMMUNITY COUNCIL AMENDMENTS, 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 **2nd Sub. H.B. 127**, COMMUNITY COUNCIL ELECTIONS, by Representative K. Sumsion, 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. 189**, SCHOOL COMMUNITY COUNCILS, by Representative R. Bigelow, and recommends it be considered read for the second time and placed on the Consent Calendar; and

Margaret Dayton, Chair

Mr. President:

February 22, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 294**, COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS, by Senator C. Bramble, 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. 185**, WESTERN STATES PRESIDENTIAL PRIMARY 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 recommends **H.B. 252**, CHARITABLE SOLICITATIONS ACT AMENDMENTS, by Representative W. Harper, be replaced and favorably recommends **1st Sub. H.B. 252**, CHARITABLE SOLICITATIONS ACT AMENDMENTS and that 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. 378**, STATE ACCOUNTING AND BUDGETARY PROCEDURES AMENDMENTS, by Representative R. Bigelow, and recommends it be considered read for the second time and placed on the Consent Calendar; and

Peter C. Knudson, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 288, 1st Sub. H.B. 157, 1st Sub. H.B. 254, 2nd Sub. H.B. 127, 1st Sub.

H.B. 189, S.B. 294, H.B. 185, 1st Sub. H.B. 252, and H.B. 378 were considered read the second time and placed on the Consent Calendar.

# **INTRODUCTION OF BILLS**

**S.B. 286**, **Transportation and Transit Amendments** (S. Killpack), read the first time by short title and referred to the Rules Committee.

#### THIRD READING CALENDAR

On motion of Senator Bramble, the Senate voted to lift **S.B. 202**, ENERGY RESOURCE AND CARBON EMISSION REDUCTION INITIATIVE, to the top of the Third Reading Calendar.

On motion of Senator Bramble, under suspension of the rules, **S.B. 202**, ENERGY RESOURCE AND CARBON EMISSION REDUCTION INITIATIVE, was read the third time.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

1st Sub. S.B. 202 Energy Resource and Carbon Emission Reduction Initiative (C. Bramble)

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **2nd Sub. S.B. 185**, ECONOMIC INCENTIVE REVISIONS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

#### Yeas, 24; Nays, 0; Absent, 5.

#### Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Van Tassell	Valentine
Absent or not v	oting were: Senator	S	
Bramble	Jenkins	Stowell	Waddoups
Walker			

2nd Sub. S.B. 185 was transmitted to the House for consideration.

# SECOND READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from **2nd Sub. S.B. 204**, INCOME TAXATION AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill.

On motion of Senator Niederhauser, under suspension of the rules, **2nd Sub. S.B. 204**, INCOME TAXATION AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators				
Bramble	Buttars	Dayton	Dmitrich	
Eastman	Fife	Goodfellow	Greiner	
Hickman	Jenkins	Jones	Knudson	
Madsen	Mayne	McCoy	Niederhauser	
Peterson	Romero	Stephenson	Stowell	
Van Tassell	Waddoups	Walker	Valentine	
Absent or not voting were: Senators				
Bell	Christensen	Davis	Hillyard	
Killpack				

2nd Sub. S.B. 204 was transmitted to the House.

\* \* \*

On motion of Senator Walker, the circle was removed from **2nd Sub. S.B. 71**, SCHOOL DISTRICT AMENDMENTS, and it was before the Senate. Senator Walker explained the bill.

On motion of Senator Walker, under suspension of the rules, **2nd Sub. S.B. 71**, SCHOOL DISTRICT AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 19; Nays, 5; Absent, 5.

#### Voting in the affirmative were: Senators

Bramble	Dayton	Dmitrich	Eastman
Fife	Greiner	Hickman	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Stowell
Van Tassell	Walker	Valentine	

Voting in the neg	gative were: Senators		
Buttars	Goodfellow	Romero	Stephenson
Waddoups			
-			
Absent or not vo	oting were: Senators		
Bell	Christensen	Davis	Hillyard

2nd Sub. S.B. 71 was transmitted to the House.

\* \* \*

On motion of Senator Hickman, the Senate voted to move to Third Reading Calendar.

# THIRD READING CALENDAR

On motion of Senator Hickman, the circle was removed from **1st Sub. S.B. 81**, ILLEGAL IMMIGRATION, and it was before the Senate. Senator Hickman explained the bill.

Senator Hickman proposed the following amendment:

- 1. Page 13, Lines 385 through 389
  - 385 (<u>3) (a) Beginning July 1, 2009:</u>

386 (i) a public employer may not enter into a contract for the physical performance of

387 services within the state with a contractor unless the contractor registers and participates in the

388 <u>Status Verification System to verify the work eligibility status of the contractor's new</u>

389 employees that are employed in the state .

2. Page 14, Lines 399 through 403:

399 (4) (a) It is unlawful for an employing entity in the state to discharge an employee

400 working in Utah who is a United States citizen or permanent resident alien { while retaining } and replace the employee with, or have the employee's duties assumed by, an 401 employee who:

402 (i) the employing entity knows, or reasonably should have known, is an unauthorized

403 alien hired on or after July 1, 2009; and

Senator Hickman's motion to amend passed on a voice vote.

###

Senator Jenkins proposed the following amendment:

- 1. Page 3, Lines 66 through 68
  - 66 Other Special Clauses: <u>This bill takes effect on July 1, 2009.</u>

67 This bill coordinates with H.B. 63, Recodification of Title 63 State Affairs in General,

68 by providing technical renumbering.

- 2. Page 19, Lines 559 through 560:
  - 559 Section 11. <u>Effective date.</u> <u>This bill takes effect on July 1,2009.</u> Section 12 Coordinating S.B. 81 with H.B. 63

<u>Section 12.</u> Coordinating S.B. 81 with H.B. 63 — Technical renumbering.

560 If this S.B. 81 and H.B. 63, Recodification of Title 63 State Affairs in General, both

Senator Jenkins' motion to amend passed on a voice vote.

###

Senator Niederhauser proposed the following amendment:

1. Page 13, Lines 390 through 392

390 <u>(ii) a contractor shall register and participate in the Status</u> Verification System in order

391 to enter into a contract with a public employer.

392 (b)(i) <u>A subcontractor who is employed by a contractor to</u> perform a service for a public employer under Subsection (3)(a) is considered a new employee of the contractor for purposes of verifying

work eligibility under Subsection (3)(a) if the subcontractor is working
for the contractor for the first time.
(ii) The contractor is:
(A) not required to verify the work eligibility status of a
subcontractor's employees; and
(B) not liable for a subcontractor's failure to comply with the
requirements of this Subsection (3).
(c) <u>Subsection (3)(a) does not apply to a contract:</u>

Senator Niederhauser's motion to amend failed on a voice vote.

Senators Jones, Stephenson, Greiner, Romero, Killpack, and Waddoups commented. The bill passed on the following roll call:

# Yeas, 24; Nays, 5; Absent, 0.

# Voting in the affirmative were: Senators

0			
Bell	Bramble	Buttars	Dayton
Dmitrich	Eastman	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Voting in the ne	gative were: Senat	tors	
Christensen	Davis	Fife	McCoy
Romero			

1st Sub. S.B. 81, as amended, was transmitted to the House for consideration.

# COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2008 The Speaker of the House has signed **1st Sub. S.B. 113**, ACCESS TO RESEARCH WORKERS' PERSONAL INFORMATION, by Senator G. Bell, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk **1st Sub. S.B. 113** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor. \* \* \*

Mr. President:

February 25, 2008 The House passed H.B. 150, AUTHORIZATION FOR COUNTIES TO PROVIDE SUPPLEMENTAL LAW ENFORCEMENT SERVICES, by Representative J. Biskupski, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. H.B. 150 was read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

February 25, 2008

The House refuses to recede from its amendments to 1st Sub. S.B. 45, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, by Senator H. Stephenson, and has appointed a Conference Committee consisting of Representatives C. Frank, B. Dee, and N. Hendrickson to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk President Valentine appointed a conference committee consisting of Senators Stephenson, Niederhauser, and Goodfellow to meet with a like committee from the House.

\* \* \*

On motion of Senator Bell, legislative staff was authorized to draft a bill that would legislate the criteria for political subdivisions of the State of Utah to enact ordinances to legally recognize unmarried persons as financial co-dependents.

#### SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from 2nd Sub. S.B. 211. ALCOHOLIC BEVERAGE CONTROL 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, 7; Absent, 0.

Voting i	n the	affirmative	were:	Senators
----------	-------	-------------	-------	----------

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Hickman	Hillyard	Jenkins	Jones

Killpack Stephenson Walker	Knudson Stowell Valentine	Mayne Van Tassell	Niederhauser Waddoups
Voting in the nega	tive were: Senators		
Dayton	Goodfellow	Greiner	Madsen
McCoy	Peterson	Romero	
-			

\* \* \*

On motion of Senator Dmitrich, **H.J.R. 10**, JOINT RESOLUTION OPPOSING DESIGNATION OF PUBLIC LANDS CURRENTLY URGED BY CONGRESS AND THE BUREAU OF LAND MANAGEMENT, will be considered Thursday, February 28 2008 at ll:00 a.m.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **2nd Sub. H.B. 54**, PROPERTY TAX ASSESSMENT REVISIONS, and it was before the Senate. Senator Niederhauser explained the bill.

Senator Hillyard proposed the following amendment:

- 1. Page 1, Line 14: After "<u>second,</u>" delete "<u>or third</u>"
- Page 1, Line 14: After "<u>first</u>" delete "," and insert <u>"or"</u>
- Page 12, Line 356: After "<u>second</u>," delete "<u>or third</u>"
- Page 12, Line 356: After "<u>first</u>" delete "<u>,</u>" and insert <u>"or"</u>
- 5. Page 12, Line 361: Delete line 361

Senator Hillyard's motion to amend passed on a voice vote.

On motion of Senator Niederhauser, under suspension of the rules, **2nd Sub. H.B. 54**, PROPERTY TAX ASSESSMENT REVISIONS, was considered read the second and third times. The bill passed on the following roll call:

# Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators				
Bell	Bramble	Christensen	Dayton	
Eastman	Fife	Goodfellow	Greiner	
Hillyard	Jenkins	Jones	Killpack	
Knudson	Mayne	McCoy	Niederhauser	
Peterson	Romero	Stephenson	Stowell	
Van Tassell	Waddoups			
Absent or not voting were: Senators				
Buttars	Davis	Dmitrich	Hickman	
Madsen	Walker	Valentine		

2nd Sub. H.B. 54, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble and at 4:05 p.m., the Senate adjourned until 9:00 a.m., Tuesday, February 26, 2008.

# THIRTY-SEVENTH DAY

# **MORNING SESSION**

# **FEBRUARY 26, 2008**

The Senate was called to order at 9:45 a.m., with President John Valentine presiding.

Prayer – Senator Karen Mayne Pledge of Allegiance – Senator Dan Eastman Roll Call – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2008 The House passed, as amended, **H.B. 194**, CLASS SIZE REDUCTION IN KINDERGARTEN THROUGH GRADE THREE, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 210**, IDENTITY THEFT AND OTHER CRIMES, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 315**, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 415**, JOINT CUSTODY MODIFICATIONS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 12**, JOINT RESOLUTION AMENDING THE UTAH CONSTITUTION – STOCK AND BOND SUBSCRIPTIONS, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 194, H.B. 210, H.B. 315, 1st Sub. H.B. 415,** and **H.J.R. 12** were read the first time and referred to the Rules Committee. \* \* \*

Mr. President:

February 25, 2008

The House adopted the Joint Conference Committee Report dated February 25, 2008, and passed **2nd Sub. S.B. 152**, PRESUMPTIVE PERSONAL REPRESENTATIVE, by Senator G. Bell, and it is transmitted for further consideration.

Communications filed.

The Joint Conference Committee comprised of Sens. Bell, Waddoups, and Fife, and Reps. Urquhart, Hunsaker, and McGee, recommends **1st Sub. S.B. 152**, PRESUMPTIVE PERSONAL REPRESENTATIVE, by Senator G. Bell, be replaced and favorably recommends **2nd Sub. S.B. 152**, PRESUMPTIVE PERSONAL REPRESENTATIVE.

\* \* \*

Sen. Gregory S. Bell and

Rep. Stephen Urquhart, Chairs

Sandy D. Tenney, Chief Clerk

On motion of Senator Bell, the Senate voted to adopt the conference committee report to **2nd Sub. S.B. 152.** The bill passed on the following roll call vote:

Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Waddoups	Walker	Valentine	

Absent or not voting were:SenatorsBrambleVan Tassell

2nd Sub. S.B. 152 was returned to the House for its further action.

#### CONSENT CALENDAR

**S.B. 228**, REGULATION OF WELLS, 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

S.B. 228 was transmitted to the House for consideration.

\* \* \*

**S.B. 263**, SELF AUTHENTICATION OF DOCUMENTS, was read the third time, explained by Senator McCoy, and passed on the following roll call:

#### Yeas, 29; Nays, 0; Absent, 0.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

S.B. 263 was transmitted to the House for consideration.

\* \* \*

**H.B. 178**, JURISDICTION FOR PROSECUTION, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman

Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

H.B. 178, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 312**, CRIME VICTIM REPARATIONS REVISIONS, was read the third time, explained by Senator Bell, and passed on the following roll call:

#### Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were:SenatorsDavisMcCoy

**H.B. 312** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 314**, SEXUAL OFFENSES – DEFINITIONS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

#### Yeas, 28; Nays, 0; Absent, 1.

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

#### Absent or not voting was: Senator

Davis

**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. 327**, ENTICING A MINOR BY ELECTRONIC MEANS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Bell

**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. 377**, CODE OF CRIMINAL PROCEDURE AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

#### Absent or not voting was: Senator

Greiner

**H.B. 377** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 342**, INSURANCE CODE AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators					
Bell	Bramble	Buttars	Christensen		
Davis	Dayton	Dmitrich	Eastman		
Fife	Goodfellow	Greiner	Hickman		
Hillyard	Jenkins	Jones	Killpack		
Knudson	Madsen	Mayne	McCoy		
Niederhauser	Peterson	Romero	Stephenson		
Stowell	Van Tassell	Waddoups	Walker		
Valentine					

H.B. 342, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 184**, CONSTRUCTION AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

H.B. 184, as amended, was returned to the House for further consideration.

#### \* \* \*

**S.B. 221**, CAPITAL DEVELOPMENT AND IMPROVEMENT AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

#### Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator McCoy

S.B. 221 was transmitted to the House for consideration.

#### THIRD READING CALENDAR

**S.B. 234**, MINIMUM SCHOOL PROGRAM AMENDMENTS – COUNSELING AND GUIDANCE PROGRAMS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

#### Yeas, 29; Nays, 0; Absent, 0.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

S.B. 234 was transmitted to the House for consideration.

\* \* \*

**S.B. 241**, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, was read the third time, explained by Senator Jones, and passed on the following roll call:

Voting in the affirmative were: Senators					
Bell	Bramble	Buttars	Christensen		
Davis	Dayton	Dmitrich	Eastman		
Fife	Goodfellow	Greiner	Hickman		
Hillyard	Jenkins	Jones	Killpack		
Knudson	Madsen	Mayne	McCoy		
Niederhauser	Peterson	Romero	Stephenson		
Stowell	Van Tassell	Waddoups	Walker		
Valentine					

Yeas, 29; Nays, 0; Absent, 0.

S.B. 241 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, the Senate voted to lift **H.B. 412**, BELOW COST SALES, from the Business and Labor Committee and place it on the Time Certain Calendar for today at 3:30 p.m.

On motion of Senator Bramble, the Senate voted to lift **H.B. 202**, EMPLOYEE BENEFIT AMENDMENTS, from the Business and Labor Committee and reassign it to the Retirement and Independent Entities Committee.

On motion of Senator Bramble, the Senate voted to lift **S.B. 297**, ANIMAL TORTURE AND CRUELTY AMENDMENTS, to the top of the Second Reading Calendar.

\* \* \*

**1st Sub. S.B. 47**, LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES REVISIONS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

#### Voting in the affirmative were: Senators

0			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

1st Sub. S.B. 47 was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 197**, PREFERRED DRUG LIST REVISIONS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators					
Bell	Bramble	Buttars	Christensen		
Davis	Dayton	Dmitrich	Eastman		
Fife	Goodfellow	Greiner	Hickman		
Hillyard	Jenkins	Jones	Killpack		
Knudson	Madsen	Mayne	McCoy		
Niederhauser	Peterson	Romero	Stephenson		
Stowell	Van Tassell	Waddoups	Walker		
Valentine					

1st Sub. S.B. 197 was transmitted to the House for consideration.

\* \* \*

**S.B. 247**, VETERANS PROCUREMENT PROVISIONS, was read the third time, explained by Senator Fife, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Stowell

Valentine

Voting in the affirmative were: Senators					
Bell	Bramble	Buttars	Christensen		
Davis	Dayton	Dmitrich	Eastman		
Fife	Goodfellow	Greiner	Hickman		
Hillyard	Jenkins	Jones	Killpack		
Knudson	Madsen	Mayne	McCoy		
Niederhauser	Peterson	Romero	Stephenson		

Van Tassell

S.B. 247 was transmitted to the House for consideration.

\* \* \*

Waddoups

Walker

**S.B. 264**, DEVELOPMENT AROUND MILITARY INSTALLATIONS, was read the third time and explained by Senator Killpack.

On motion of Senator Killpack, the following substitute bill replaced the original bill:

# **1st Sub. S.B. 264 Development Around Military Installations** (S. Killpack)

The bill passed on the following roll call:

#### Yeas, 29; Nays, 0; Absent, 0.

Voting in	n the	affirmative	were:	Senators
-----------	-------	-------------	-------	----------

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

1st Sub. S.B. 264 was transmitted to the House for consideration.

\* \* \*

**2nd Sub. S.B. 211**, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, was read the third time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 202**, ENERGY RESOURCE AND CARBON EMISSION REDUCTION INITIATIVE, and it was before the Senate. Senator Bramble explained the bill. Senator Jenkins commented. The bill passed on the following roll call:

#### Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

#### Absent or not voting was: Senator

Niederhauser

1st Sub. S.B. 202 was transmitted to the House for consideration.

#### SECOND READING CALENDAR

On motion of Senator Greiner, the circle was removed from **H.J.R. 4**, JOINT RESOLUTION URGING SCHOOL CLOSINGS TO RECOGNIZE VETERANS DAY, and it was before the Senate. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

**Voting in the negative was:** Senator McCoy

Absent or not voting were: Senators Niederhauser Stephenson

\* \* \*

**S.B. 297**, ANIMAL TORTURE AND CRUELTY AMENDMENTS, was read the second time. Senator Christensen explained the bill. Senators Jenkins, Greiner, Davis, Hickman, Jones, Bell, and Bramble commented.

Senator Jenkins proposed the following amendment:

- Page 1, Line 19: Delete "<u>third degree felony</u>" and insert "<u>class A misdemeanor</u>"
- Page 6, Line 164: Delete "<u>third degree felony</u>" and insert "<u>class A misdemeanor</u>"

Senator Jenkins' motion to amend failed on a voice vote. The bill passed second reading on the following roll call:

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Hillyard	Jones	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		
Dayton	tive were: Senators Greiner	Hickman	Jenkins
Madsen	Stephenson		

#### Yeas, 22; Nays, 6; Absent, 1.

Absent or not voting was: Senator Killpack

\* \* \*

On motion of Senator Hickman the Senate voted to lift **S.B. 286**, TRANSPORTATION AND TRANSIT AMENDMENTS, from the Rules Committee and assign it to the Transportation, Public Utilities and Technology Committee.

\* \* \*

On motion of Senator Hickman the Senate voted to lift **S.B. 298**, STATE LAND ACQUISITION, from the Rules Committee and assign it to the Retirement and Independent Entities Committee.

#### \* \* \*

**S.B. 203**, HIGHWAY ABANDONMENT AMENDMENTS, was read the second time. Senator Peterson explained the bill. Senator Van Tassell commented. The bill passed second reading on the following roll call:

#### Yeas, 24; Nays, 1; Absent, 4.

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Fife
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Stephenson
Stowell	Van Tassell	Waddoups	Valentine

### Voting in the negative was: Senator

Romero

Absent or not voting were: Senators				
Davis	Goodfellow	Hickman	Walker	
	*	* *		

**S.B. 231**, TRANSPORTATION GOVERNANCE, was read the second time. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

#### Voting in the affirmative were: Senators Bell Bramble Christensen Buttars Goodfellow Dmitrich Eastman Dayton Jenkins Greiner Hillvard Jones Knudson Madsen Killpack Mayne McCoy Niederhauser Peterson Stephenson Stowell Van Tassell Valentine Waddoups Voting in the negative was: Senator Romero

Absent or not voting were: Senators				
Davis	Fife	Hickman	Walker	

\* \* \*

**S.B. 194**, METAL THEFT AMENDMENTS AND PENALTIES, was read the second time. Senator Greiner explained the bill. Senators Jenkins, Jones, and Knudson commented.

Senator McCoy proposed the following amendment:

- Page 1, Line 15 and 16: Delete lines 15 and 16 and renumber accordingly
- Page 5, Lines 138 through 141: Delete lines 138 through 141 and renumber accordingly

Senator McCoy's motion to amend passed on a voice vote. The bill failed second reading on the following roll call:

### Yeas, 13; Nays, 14; Absent, 2.

### Voting in the affirmative were: Senators

Bell	Bramble	Dayton	Goodfellow
Greiner	Hickman	Jenkins	Mayne
Romero	Stowell	Van Tassell	Waddoups
Valentine			

#### Voting in the negative were: Senators

Buttars	Christensen	Davis	Dmitrich
Fife	Hillyard	Jones	Knudson
Madsen	McCoy	Niederhauser	Peterson
Stephenson	Walker		

# Absent or not voting were:SenatorsEastmanKillpack

The bill was filed.

\* \* \*

# **S.B. 209**, METHAMPHETAMINE DECONTAMINATION STANDARDS AND FUNDING, was read the second time. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 2, Lines 45 through 47

45 (3) "Contaminated" or "contamination" means

(a) polluted by hazardous materials that

46 cause property to be unfit for human habitation or use due to immediate or long-term health

47 hazards {-.-} <u>: or</u> (b) that a property is polluted by hazardous materials as a result of the use, production, or presence of methamphetamine in excess of decontamination standards adopted by the Department of Health under Section 26–49–201.

Senator Buttars' 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
---------------------------	-------	----------

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Eastman Killpack

\* \* \*

**S.B. 295**, SECURITY ALARM BUSINESS LICENSING AMENDMENTS, was read the second time.

On motion of Senator Dayton, the bill was circled.

\* \* \*

**S.B. 210**, PROOF OF CITIZENSHIP REQUIRED TO VOTE, was read the second time. Senator Madsen explained the bill. Senators Romero, Walker, McCoy, Davis, Bell, Hickman, and Dmitrich commented. The bill passed second reading on the following roll call:

#### Yeas, 16; Nays, 10; Absent, 3.

#### Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Eastman
Hickman	Jenkins	Killpack	Knudson
Madsen	Niederhauser	Peterson	Stephenson
Van Tassell	Waddoups	Walker	Valentine
Voting in the nega Bell Goodfellow McCoy	<b>tive were:</b> Senators Davis Greiner Romero	Dmitrich Jones	Fife Mayne

#### Absent or not voting were: Senators

Buttars Hillyard Stowell

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2008 The House passed, 1st Sub. S.B. 158, GOVERNOR'S RURAL PARTNERSHIP BOARD AND RURAL COORDINATING COMMITTEE 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. 187, BAIL IN CAPITAL OFFENSE CASES, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 290, PRIVATE INVESTIGATORS' ACCESS TO DRIVER LICENSURE INFORMATION, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1st Sub. S.B. 158, S.B. 187, and S.B. 290 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 26, 2008 The House passed H.B. 329, HIGH-ABILITY STUDENT INITIATIVE PROGRAM, by Representative B. Last, et al, and it is transmitted for consideration: and

The House passed, as amended, H.B. 459, CONSTRUCTION TRADES EXEMPTION, by Representative S. Urguhart, and it is transmitted for consideration: and

The House passed, as substituted and amended, 1st Sub. H.B. 472, CHARTER SCHOOL BUILDING AND ENROLLMENT AMENDMENTS, by Representative K. Garn, and it is transmitted for consideration; and

House passed, as amended, H.B. 492, SEX OFFENDER The NOTIFICATION AND REGISTRATION, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.C.R. 6, CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF PRESIDENT GORDON B. HINCKLEY, by Representative M. Morley, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. H.B. 329, H.B. 459, 1st Sub. H.B. 472, H.B. 492, and 1st Sub. H.C.R. 6 were read the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Bramble, and at 12:00 noon, the Senate recessed.

## **AFTERNOON SESSION**

The Senate reassembled at 3:20 p.m., with President Valentine presiding.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2008 The House passed **H.B. 324**, NOT-A-DROP DRIVERS PROGRAM AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 361**, ANTI-SEIZURE DRUG NOTIFICATION, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 364**, PROMOTION OF HEALTH CARE COVERAGE, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 366**, MEDICAID LONG TERM CARE AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 402**, VEHICLE TO PULL OFF HIGHWAY, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed **H.B. 409**, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, by Representative J. Gowans, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 324, H.B. 361, 2nd Sub. H.B. 364, 1st Sub. H.B. 366, H.B. 402,** and **H.B. 409** were read the first time and referred to the Rules Committee.

#### STANDING COMMITTEE REPORTS

Mr. President:

February 26, 2008

The Government Operations and Political Subdivisions Committee recommends **H.B. 80**, ADMINISTRATIVE RULE PENALTY AMENDMENTS, by Representative B. Ferry, be replaced and favorably recommends **1st Sub. H.B. 80**, ADMINISTRATIVE RULE PENALTY AMENDMENTS; and

SENATE JOURNAL

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 171**, DRIVING PRIVILEGE CARD AMENDMENTS, by Representative B. Daw.

Peter C. Knudson, Chair

Mr. President: February 25, 2008 The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 121**, COUNTY CHARGES FOR SERVICES TO INCARCERATED PERSONS, by Representative R. Greenwood; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 92**, GARNISHMENT AMENDMENTS, by Representative J. Draxler; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 161**, SEX OFFENDERS' CONTACT WITH CHILDREN, by Representative R. Greenwood.

Gregory S. Bell, Chair

On motion of Senator Jenkins, the committee reports were adopted. **H.B. 80**, **H.B. 171**, **H.B. 121**, **1st Sub. H.B. 92**, and **H.B. 161** were placed on Second Reading Calendar.

#### STANDING COMMITTEE REPORTS

Mr. President: February 26, 2008 The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 173**, MONEY MANAGEMENT ACT UPDATES, by Representative P. Neuenschwander, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

February 25, 2008

Mr. President:

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 243**, THIS IS THE PLACE FOUNDATION – PROCUREMENT CODE EXEMPTION, by Senator B. Goodfellow, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 244, DIVISION OF PARKS AND

RECREATION TO SUPPORT NONPROFIT CORPORATION OR FOUNDATION, by Senator B. Goodfellow, and recommends it be considered read for the second time and placed on the Consent Calendar.

Darin G. Peterson. Chair

Mr. President: The Judiciary, Law Enforcement, and Criminal Justice Committee recommends H.B. 371, DIGITAL CERTIFICATES FOR BREATHALIZERS, by Representative C. Herrod, be replaced and favorably recommends 1st Sub. H.B. 371, DIGITAL CERTIFICATES FOR BREATHALIZERS and that it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a recommendation on H.B. 375, DECEPTION DETECTION favorable EXAMINERS LICENSING ACT AMENDMENTS, by Representative R. Barrus, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Jenkins, the committee reports were adopted. H.B. 173, S.B. 243, S.B. 244, 1st Sub. H.B. 371, and H.B. 375 were considered read the second time and placed on the Consent Calendar.

\* \* \*

Mr. President:

February 26, 2008 Without committee review, the Revenue and Taxation Committee has returned S.B. 178, SENIOR CITIZEN PROPERTY TAX SAFE HARBOR, by Senator D. C. Buttars, to the Rules Committee: and

With committee review, the Revenue and Taxation Committee has returned S.B. 217. PROPERTY TAX DEFERRALS. ABATEMENTS. AND RELIEF LIMITATIONS, by Senator D. Stowell, to the Rules Committee without recommendation; and

Without committee review, the Revenue and Taxation Committee has returned H.B. 172. DISTRIBUTION OF LOCAL OPTION SALES AND USE TAX REVENUES, by Representative B. Dee, to the Rules Committee.

Wayne L. Niederhauser, Chair

February 25, 2008

Mr. President:

With committee review, the Workforce Services and Community and Economic Development Committee deleted S.B. 173, RENEWABLE ENERGY

February 25, 2008

PROVISIONS, by Senator S. McCoy, and replaced it with 1st Sub. S.B. 173, RENEWABLE ENERGY PROVISIONS, and has returned it to the Rules Committee without recommendation

Mark B. Madsen. Chair

February 26, 2008 Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned S.B. 279, WATER AND LAND USE DEVELOPMENT, by Senator D. Peterson, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned H.B. 303, PHOSPHORUS LIMIT IN DISHWASHING DETERGENT, by Representative C. Johnson, to the Rules Committee

Darin G. Peterson. Chair

S.B. 178, S.B. 217, H.B. 172, 1st Sub. S.B. 173, S.B. 279, and H.B. 303 were returned to the Rules Committee.

#### SECOND READING CALENDAR

S.B. 218, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX, was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, S.R. 4, SENATE RESOLUTION REGARDING TRADE WITH TAIWAN, was considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

#### Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jones	Knudson
Madsen	Mayne	McCoy	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Valentine		

Mr. President:

#### Absent or not voting were: Senators

Buttars	Christensen	Hickman	Jenkins
Killpack	Niederhauser	Walker	

**S.R. 4** was signed by the President of the Senate in open session and returned to the staff for enrolling.

\* \* \*

**S.B. 238**, AQUATIC INVASIVE SPECIES INTERDICTION ACT, was read the second time. Senator Greiner explained the bill.

On motion of Senator Greiner, the following substitute bill replaced the original bill:

#### 1st Sub. S.B. 238 Aquatic Invasive Species Interdiction Act (J. Greiner)

The bill passed second reading on the following roll call:

#### Yeas, 25; Nays, 0; Absent, 4.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hillyard	Jenkins	
Jones	Killpack	Knudson	Madsen	
Mayne	McCoy	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker				
Absent or not voting were: Senators				
Davis	Hickman	Niederhauser	Valentine	

\* \* \*

On motion of Senator Dayton, the circle was removed from **S.B. 295**, SECURITY ALARM BUSINESS LICENSING AMENDMENTS, and it was before the Senate. 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			
Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Hickman	Hillyard
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Peterson	Romero
Stephenson	Stowell	Waddoups	Walker
Absent or not votin Christensen Valentine	<b>ng were:</b> Senators Jenkins	Niederhauser	Van Tassell

\* \* \*

**S.B. 251**, TASK FORCE STUDYING FUNDING FOR FIGHTING FOREST FIRES, 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

\* \* \*

**S.B. 200**, PROFESSIONAL ENGINEERS LICENSING AMENDMENTS, was read the second time. Senator Fife explained the bill.

Senator Niederhauser proposed the following amendment:

 Page 5, Line 138: After "all buildings over" delete "60,000" and insert "200,000"

Senator Niederhauser's motion to amend passed on a voice vote. Senators Niederhauser and Van Tassell commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

voting in the annihilative were. Schators				
Bell	Bramble	Buttars	Davis	
Dmitrich	Eastman	Fife	Goodfellow	
Greiner	Hickman	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stowell	Van Tassell	Waddoups		
Voting in the negative were:SenatorsChristensenDayton				
Absent or not voting were: Senators				
The second of the second secon				

Voting in the affirmative were: Senators

Valentine Hillyard Stephenson Walker

\* \* \*

S.B. 223, STANDARDS FOR ACCEPTANCE OF SCHOOL TRANSFER APPLICATIONS, was read the second time.

On motion of Senator Madsen, the bill was circled.

\* \* \*

On motion of Senator Killpack, the circle was removed from S.B. 208, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, and it was before the Senate. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

- 1. Page 2, Lines 44 through 45
  - 44 circumstances; {**--and**--}
    - ▶ <u>on July 1, 2012, sunsets the authority of the:</u>

Transportation Commission to designate a transportation corridor or a portion of a transportation corridor as a critical transportation corridor; and

Department of Transportation to use eminent domain powers for the acquisition of private property rights within a critical transportation corridor; and

45 makes technical changes. ►

2. Page 2, Lines 53 through 54:

17-27a-508, as last amended by Laws of Utah 2007, Chapter 53 363

63-55-272, as last amended by Laws of Utah 2004, Chapter 90

- 54 72–5–402, as last amended by Laws of Utah 2003, Chapter 300
- 3. Page 4, Lines 98 through 99:
  - 98 complied with the requirements of Subsection (1)(b).

(d) After a municipality has complied with the requirements of Subsection (1)(b) for a land use application, the municipality may not withhold approval of the land use application for which the applicant is otherwise entitled under Subsection (1)(a).

99  $[(b)] \{-(d)\}$  (e) The municipality shall process an application without regard to proceedings

4. Page 4, Line 104:

104 [(c)]  $\{-(e)\}$  (f) An application for a land use approval is considered submitted and complete

5. Page 4, Line 107:

107 [(d)]  $\{-(f)\}$  (g) The continuing validity of an approval of a land use application is conditioned

6. Page 4, Line 110:

110 [(e)]  $\{-(g)\}$  (h) A municipality may not impose on a holder of an issued land use permit a

7. Page 4, Line 114:

114 [(f)]  $\{-(h)\}$  (i) A municipality may not withhold issuance of a certificate of occupancy

8. Page 6, Lines 160 through 161:

160 complied with the requirements of Subsection (1)(b).

(d) After a county has complied with the requirements of Subsection (1)(b) for a land use application, the county may not withhold approval of the land use application for which the applicant is otherwise entitled under Subsection (1)(a).

161 [(b)]  $\{-\underline{(d)}\}$  (e) The county shall process an application without regard to proceedings initiated

9. Page 6, Line 166:

166 [(c)]  $\{-(e)\}$  (f) An application for a land use approval is considered submitted and complete

10. Page 6, Line 169:

169 [(d)]  $\{-(f)\}$  (g) The continuing validity of an approval of a land use application is conditioned

11. Page 6, Line 172:

172 [(e)]  $\{-(g)\}$  (h) A county may not impose on a holder of an issued land use permit a

12. Page 6, Line 176:

176 [(f)]  $\{-(h)\}$  (i) A county may not withhold issuance of a certificate of occupancy because of

- 13. Page 6, Line 181:
  - 181 shall comply with mandatory provisions of those ordinances. Section 3. Section 63–55–272 is amended to read:

63–55–272. Repeal dates, Title 72.

<u>Subsection 72–5–403(4) regarding the designation of critical</u> <u>transportation corridors and the use of eminent domain for acquisition of</u> <u>private property rights within a critical transportation corridor is</u> <u>repealed July 1, 2012.</u>

Renumber remaining sections accordingly.

Senator Killpack's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

#### Yeas, 25; Nays, 0; Absent, 4.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups			
Absent or not voting were: Senators			
Hillyard	Stephenson	Walker	Valentine
	* *	* *	

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. 211**, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

3rd Sub. S.B. 211 Alcoholic Beverage Control Amendments (C. Bramble)

Senator Bramble explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 6; Absent, 0.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Eastman	Fife
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Mayne	Niederhauser
Peterson	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	
Voting in the nega	tive were: Senators		
Dmitrich	Goodfellow	Greiner	Madsen
McCoy	Romero		

3rd Sub. S.B. 211 was transmitted to the House for consideration.

#### SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **H.B. 412**, BELOW COST SALES, was considered read the second and third times. Senator Bramble explained the bill. Senator Jenkins commented. The bill passed on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Killpack
Knudson	Madsen	Niederhauser	Stephenson
Stowell	Van Tassell	Waddoups	

Voting in the negative were: Senators			
Davis	Jenkins	Jones	Mayne
McCoy	Romero		
A 1			
Absent or not voting were: Senators			
Hickman	Peterson	Walker	Valentine

**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 of the House.

\* \* \*

**S.B. 253**, COUNTY LAW ENFORCEMENT DUTIES, was read the second time. Senator Waddoups explained the bill.

Senator Waddoups proposed the following amendment:

1. Page 3, Lines 82 through 83

82 (1) A county of the first class may enter into an interlocal agreement under Title 11.

83 <u>Chapter 13</u>, Interlocal Cooperation Act, to provide law enforcement service.

(2) An interlocal agreement described in Subsection (1) may be entered into on behalf of the county by:

(a) the county sheriff; or

(b) on and after January 1, 2009, the county legislative body.

Senator Waddoups' motion to amend passed on a voice vote.

###

Senator Dmitrich proposed the following amendment:

 Page 3, Line 83(b): Senate Floor Amendments 2–26–2008 Delete "January 1, 2009" and insert "May 5, 2009"

Senator Dmitrich's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 2; Absent, 5.

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Romero	Stephenson	Stowell
Van Tassell	Waddoups		
Voting in the negative were: Senators			

#### Voting in the affirmative were: Senators

Voting in the negative were: Senators Goodfellow McCoy

Absent or not voting were: Senators				
Buttars	Hickman	Peterson	Walker	
Valentine				

\* \* \*

On motion of Senator Madsen, the circle was removed from **S.B. 223**, STANDARDS FOR ACCEPTANCE OF SCHOOL TRANSFER APPLICATIONS, and it was before the Senate. Senator Madsen explained the bill.

On motion of Senator Madsen, the following substitute bill replaced the original bill:

# 1st Sub. S.B. 223 Standards for Acceptance of School Transfer Applications (M. Madsen)

Senators Dmitrich, Jones, and Jenkins commented. The bill failed second reading on the following roll call:

#### Yeas, 6; Nays, 21; Absent, 2.

#### Voting in the affirmative were: Senators

Dayton	Madsen	McCoy	Niederhauser
Stephenson	Waddoups		

#### Voting in the negative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
Peterson	Romero	Stowell	Van Tassell
Walker			

Absent or not voting were: Senators Hickman Valentine

The bill was filed.

\* \* \*

On motion of Senator Bramble, the Senate voted to lift **1st Sub. S.B. 245**, FUNDING RELATING TO AIRPORTS, to the top of the Second Reading Calendar.

1st Sub. S.B. 245, FUNDING RELATING TO AIRPORTS, was read the second time. Senator Bramble explained the bill.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

2nd Sub. S.B. 245 Funding Relating to Airports, Highways, and Public Transit (C. Bramble)

On motion of Senator Bramble, the bill was circled.

\* \* \*

Senator Niederhauser made the motion to reconsider its action on **S.B. 194**, METAL THEFT AMENDMENTS AND PENALTIES. The motion failed on a voice vote.

\* \* \*

On motion of Senator Bramble and at 4:30 p.m., the Senate adjourned until 9:00 a.m., Wednesday, February 27, 2008.

# THIRTY-EIGHTH DAY

### **MORNING SESSION**

### **FEBRUARY 27, 2008**

The Senate was called to order at 9:25 a.m., with President John Valentine presiding.

Prayer – Reverend Sean Parker Dennison Pledge of Allegiance – Senator Curtis Bramble Roll Call – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2008 The Speaker of the House has signed **2nd Sub. S.B. 152**, PRESUMPTIVE PERSONAL REPRESENTATIVE, by Senator G. Bell, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 2nd Sub. S.B. 152 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: February 26, 2008 The House passed, as substituted, **5th Sub. H.B. 164**, TOWN INCORPORATION PROCESS AMENDMENTS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 426**, GOVERNMENT PROCUREMENT – PRIVATE PROPOSALS, by Representative K. Garn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **5th Sub. H.B. 164** and **2nd Sub. H.B. 426** were read the first time and referred to the Rules Committee.

#### THIRD READING CALENDAR

**H.J.R. 4**, JOINT RESOLUTION URGING SCHOOL CLOSINGS TO RECOGNIZE VETERANS DAY, was read the third time, explained by Senator Greiner, and passed on the following roll call:

# Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators			
Bramble	Buttars	Christensen	Davis
Dayton	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Waddoups	Walker	Valentine
Voting in the negative was: Senator McCoy			

Absent or not voti	ng were: Senators		
Bell	Dmitrich	Madsen	Van Tassell

**H.J.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. 297**, ANIMAL TORTURE AND CRUELTY AMENDMENTS, was read the third time and explained by Senator Christensen.

Senator Jenkins proposed the following amendment:

1. Page 1, Lines 19 through 20

19 ► makes it a third degree felony to <u>, after being</u> <u>convicted of intentionally or knowingly torturing an animal</u>, intentionally or knowingly torture a companion

- 20 animal; and
- 2. Page 6, Lines 164 through 165:

164 (6) (a) A person is guilty of a third degree felony if <u>. after</u> being convicted of intentionally or knowingly torturing an animal under Subsection (4)(a), the person intentionally or knowingly

165 tortures a companion animal.

Senator Jenkins' motion to amend failed on a voice vote. Senators Davis, Bramble, Greiner and McCoy commented and the bill passed on the following roll call:

#### Yeas, 21; Nays, 6; Absent, 2.

#### Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stowell	Van Tassell	Waddoups	Walker
Valentine			
Voting in the nega	tive were: Senators		
Dayton	Greiner	Hickman	Jenkins
Madsen	Stephenson		
Absent or not voting were: Senators			

Bell Hillyard

S.B. 297 was transmitted to the House for consideration.

\* \* \*

**S.B. 203**, HIGHWAY ABANDONMENT AMENDMENTS, was read the third time.

On motion of Senator Peterson, the bill was circled.

\* \* \*

S.B. 231, TRANSPORTATION GOVERNANCE, was read the third time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**S.B. 209**, METHAMPHETAMINE DECONTAMINATION STANDARDS AND FUNDING, was read the third time and explained by Senator Buttars. Senator Fife commented and 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	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins

Jones	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker	Valentine			

Absent or not voting were:SenatorsBellHillyardKillpack

S.B. 209 was transmitted to the House for consideration.

\* \* \*

**S.B. 210**, PROOF OF CITIZENSHIP REQUIRED TO VOTE, was read the third time.

On motion of Senator Madsen, the bill was circled.

\* \* \*

**1st Sub. S.B. 238**, AQUATIC INVASIVE SPECIES INTERDICTION ACT, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

#### Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine		-	
	_		
Absent or not voting were: Senators			
Bell	Buttars	Hillyard	Killpack

1st Sub. S.B. 238 was transmitted to the House for consideration.

\* \* \*

**S.B. 295**, SECURITY ALARM BUSINESS LICENSING AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Davis

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators			
Bramble	Buttars	Christensen	
Dayton	Dmitrich	Eastman	

Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were:SenatorsBellHillyardPeterson

S.B. 295 was transmitted to the House for consideration.

\* \* \*

**S.B. 251**, TASK FORCE STUDYING FUNDING FOR FIGHTING FOREST FIRES, was read the third time, explained by Senator Stowell, and passed on the following roll call:

#### Yeas, 27; Nays, 1; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

**Voting in the negative was:** Senator Dayton

Absent or not voting was: Senator Hillyard

S.B. 251 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Stowell, the circle was removed from **2nd Sub. S.B. 85**, WATER RIGHTS BOARD, and it was before the Senate. Senator Stowell explained the bill.

On motion of Senator Stowell, the following substitute bill replaced the original bill:

#### 3rd Sub. S.B. 85 Water Rights Board (D. Stowell)

Senator Stowell proposed the following amendment:

1. Page 14, Line 414

414  $\underline{50}$  {-<u>acre-fee</u>} <u>acre-feet</u> <u>or less:</u>

Senator Stowell's motion to amend passed on a voice vote. Senators Knudson, Peterson, Bell, Jenkins, Dmitrich, Madsen, and Dayton commented. The bill passed on the following roll call:

#### Yeas, 16; Nays, 11; Absent, 2.

Voting in the affirmative were: Senators				
Buttars	Christensen	Dayton	Eastman	
Goodfellow	Hickman	Jenkins	Killpack	
Knudson	Madsen	Niederhauser	Peterson	
Stephenson	Stowell	Waddoups	Walker	
<b>Voting in the nega</b> Bell Greiner Romero	<b>tive were:</b> Senators Davis Jones Van Tassell	Dmitrich Mayne Valentine	Fife McCoy	

Absent or not voting were:SenatorsBrambleHillyard

3rd Sub. S.B. 85 was transmitted to the House for consideration.

\* \* \*

**S.B. 200**, PROFESSIONAL ENGINEERS LICENSING AMENDMENTS, was read the third time, explained by Senator Fife, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators			
Bell	Buttars	Christensen	Davis
Dayton	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones

Killpack Niederhauser Stowell Valentine	Madsen Peterson Van Tassell	Mayne Romero Waddoups	McCoy Stephenson Walker
Absent or not voti Bramble	<b>ng were:</b> Senators Dmitrich	Hillyard	Knudson

S.B. 200 was transmitted to the House for consideration.

\* \* \*

**S.B. 208**, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, was read the third time and explained by Senator Killpack.

Senator Killpack proposed the following amendment:

 Page 2, Lines 34 through 35 Senate 2nd Reading Amendments 2–26–2008

34 ► <u>beginning on August 1, 2008</u>, authorizes the Transportation Commission to designate certain transportation

35 corridors as critical transportation corridors;

 Page 2, Lines 39 through 44 Senate 2nd Reading Amendments 2–26–2008:

39 ► <u>beginning on August 1, 2008</u>, authorizes the Department of Transportation to acquire certain private property

40 rights through the use of eminent domain powers that are located within a critical

41 transportation corridor;

42 ► <u>beginning on August 1, 2008</u>, authorizes the Department of Transportation to use certain transportation funds for

43 the acquisition of private property rights through eminent domain in certain

44 circumstances;  $\hat{S} \rightarrow [and]$ 

3. Page 8, Lines 221 through 222:

221 (4) (a) { — <u>The</u> } <u>Beginning on August 1, 2008, the</u> commission may designate a transportation corridor or a portion of a

222 transportation corridor as a critical transportation corridor if:

4. Page 8, Lines 229 through 231:

229 (b) {-The } Beginning on August 1, 2008, the department may:

230 (i) use eminent domain powers for the acquisition of private property rights for

231 transportation corridor preservation purposes:

Senator Killpack's motion to amend passed on a voice vote. The bill passed on the following roll call:

#### Yeas, 22; Nays, 0; Absent, 7.

#### Voting in the affirmative were: Senators

Bell	Davis	Dayton	Dmitrich
Eastman	Fife	Greiner	Hickman
Jenkins	Jones	Killpack	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Van Tassell	Waddoups
Walker	Valentine		
	<b>G</b>		
Absent or not voti	ng were: Senators		
Bramble	Buttars	Christensen	Goodfellow
Hillyard	Knudson	Stowell	

**S.B. 208** was transmitted to the House for consideration.

\* \* \*

On motion of Senator Killpack, the circle was removed from **S.B. 231**, TRANSPORTATION GOVERNANCE, and it was before the Senate. Senator Killpack explained the bill. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators			
Bell	Christensen	Davis	Dayton
Eastman	Fife	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson

Madsen Peterson	Mayne Romero Waddowra	McCoy Stephenson Walker	Niederhauser Stowell Valentine
Van Tassell Absent or not voti	Waddoups ng were: Senators	waiker	valentine
Bramble Hillyard	Buttars	Dmitrich	Goodfellow

S.B. 231 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Hickman, the Senate voted to move bills back to the Rules Committee which have not been reported out of Senate Standing Committees after the conclusion of their last scheduled meeting.

\* \* \*

**S.B. 253**, COUNTY LAW ENFORCEMENT DUTIES, was read the third time and explained by Senator Waddoups.

Senator Waddoups proposed the following amendment:

1. Page 1, Lines 12 through 15

12  $\blacktriangleright$  requires county sheriffs <u>in counties of the first</u> <u>class</u> to <u>:</u>

• provide law enforcement service as provided in an

13 interlocal agreement; and

14  $\{-\}$  <u>•</u>  $\{-\text{requires county sheriffs to}\}$  provide law enforcement service to an unincorporated

15 area of the county to the extent that another entity established to provide <u>law enforcement service or</u> extended

 Page 3, Lines 66 through 68 Senate 2nd Reading Amendments 2–26–2008:

66 (o) for the sheriff of a first class county that enters into an interlocal agreement for law enforcement service under Title 11, Chapter 13, Interlocal Cooperation Act, as authorized in Section 17–50–324:

(i) provide law enforcement service as provided in {-an } the interlocal agreement {-under Title 67 <u>11, Chapter 13, Interlocal Cooperation Act, to which the county is a party</u> } : <u>or</u>
68 {-(p) } (ii) provide law enforcement service to an unincorporated area of the county to the

 Page 3, Line 70 Senate 2nd Reading Amendments 2–26–2008:

```
70 <u>interlocal entity, as defined in Section 11–13–103, established to</u>
provide law enforcement service or extended police
```

 Page 3, Lines 72 through 74 Senate 2nd Reading Amendments 2–26–2008:

72 [( $\Theta$ )] {-(q)} (<u>p</u>) manage search and rescue services in his county;

73  $[(p)] \{-(r)\}$  (q) obtain saliva DNA specimens as required under Section 53–10–404;

74 [(q)]  $\{-(s)\}$  (r) on or before January 1, 2003, adopt a written policy that prohibits the

 Page 3, Line 77 Senate 2nd Reading Amendments 2–26–2008:

77  $[(r)] \{-(t)\}$  (s) perform any other duties that are required by law.

Senator Waddoups' motion to amend passed on a voice vote. Senator McCoy commented and the bill passed on the following roll call:

#### Yeas, 22; Nays, 2; Absent, 5.

#### Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Greiner	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were:SenatorsGoodfellowMcCoy

# Absent or not voting were: SenatorsBrambleButtarsFifeHickmanHillyard

S.B. 253 was transmitted to the House for consideration.

On motion of Senator Waddoups, the Senate voted to include the following intent language in the Senate Journal.

#### **INTENT LANGUAGE FOR S.B. 253**

In enacting S.B. 253, County Law Enforcement Duties, it is the intent of the Legislature that any interlocal entity created in a first class county to provide law enforcement service be governed by a board consisting of the county sheriff, a representative of the county legislative body, and a representative of each municipality that is a party to the interlocal agreement creating the interlocal entity, and that each member of the board have an equal vote.

\* \* \*

On motion of Senator Killpack, under suspension of the rules, the Senate voted to consider Senate bills on a House bill day.

#### SECOND READING CALENDAR

**S.B. 237**, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

\* \* \*

**S.B. 296**, FINANCIAL INSTITUTIONS AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

**S.B. 90**, PAYMENT IN LIEU OF PROPERTY TAXES ACT, was read the second time.

On motion of Senator Davis, the bill was circled.

\* \* \*

**1st Sub. S.B. 224**, COAL MINE SAFETY ACT, was read the second time. Senator Dmitrich explained the bill. Senator Dmitrich declared a conflict of interest. The bill passed second reading on the following roll call:

# Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators					
Bell	Bramble	Buttars	Christensen		
Davis	Dayton	Dmitrich	Eastman		
Goodfellow	Greiner	Hickman	Hillyard		
Jenkins	Jones	Knudson	Madsen		
Mayne	McCoy	Niederhauser	Peterson		
Romero	Stephenson	Stowell	Van Tassell		
Waddoups	Valentine				
Absent or not voting were: Senators					
Fife	Killpack	Walker			
	* * *				

**2nd Sub. S.B. 269**, WATER RIGHTS OMBUDSMAN, was read the second time. Senator Stowell explained the bill.

On motion of Senator Stowell, the following substitute bill replaced the original bill:

## 3rd Sub. S.B. 269 Water Rights Ombudsman (D. Stowell)

Senators Christensen, Hickman, and Waddoups commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

#### Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Absent or not votin Bramble Valentine	<b>ng were:</b> Senators Hickman	Jenkins	Killpack

\* \* \*

**S.B. 277**, POST–CONVICTION REMEDIES ACT REVISIONS, was read the second time. Senator Bell explained the bill.

Senator Romero proposed the following amendment:

 Page 7, Line 217: Delete "<u>\$125</u>" and insert "<u>\$175</u>"

Senator Romero's motion to amend failed on a voice vote.

###

Senator Romero proposed the following amendment

- Page 7, Line 218: Delete "<u>\$60,000</u>" and insert "<u>\$90,000</u>"
- Page 7, Line 220: Delete "\$20,000" and insert "\$30,000"

Senator Romero's motion to amend failed on a voice vote. Senator McCoy commented. The bill passed second reading on the following roll call:

# Yeas, 24; Nays, 1; Absent, 4.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hillyard	Jenkins	
Jones	Killpack	Knudson	Madsen	
Mayne	McCoy	Niederhauser	Stephenson	
Stowell	Van Tassell	Waddoups	Valentine	
Voting in the negative was: Senator Romero				

Absent or not voting were: SenatorsDavisHickmanPetersonWalker

\* \* \*

**1st Sub. S.B. 261**, POLITICAL SUBDIVISION ANNEXATION AMENDMENTS, was read the second time. Senator Waddoups explained the bill. The bill passed second reading on the following roll call:

# Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

\* \* \*

On motion of Senator Fife, under suspension of the rules, **1st Sub. S.R. 1**, SENATE RESOLUTION URGING THE CONSIDERATION OF THE UNITED STATES ENDING ITS PARTICIPATION IN THE SECURITY AND PROSPERITY PARTNERSHIP OF NORTH AMERICA, was considered read the first, second and third times. Senator Fife explained the bill. Senator Buttars commented. The bill passed on the following roll call:

#### Yeas, 25; Nays, 0; Absent, 4.

Vo	oting	in	the	affirmative	were:	Senators	
T	11			<b>D</b> 1		-	

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mayne	McCoy	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Valentine			

Absent or not voting were: Senators				
Greiner	Jones	Niederhauser	Walker	

1st Sub. S.R. 1 was signed by the President in open session and referred to the staff for enrolling.

\* \* \*

On motion of Senator Goodfellow, under suspension of the rules, the Senate voted to lift **S.B. 243** and **S.B. 244** from the Consent Calendar and place them on the Second Reading Calendar.

On motion of Senator Goodfellow, under suspension of the rules, **S.B. 243**, THIS IS THE PLACE FOUNDATION – PROCUREMENT CODE EXEMPTION, was considered read the second and third times. Senator Goodfellow explained the bill. The bill passed on the following roll call:

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Davis	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hickman	Hillyard	
Jenkins	Jones	Knudson	Madsen	
Mayne	McCoy	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker	Valentine			
Absent or not voting were: Senators				

Yeas, 26; Nays, 0; Absent, 3.

Absent or not	voting were: Senators	
Christensen	Killpack	Niederhauser

**S.B. 243** was transmitted to the House.

\* \* \*

On motion of Senator Goodfellow, under suspension of the rules, **S.B. 244**, DIVISION OF PARKS AND RECREATION TO SUPPORT NONPROFIT CORPORATION OR FOUNDATION, was considered read the first, second and third times. Senator Goodfellow explained the bill. Senator Greiner commented. The bill passed on the following roll call:

#### Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

0			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not vo	ting were: Senators	
Buttars	Killpack	Niederhauser

S.B. 244 was transmitted to the House.

\* \* \*

On motion of Senator Bramble, and at 11:45 a.m., the Senate recessed.

# **AFTERNOON SESSION**

The Senate reassembled at 2:30 p.m., with President Pro Tem Bramble presiding.

# COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2008 The House passed, **S.B. 138**, UTAH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL 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. 156**, UTAH RELOCATION ASSISTANCE 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, **1st Sub. S.B. 171**, REPEAL OF CERTAIN REPORTING BY FINANCIAL INSTITUTIONS, by Senator K. VanTassell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk S.B. 138, S.B. 156, and 1st Sub. S.B. 171 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 27, 2008

The House concurred in the Senate amendments and passed **1st Sub. H.B. 178**, JURISDICTION FOR PROSECUTION, by Representative P. Neuenschwander, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 184**, CONSTRUCTION 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. 342**, INSURANCE CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1st Sub. H.B. 178, H.B. 184, and H.B. 342, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker. \* \* \*

Mr. President:

February 27, 2008

The House passed, as substituted, **1st Sub. H.B. 192**, PROPERTY TRANSACTION AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 206**, TAX AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 242**, TRANSPORTATION FUNDING REVISIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 282**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 343**, EXEMPTION OF UNIVERSITY HOUSING FROM EVICTION LAWS, by Representative P. Neuenschwander, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 425**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed **H.B. 440**, MODIFICATIONS TO GOVERNMENT LAW, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed **H.B. 443**, MEMBERSHIP OF OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 452**, HANDLING OF MINOR TRAFFIC ACCIDENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 466**, TITLE INSURANCE RECOVERY, EDUCATION, AND RESEARCH FUND ACT, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.C.R. 8**, CONCURRENT RESOLUTION SUPPORTING THE NARROWS WATER PROJECT IN CENTRAL UTAH, by Representative B. Winn, et al, and it is transmitted for consideration; and

The House passed H.J.R. 11, JOINT RESOLUTION SUPPORTING STATEWIDE GOVERNMENT 211 SYSTEM INFORMATION DIRECTORY. by Representative E. Hutchings, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. 1st Sub. H.B. 192, H.B. 206, 1st Sub. H.B. 242, H.B. 282, 1st Sub. H.B. 343, 1st Sub. H.B. 425, H.B. 440, H.B. 443, H.B. 452, H.B. 466, H.C.R. 8, and H.J.R. 11 were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President: February 27, 2008 The House passed, as amended, S.B. 132, CONSUMER CREDIT PROTECTION ACT - ATTORNEY GENERAL POWERS, by Senator C. Walker, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

\* \* \*

Mr. President:

February 27, 2008 The House adopted the Joint Conference Committee Report dated February 27, 2008, and passed 1st Sub. S.B. 45, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President:

February 26, 2008 The Joint Conference Committee comprised of Sens. Howard A. Stephenson, Brent H. Goodfellow, and Wayne Niederhauser, and Reps. Craig A. Frank, Brad L. Dee, and Neal B. Hendrickson, recommends 1st Sub. S.B. 45, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, by Senator H. Stephenson, be replaced and favorably recommends 2nd Sub. S.B. 45, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES.

> Sen. Howard Stephenson and Rep. Craig Frank, Chairs

On motion of Senator Stephenson, the Senate voted to adopt the Conference Committee report. The bill passed on the following roll call:

Voting in the affirmative were: Senators					
Bell	Bramble	Christensen	Dayton		
Eastman	Goodfellow	Jenkins	Killpack		
Madsen	Niederhauser	Peterson	Stephenson		
Stowell	Van Tassell	Waddoups	Walker		
<b>Voting in the nega</b> Davis Jones	<b>tive were:</b> Senators Dmitrich Mayne	Fife McCoy	Greiner Romero		
<b>Absent or not voti</b> Buttars Valentine	<b>ng were:</b> Senators Hickman	Hillyard	Knudson		

2nd Sub. S.B. 45 was returned to the House for the Signature of the Speaker.

\* \* \*

Mr. President:

February 27, 2008

The House refused to concur with the Senate Amendments to **2nd Sub. H.B. 54**, PROPERTY TAX ASSESSMENT REVISIONS, by Representative W. Harper, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Niederhauser the Senate voted to concur with the House's request to recede from our amendments.

The bill passed on the following roll call vote:

#### Yeas, 15; Nays, 10; Absent, 4.

#### Voting in the affirmative were: Senators

Bell	Bramble	Dayton	Eastman
Hickman	Jenkins	Jones	Killpack
Knudson	Madsen	Niederhauser	Stephenson
Stowell	Waddoups	Walker	
Voting in the n	egative were: Senat	ors	
Christensen	Davis	Dmitrich	Fife

# ChristensenDavisDmitrichFifeGoodfellowGreinerMayneMcCoyPetersonRomeroKoreroKorero

Yeas, 16; Nays, 8; Absent, 5.

Absent or not voting were: Senators

Buttars Hillyard Van Tassell Valentine

**2nd Sub. H.B. 54**, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

## STANDING COMMITTEE REPORTS

Mr. President: February 26, 2008 The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 263**, UTAH REGISTRY OF AUTISM AND DEVELOPMENTAL DISABILITIES, by Representative E. Hutchings; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 316**, SUBSTANCE ABUSE TREATMENT FOR PREGNANT WOMEN AND PREGNANT MINORS, by Representative E. Hutchings; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 399**, MEDICATION AIDE CERTIFIED AMENDMENTS, by Representative R. Lockhart.

D. Chris Buttars, Chair

Mr. President:

February 27, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 286**, TRANSPORTATION AND TRANSIT AMENDMENTS, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 165**, SALES AND USE TAX EXEMPTIONS RELATING TO AIRCRAFT, by Representative B. Dee; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 347**, MOTOR VEHICLE BUSINESS REGULATION AMENDMENTS, by Representative S. Andersen; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 348**, ZION NATIONAL PARK SPECIAL GROUP LICENSE PLATE, by Representative B. Last; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 406**, TRAFFIC CODE AMENDMENTS, by Representative J. Dunnigan; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 467**, MOTOR VEHICLE INSURANCE ARBITRATION AMENDMENTS, by Representative S. Urquhart.

Carlene M. Walker, Chair

On motion of Senator Hickman, the committee reports were adopted. 1st Sub. H.B. 263, 1st Sub. H.B. 316, H.B. 399, S.B. 286, H.B. 165, H.B. 347, 1st Sub. H.B. 348, H.B. 406, and H.B. 467 were placed on Second Reading Calendar.

# STANDING COMMITTEE REPORTS

Mr. President:

February 26, 2008

The Business and Labor Committee reports a favorable recommendation on **H.B. 401**, MASTER PLUMBER LICENSING, by Representative J. Dunnigan, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 437**, FUNERAL SERVICES LICENSING ACT AMENDMENTS, by Representative S. Urquhart, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 9, Lines 266 through 268:

266 (4) (a) A person who removes or possesses dental gold or silver, jewelry, or mementos

267 from human remains :

(i) with purpose to deprive another over control of the property is guilty of an offense and subject to the punishments provided in Section <u>76–6–412</u>;

(ii) with purpose to exercise unauthorized control and with intent to temporarily deprive another of control over the property is guilty of an offense and subject to the punishments provided in Section 76–6–404.5; and

(iii) under circumstances not amounting to Subsection (4)(a)(i) or (ii) and without specific written permission of the individual who has the right to 268 control those remains is guilty of a class B misdemeanor.

Kevin T. Van Tassell, Chair

Mr. President: February 27, 2008 The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 167**, A VICTIM AMICUS BILL, by Representative R. C. Webb, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 374**, CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT AMENDMENTS, by Representative P. Ray, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 401, H.B. 437,** as amended, **H.B. 167,** and **H.B. 374** were considered read the second time and placed on the Consent Calendar.

\* \* \*

On motion of Senator Hickman, the Senate voted to sift the entire board on the Second Reading Calendar.

# STANDING COMMITTEE REPORTS

Mr. President:

February 27, 2008

With committee review, the Business and Labor Committee has returned **S.B. 86**, ECONOMIC ANALYSIS AND REPORTING OF COST OF LAND USE REGULATION, by Senator M. Madsen, to the Rules Committee without recommendation.

Kevin T. Van Tassell, Chair

Mr. President:

February 27, 2008

Without committee review, the Health and Human Services Committee has returned **S.B. 82**, AMBULATORY SURGICAL CENTERS AMENDMENTS, by Senator A. Christensen, to the Rules Committee; and

With committee review, the Business and Labor Committee has returned **S.B. 216**, DEFERRED DEPOSIT LENDING INFORMATION AND

REPORTING, by Senator G. Bell, to the Rules Committee without recommendation; and

Without committee review, the Health and Human Services Committee has returned **S.B. 255**, HOSPITAL LIEN, by Senator D. Peterson, to the Rules Committee.

D. Chris Buttars, Chair

Mr. President:

February 27, 2008

Without committee review, the Education Committee has returned **S.B. 42**, UTAH COLLEGE OF APPLIED TECHNOLOGY – GOVERNANCE AND OPERATIONS, by Senator G. Bell, to the Rules Committee; and

Without committee review, the Education Committee has returned **S.B. 140**, EDUCATION ADVISORY COUNCILS, by Senator P. Jones, to the Rules Committee; and

Without committee review, the Education Committee has returned **S.B. 142**, HIGH SCHOOL GRADUATION REQUIREMENTS, by Senator M. Madsen, to the Rules Committee; and

With committee review, the Education Committee deleted **S.B. 219**, USE OF SEVERANCE TAX REVENUES WHEN A SCHOOL DISTRICT DIVISION OCCURS, by Senator M. Waddoups, and replaced it with **1st Sub. S.B. 219**, SCHOOL DISTRICT DIVISION FUNDING, and has returned it to the Rules Committee without recommendation; and

Without committee review, the Education Committee has returned **H.B. 160**, CHARTER SCHOOL LAW REVISIONS, by Representative R. Lockhart, to the Rules Committee; and

With committee review, the Education Committee has returned **H.B. 253**, HIGHER EDUCATION INFORMATION TECHNOLOGY APPROPRIATION, by Representative S. Clark, to the Rules Committee without recommendation; and

Without committee review, the Education Committee has returned **H.B. 123**, ACCELERATED LEARNING PROGRAMS AMENDMENTS, by Representative B. Ferry, to the Rules Committee; and

Without committee review, the Education Committee has returned **H.B. 226**, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, to the Rules Committee; and

With committee review, the Education Committee has returned **H.B. 266**, ACCELERATED LEARNING PROGRAM REVISIONS, by Representative C. Moss, to the Rules Committee without recommendation; and

Without committee review, the Education Committee has returned **1st Sub. H.B. 363**, BEVERLEY TAYLOR SORENSON ELEMENTARY ARTS LEARNING PROGRAM, by Representative G. Hughes, to the Rules Committee.

Margaret Dayton, Chair

Mr. President: February 26, 2008 Without committee review, the Government Operations and Political Subdivisions Committee has returned **S.B. 129**, CHANGES TO COUNTY SURVEYOR, by Senator K. VanTassell, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **S.B. 141**, WATER CONSERVANCY DISTRICT – SELECTION OF BOARD OF TRUSTEES, by Senator W. Niederhauser, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **S.B. 153**, REVISION TO COUNTY ELECTED OFFICES, by Senator G. Bell, to the Rules Committee; and

With committee review, the Government Operations and Political Subdivisions Committee deleted **S.B. 195**, USE OF CAMPAIGN CONTRIBUTIONS, by Senator G. Bell, and replaced it with **1st Sub. S.B. 195**, USE OF CAMPAIGN CONTRIBUTIONS, and has returned it to the Rules Committee; and

With committee review, the Government Operations and Political Subdivisions Committee deleted **S.B. 260**, DISCLOSURE OF PUBLIC EMPLOYEE DISCIPLINARY ACTIONS AMENDMENTS, by Senator D. C. Buttars, and replaced it with **1st Sub. S.B. 260**, DISCLOSURE OF PUBLIC EMPLOYEE DISCIPLINARY ACTIONS AMENDMENTS, and has returned it to the Rules Committee; and

With committee review, the Government Operations and Political Subdivisions Committee has returned **H.B. 116**, FLUORINE IN A PRIVATELY OWNED WATER SYSTEM, by Representative S. Andersen, to the Rules Committee; and

With committee review, the Government Operations and Political Subdivisions Committee has returned H.B. 239, DRIVER LICENSE

QUALIFICATION AMENDMENTS, by Representative G. Donnelson, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **H.B. 241**, REPEAL OF EXEMPTIONS FROM NONRESIDENT TUITION, by Representative G. Donnelson, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **H.B. 357**, PUBLIC ASSOCIATIONS SUBJECT TO GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT, by Representative M. Noel, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **H.B. 369**, MUNICIPAL RENTAL FEES AMENDMENTS, by Representative M. Walker, to the Rules Committee.

Peter C. Knudson, Chair

Mr. President:

February 27, 2008

With committee review, the Transportation and Public Utilities and Technology Committee deleted **S.B. 127**, UNDERGROUND UTILITIES FACILITIES AMENDMENTS, by Senator J. Greiner, and replaced it with **1st Sub. S.B. 127**, UNDERGROUND UTILITIES FACILITIES AMENDMENTS, and has returned it to the Rules Committee without recommendation; and

With committee review, the Transportation and Public Utilities and Technology Committee has returned **S.B. 212**, FUNERAL PROCESSIONS, by Senator B. Goodfellow, to the Rules Committee without recommendation.

Carlene M. Walker, Chair

Mr. President:

February 26, 2008

With committee review, the Retirement and Independent Entities Committee has returned **S.B. 107**, STATE RETIREMENT BENEFIT ADDITIONS, by Senator B. Goodfellow, to the Rules Committee without recommendation.

Curtis S. Bramble, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 86, S.B. 82, S.B. 216, S.B. 255, S.B. 42, S.B. 140, S.B. 142, 1st Sub. S.B. 219, H.B. 160, H.B. 253, H.B. 123, H.B. 226, H.B. 266, 1st Sub. H.B. 363, S.B. 129, S.B. 141, S.B. 153, 1st Sub. S.B. 195, 1st Sub. S.B. 260, H.B. 116, H.B. 239, H.B. 241, H.B. 257, H.B. 369, 1st Sub. S.B. 127, S.B. 212, and S.B. 107 were returned to the Rules Committee.

# **INTRODUCTION OF BILLS**

**S.B. 299, Revision to Local Government** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.R. 5, Senate Resolution Encouraging Congressional Action Related to the Navajo Nation's Ability to Collect Child Support (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move all Senate bills currently on the Consent Calendar to the top of the Third Reading Calendar.

#### THIRD READING CALENDAR

On motion of Senator Dayton the Senate voted to lift **H.B. 36** from the Third Reading Table and place it at the top of the Third Reading Calendar.

**H.B. 36**, CHILD WELFARE AMENDMENTS, was read the third time and explained by Senator Dayton.

On motion of Senator Dayton, the following substitute bill replaced the original bill:

# 1st Sub. H.B. 36 Child Welfare Amendments (M. Dayton)

On motion of Senator Dayton, **1st Sub. H.B. 36** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**1st Sub. S.B. 278**, TECHNICAL AMENDMENTS TO TITLES 78A AND 78B, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	

Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	

Absent or not voting were: Senators Hillyard Valentine

1st Sub. S.B. 278 was transmitted to the House for consideration.

\* \* \*

**S.B. 288**, CONDOMINIUM OWNERSHIP ACT AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Hillyard Knudson Valentine

S.B. 288 was transmitted to the House for consideration.

\* \* \*

**S.B. 294**, COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS, was read the third time.

On motion of Senator Buttars, the bill was circled.

#### SECOND READING CALENDAR

**1st Sub. H.B. 106**, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES, was read the second time. Senator Bell explained the bill.

On motion of Senator Bell, the bill was circled.

\* \* \*

**H.B. 279**, TAX INCENTIVES FOR MILITARY MEMBERS, was read the second time.

On motion of Senator Eastman, the bill was circled.

\* \* \*

1st Sub. H.B. 40, SAFE DRINKING WATER REVISIONS, was read the second time. Senator Stowell explained the bill.

On motion of Senator Stowell, the following substitute bill replaced the original bill:

2nd Sub. H.B. 40 Safe Drinking Water Revisions (S. Anderson)

Senator Hickman commented.

On motion of Senator Stowell, the bill was circled.

\* \* \*

**2nd Sub. H.B. 51**, WATER RIGHT FORFEITURE PROTECTION, was read the second time.

On motion of Senator Dayton, the following substitute bill replaced the original bill:

# 5th Sub. H.B. 51 Water Right Amendments (P. Painter)

Senator Dayton explained the bill. Senator Van Tassell commented.

On motion of Senator Dayton, under suspension of the rules, **5th Sub. H.B. 51**, WATER RIGHT AMENDMENTS, was considered read the first, second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

# Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones

Killpack McCoy Stephenson Walker	Knudson Niederhauser Stowell Valentine	Madsen Peterson Van Tassell	Mayne Romero Waddoups
<b>Absent or not voti</b> Buttars	<b>ng were:</b> Senators Christensen	Hillyard	

5th Sub. H.B. 51, as amended, was returned to the House for further consideration.

On motion of Senator Dayton, the Senate voted to include the following intent language in the Senate Journal.

# **INTENT LANGUAGE FOR 5TH SUB. H.B. 51**

Because our state policy is to secure the maximum use and benefit of our scarce water resources, a person entitled to the use of water has a continuing obligation to place all of a water right to beneficial use except as provided in Section 73-1-4 as amended by 5th Substitute H.B. 51, "Water Right Amendments." The forfeiture of all or part of any right to use water for failure to place all or part of the water to beneficial use makes possible the allocation and use of water consistent with long established beneficial use concepts.

Fifth Substitute H.B. 51, "Water Right Amendments," is not intended to:

(1) change the way the State Engineer evaluates change applications based on historic beneficial use;

(2) provide a mechanism for public water suppliers to hoard water beyond the amount of water needed in the next 40 years by persons within the public water supplier's projected service area;

(3) validate any invalid water rights;

(4) promote or allow for speculation in water rights; or

(5) provide a mechanism for any out–of–state person or entity to acquire water rights in Utah for the purpose of providing water in another state.

The amendments made to Section 73–1–4 by 5th Substitute H.B. 51, "Water Right Amendments," should be construed to carry out these purposes and policies.

\* \* \*

On motion of Senator Bramble, and at 3:35 p.m., the Senate sauntered.

The Senate was called to order at 4:10 p.m., with President Valentine presiding.

# STANDING COMMITTEE REPORTS

Mr. President:

February 27, 2008 Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 51, IMPACT FEES - PUBLIC SAFETY

FACILITY, by Senator G. Bell, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 102. ANIMAL TORTURE OFFENSE, by Senator G. Davis, to the Rules Committee: and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 106, JUVENILE CUSTODY MAINTENANCE AMENDMENTS, by Senator D. Peterson, to the Rules Committee without committee recommendation: and

The Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 154, PROTECTIVE ORDER - CRIME OF INDUCING BREACH, by Senator S. McCoy, to the Rules Committee without recommendation with the following amendments:

1. Page 1, Line 27 through Page 2, Line 28:

(1) Any person who is {-the respondent or defendant 27 <u>a party</u> to a protective order, child subject-}

28 protective order, ex parte protective order, or ex parte child protective order issued under Title : and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 266, PROCESS SERVERS - AGE RESTRICTIONS, by Senator J. Greiner, to the Rules Committee without recommendation; and

The Judiciary, Law Enforcement, and Criminal Justice Committee has returned 1st Sub. H.B. 109, SEX OFFENDER LAW AMENDMENTS, by Representative G. Hughes, to the Rules committee.

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned H.B. 264, PROHIBITION OF CITATION QUOTAS, by Representative N. Hansen, to the Rules Committee without recommendation; and

The Judiciary, Law Enforcement, and Criminal Justice Committee has returned H.B. 339, HUMAN TRAFFICKING AMENDMENTS, by Representative C. Herrod, to the Rules Committee without recommendation with the following amendments:

 Page 1, Line 19 House Committee Amendments 2–14–2008:

 19
 {-None-}
 This bill coordinates with S.B. 81, Illegal

 Immigration, by providing a substantive amendment.

 Page 4, Line 115 House Committee Amendments 2–14–2008:

115 <u>this section.</u>] **←**Ĥ

Section 5. Coordinating H.B. 339 with S.B. 81 -- Modifying substantive language.

If this H.B. 339 and S.B. 81, Illegal Immigration, 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 76–10–2701(3) as enacted by S.B. 81 to read as follows:

(3)(a) A person who violates Subsection (2)(a) is guilty of a third degree felony.

(b) A person who violates Subsection (2)(b) is guilty of a class A misdemeanor.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 51, S.B. 102, S.B. 106, S.B. 154, as amended, S.B. 266, 1st Sub. H.B. 109, H.B. 264, and H.B. 339, as amended, were returned to the Rules Committee.

# SECOND READING CALENDAR

**2nd Sub. S.B. 245**, FUNDING RELATING TO AIRPORTS, under suspension of the rules, was read the first and second time. Senator Bramble explained the bill. Senators McCoy, Romero, and Jones commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 5; Absent, 1.

Voting i	in	the	affirmative	were:	Senators
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Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Goodfellow Jenkins Niederhauser Waddoups	Greiner Killpack Peterson Walker	Hickman Knudson Stowell Valentine	Hillyard Madsen Van Tassell
<b>Voting in the nega</b> Fife Stephenson	tive were: Senators Jones	МсСоу	Romero

Absent or not voting was: Senator Mayne

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 296**, FINANCIAL INSTITUTIONS AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

#### 1st Sub. S.B. 296 Financial Institutions Amendments (C. Bramble)

Senator Bramble explained the bill. Senator Davis commented. Senators Romero, Van Tassell, Hickman and Valentine declared conflicts of interest. The bill passed second reading on the following roll call:

#### Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

0			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Mayne

\* \* \*

On motion of Senator Stowell, the circle was removed from **2nd Sub. H.B. 40**, SAFE DRINKING WATER REVISIONS, and it was before the Senate. On motion of Senator Stowell, under suspension of the rules, **2nd Sub. H.B. 40**, SAFE DRINKING WATER REVISIONS, was considered read the second and third times. Senator Stowell explained the bill. The bill passed on the following roll call:

## Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators Bell Bramble Buttars Christensen Davis Dmitrich Eastman Fife Goodfellow Greiner Hickman Hillyard Jenkins Jones Killpack Knudson Madsen Niederhauser Peterson Romero Stephenson Stowell Van Tassell Waddoups Walker Valentine Absent or not voting were: Senators Dayton Mavne McCoy

2nd Sub. H.B. 40 was returned to the House for further consideration.

\* \* \*

On motion of Senator Knudson, the Senate voted to reconsider its action on **2nd Sub. H.B. 54**, PROPERTY TAX ASSESSMENT REVISIONS.

On motion of Senator Hillyard, the Senate voted to refuse to recede from its amendments to **2nd Sub. H.B. 54**, PROPERTY TAX ASSESSMENT REVISIONS. President Valentine appointed a conference committee consisting of Senators Hillyard, Niederhauser and McCoy to meet with a like committee from the House.

\* \* \*

On motion of Senator Bell, the circle was removed from 1st Sub. H.B. 106, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

1. Page 7, Line 210

210 may claim a {<u>one-time</u>} tax credit {<u>per vehicle</u>} against tax otherwise due under this chapter or

2. Page 9, Line 265:

265 five taxable years.

(6) The tax credit provided by this section may be taken only once per vehicle.

3. Page 10, Line 303:

 $303 (2)[(a)(ii)] \{-(b)\} (c) \text{ or } [(2)(a)(iii)] \{-(c)\} (d)$ .

4. Page 11, Line 324:

324 claimant, estate, or trust may claim  $\{-\underline{one-time}\}$  a nonrefundable tax credit  $\{-\underline{per-vehicle}\}$  against tax

5. Page 12, Line 338:

```
338 <u>Utah.</u> { <u>a one-time credit per vehicle equal to</u> } <u>the lesser of:</u>
```

6. Page 13, Line 378:

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378 that does not exceed the next five taxable years.
(6) The tax credit provided by this section may be taken only once per vehicle.
```

7. Page 14, Line 400:

400 (vi) use of untaxed special fuel[, other than a clean special fuel] other than propane or electricity .

8. Page 15, Line 454:

454 (10) (a) The purchaser shall pay the tax on diesel fuel <u>or clean</u> <u>fuel</u> purchased for uses under

Senator Niederhauser's motion to amend passed on a voice vote. Senator Bell explained the bill. The bill passed on the following roll call:

# Yeas, 24; Nays, 1; Absent, 4.

# Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Madsen
Mayne	McCoy	Niederhauser	Romero
Stowell	Waddoups	Walker	Valentine

Voting in the negative was: Senator

Dayton

Absent or not voting were: SenatorsKnudsonPetersonStephensonVan Tassell

On motion of Senator Bell, **1st Sub. H.B. 106** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Walker, the Senate voted to move to Third Reading Table.

# THIRD READING CALENDAR

On motion of Senator Walker, the Senate voted to lift **H.B. 38** from the Third Reading Table and place it at the top of the Third Reading Calendar.

**H.B. 38**, EDUCATION AND OUTREACH REGARDING SUBSTANCES HARMFUL DURING PREGNANCY, was read the third time and explained by Senator Walker.

Senator Walker proposed the following amendment:

 Page 2, Line 47d House Floor Amendments 1–29–2008

47d {-<u>The</u>} <u>Beginning on July 1, 2008, and ending on June</u> 30, 2009, the <u>department shall</u>, under the direction of the Utah Substance Abuse and Anti

Senator Walker's motion to amend passed on a voice vote. The bill passed on the following roll call:

# Yeas, 18; Nays, 3; Absent, 8.

# Voting in the affirmative were: Senators

Bramble	Christensen	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jones	Killpack	Knudson	Mayne
Niederhauser	Romero	Stowell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators				
Dayton	Jenkins	Madsen		
Absent or not voti Bell McCoy	<b>ng were:</b> Senators Buttars Peterson	Davis Stephenson	Hickman Van Tassell	

H.B. 38, as amended, was returned to the House for further consideration.

# SECOND READING CALENDAR

**1st Sub. H.B. 72**, MOTORCYCLE LICENSE AND ENDORSEMENT AMENDMENTS, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

# Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators			
Bramble	Davis	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			
Absent or not voting were: Senators			
Bell	Buttars	Christensen	McCoy

On motion of Senator Greiner, **1st Sub. H.B. 72** was placed on Third Reading Table due to fiscal impact.

\* \* \*

**H.B. 292**, LEGISLATIVE TASK FORCE TO STUDY RADIO COMMUNICATION SYSTEM IN UTAH, was read the second time. Senator Greiner explained the bill. Senators Valentine and Romero commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators			
Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Goodfellow

Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

**Voting in the negative was:** Senator Romero

Absent or not voting were: Senators Bramble Fife

On motion of Senator Greiner, **H.B. 292** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 279**, TAX INCENTIVES FOR MILITARY MEMBERS, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

**Absent or not voting was:** Senator Fife

On motion of Senator Knudson, **H.B. 279** was placed on Third Reading Table due to fiscal impact.

\* \* \*

On motion of Senator Hickman, the Senate voted to send all bills on the Second Reading Calendar back to the Rules Committee.

S.B. 222, S.B. 101, S.B. 73, S.B. 74, S.B. 121, S.B. 175, H.B. 41, S.B. 258, H.B. 320, H.J.R. 8, H.B. 65, H.B. 70, H.B. 93, H.J.R. 7, 2nd Sub. H.B. 276, 1st Sub. H.B. 326, H.B. 290, 1st Sub. H.B. 309, S.B. 218, 1st Sub. H.B. 58, 1st Sub. H.B. 69, 1st Sub. H.B. 351, H.B. 137, 2nd Sub. H.B. 148, 1st Sub. H.B. 323, H.B. 19, H.B. 90,2nd Sub. H.B. 75, 2nd Sub. H.B. 346, 3rd Sub. H.B. 131, H.B. 307, H.B. 66, H.B. 85, H.B. 96, H.B. 153, H.B. 177, H.B. 182, H.J.R. 3, S.B. 237, H.B. 158, H.B. 365, S.B. 90, 1st Sub. H.B. 229, H.C.R. 5, H.B. 151, H.B. 341, H.B. 362, H.B. 257, 1st Sub. H.B. 223, 1st Sub. H.B. 330, H.C.R. 7, 1st Sub. H.B. 332, H.B. 352, H.C.R. 4, H.B. 80, H.B. 171, H.B. 121, 1st Sub. H.B. 92, H.B. 161, 1st Sub. H.B. 263, 1st Sub. H.B. 316, H.B. 399, S.B. 286, H.B. 165, H.B. 347, 1st Sub. H.B. 348, H.B. 406, and H.B. 467 were returned to the Rules Committee.

#### **RULES COMMITTEE REPORTS**

To the Members of the Senate: February , 2008 The Rules Committee recommends that, under suspension of the rules, the following bills be placed on the Second Reading Calendar:

S.B. 175	Death Certificate Procedure Amendments
	(Sen. J. Greiner)
S.B. 218	Amendments to Tourism, Recreation, Cultural, and
	Convention Facilities Tax (Sen. W. Niederhauser)
S.B. 222	Division of Real Estate Licensing and Presence in the
	United States (Sen. M. Dayton)
S.B. 237	Commercial Airline and Airport Taxation Amendments
	(Sen. W. Niederhauser)
S.B. 258	Property Tax Committee (Sen. W. Niederhauser)
H.B. 70	Expungement Law Amendments (Rep. L. Fowlke)
	(Sen. D. C. Buttars)
H.B. 90	Expungement Amendments (Rep. R. C. Webb)
	(Sen. G. Bell)
1st Sub. H.B. 92	Garnishment Amendments (Rep. J. Draxler)
	(Sen. L. Hillyard)
H.B. 121	County Charges for Services to Incarcerated Persons
	(Rep. R. Greenwood) (Sen. G. Bell)
H.B. 151	Motor Vehicle Revisions (Rep. S. Urquhart)
	(Sen. S. Killpack)
H.B. 153	Impact Fees Amendments (Rep. M. Morley)
	(Sen. G. Bell)
H.B. 171	Driving Privilege Card Amendments (Rep. B. Daw)
	(Sen. C. Bramble)

H.B. 177	County and Municipal Land Use Regulation of Potential Geologic Hazard Areas (Rep. M. Morley)
	(Sen. W. Niederhauser)
H.B. 182	Deadline for Voting Precinct Designation
	(Rep. G. Hughes) (Sen. S. Killpack)
1st Sub. H.B. 223	Exemption from Licensure by Division of Real Estate
	(Rep. M. Walker) (Sen. S. Killpack)
1st Sub. H.B. 309	Election Information Amendments (Rep. J. Dougall)
15t 5ub. 11.D. 509	(Sen. W. Niederhauser)
1st Sub. H.B. 323	Eminent Domain Amendments (Rep. A. Tilton)
	(Sen. D. Peterson)
2nd Sub. H.B. 346	Division of Real Estate Related Amendments
	(Rep. G. Froerer) (Sen. S. Killpack)
H.B. 352	Amendments Related to Monies Derived from Navajo
	Nation Reservation Lands in Utah (Rep. D. Clark)
	(Sen. C. Bramble)
H.C.R. 4	Concurrent Resolution Encouraging Congressional Action
	to Designate a New Recipient of Royalties from Navajo
	Reservation Lands in Utah (Rep. D. Clark)
	(Sen. C. Bramble)
H.C.R. 5	Concurrent Resolution Urging Congressional Approval of
	R.s. 2477 Rights-of-way Recognition Act
	(Rep. M. Brown) (Sen. M. Dmitrich)
H.C.R. 7	Concurrent Resolution Declaring Colorectal Cancer
	Awareness Month (Rep. E. Hutchings) (Sen. K. Mayne)
H.J.R. 3	Resolution Reaffirming the Words, Under God, in the
	Pledge of Allegiance (Rep. K. Gibson) (Sen. M. Dayton)
H.J.R. 7	Joint Resolution Recognizing Unreinforced Masonry
	Buildings (Rep. L. Wiley) (Sen. F. Fife)

Bill Hickman

Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

\* \* \*

On motion of Senator McCoy, the Senate voted to lift **H.B. 339**, HUMAN TRAFFICKING AMENDMENTS, from the Rules Committee and place it at the bottom of the Second Reading Calendar.

\* \* \*

On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.

# THIRD READING CALENDAR

On motion of Senator Bramble, the Senate voted to lift **1st Sub. S.B. 296**, FINANCIAL INSTITUTIONS AMENDMENTS, to the top of the Third Reading Calendar.

1st Sub. S.B. 296, FINANCIAL INSTITUTIONS AMENDMENTS, was read the third time and explained by Senator Bramble.

Senator Bramble proposed the following amendment:

1. Page 6, Line 162: After "Subsection 7–9–53(2)" insert "(d)"

Senator Bramble's motion to amend passed on a voice vote.

On motion of Senator Bramble, the bill was circled.

# COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2008 The House passed **H.B. 140**, CHILD RESTRAINT DEVICE AMENDMENTS, by Representative T. Cosgrove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 201**, TAX CREDIT FOR SOLAR PROJECTS, by Representative B. Last, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 274**, UTAH K–8 ONLINE VIRTUAL SCHOOL, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed **H.B. 311**, HIGHER EDUCATION DISTANCE LEARNING PARTNERSHIPS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 319**, REVIEW AND APPROVAL OF GRANTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 359**, TAX CHANGES, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 380**, INSURANCE DEPARTMENT – WORKERS' COMPENSATION AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 436**, ENGLISH LANGUAGE LEARNER FAMILY LITERACY CENTERS PROGRAM, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 476**, PAY OF NATIONAL GUARD MEMBERS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 479**, HEALTH CARE PATIENT IDENTITY PROTECTIONS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 494**, AMENDMENTS TO THE UTAH MEDICAL SERVICE SYSTEM ACT, by Representative J. Dougall, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 140, H.B. 201, 1st Sub. H.B. 274, H.B. 311, 2nd Sub. H.B. 319, 2nd Sub. H.B. 359, H.B. 380, H.B. 436, H.B. 476, H.B. 479,** and **H.B. 494** were read the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Bramble and at 5:15 p.m., the Senate adjourned until 9:00 a.m., Thursday, February 28, 2008.

# THIRTY-NINTH DAY DAY

# MORNING SESSION

# **FEBRUARY 28, 2008**

The Senate was called to order at 9:40 a.m., with President Valentine presiding.

Prayer – Daren Bell Pledge of Allegiance – Senator Mike Dmitrich Roll Call – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 27, 2008

The House passed, as substituted and amended, **1st Sub. H.B. 169**, CUSTODY EVALUATION AND PARENT COORDINATION, by Representative T. Cosgrove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 195**, CONCEALED FIREARM PERMIT AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 208**, LIVESTOCK WATERING RIGHTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 400**, CONDOMINIUM AND COMMUNITY ASSOCIATION PROVISIONS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed **H.B. 497**, REVENUE BOND AUTHORIZATION FOR STATE FAIR PARK, by Representative N. Hendrickson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **1st Sub. H.B. 169, H.B. 195, 1st Sub. H.B. 208, 1st Sub. H.B. 400,** and **H.B. 497** were read the first time and referred to the Rules Committee.

# COMMUNICATIONS FROM THE GOVERNOR

#### ADVISE AND CONSENT

Mr. President:

February 19, 2008 In accordance with Utah Code Ann. 67-1-1 and 67-1-2, I propose and transmit the following appointments:

#### Central Utah Water Conservancy District Board of Directors Board:

Tom Dolan is appointed to replace Tim Doxey as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A-2-1409 UCA.

Gary Palmer is reappointed as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A-2-1409 UCA.

Claude Hicken is appointed to replace John West as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A-2-1409 UCA.

Scott Ruppe is appointed to replace David Rasmussen as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A-2-1409 UCA.

Boyd Workman is reappointed as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A-2-1409 UCA.

Kent Peatross is appointed to replace Roger Hicken as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A-2-1409 UCA.

Brent Brotherson is reappointed as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A-2-1409 UCA.

Gary Anderson is appointed to replace Stanley Smith as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A-2-1409 UCA.

George Jackson is appointed to replace Roscoe Garrett as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A-2-1409 UCA.

# Grand County Water Conservancy District Board of Directors:

Brian Backus is reappointed as a member of the Grand County Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

John Keys is reappointed as a member of the Grand County Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Jerry McNeely is reappointed as a member of the Grand County Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

#### **Conservancy District Board of Directors:**

Margaret Peterson is reappointed as a member of the Jordan Valley Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Steven Taggart is reappointed as a member of the Jordan Valley Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Dale Gardiner is reappointed as a member of the Jordan Valley Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Lynn Crane is appointed to replace Jeff Rasmussen as a member of the Jordan Valley Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

# **Conservancy District Board of Directors:**

Jewel Kenley is reappointed as a member of the Weber Basin Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Earl Staker is appointed to replace Charles Black as a member of the Weber Basin Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Robert Hensley is reappointed as a member of the Weber Basin Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Karen Fairbanks is reappointed as a member of the Weber Basin Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA. Eric Storey is reappointed as a member of the Weber Basin Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

#### **Board of Water Resources:**

Joseph Paulick is appointed to replace John Robert Carman as a member of the Board of Water Resources, a term to expire on March 1, 2009. See Utah Code Ann. 73–10–2.

#### Utah Motor Vehicle Franchise Advisory Board:

Neil H. Citte is appointed as a member of the Utah Motor Vehicle Franchise Advisory Board, a term to expire February 1, 2012. See Utah Code Ann. 13–14–103 UCA.

Constance White is appointed as a member of the Utah Motor Vehicle Franchise Advisory Board, a term to expire February 1, 2012. See Utah Code Ann. 13–14–103 UCA.

#### **Board of Parks and Recreation:**

Marty Ott is appointed to replace Gael Hill as a member of the Board of Parks and Recreation, a term to expire July 1, 2008. See Utah Code Ann. 63–11–14 UCA.

#### **State Board of Financial Institutions:**

William Farley is reappointed as a member of the State Board of Financial Institutions, a term to expire July 1, 2011. See Utah Code Ann. 7–1–203 UCA.

James Anderson is reappointed as a member of the State Board of Financial Institutions, a term to expire July 1, 2011. See Utah Code Ann. 7–1–203 UCA.

#### Youth Parole Authority:

Eldon Money is appointed to replace Gary Mackelprang as a member of the Youth Parole Authority, a term to expire April 1, 2011. See Utah Code Ann. 62A–7–501.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Governor

Senator Bramble moved to consent to the appointments. The motion passed on the following roll call:

#### Yeas, 26; Nays, 0; Absent, 3.

# Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators Buttars Hillyard

Peterson

# CONSENT CALENDAR

**1st Sub. H.B. 304**, SALES AND USE TAX REVENUES FOR QUALIFIED EMERGENCY FOOD AGENCIES, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

# Yeas, 20; Nays, 0; Absent, 9.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Greiner	Jenkins	Jones	Madsen
Mayne	McCoy	Romero	Stephenson
Van Tassell	Waddoups	Walker	Valentine
Absent or not voti	ng were: Senators		
Buttars	Goodfellow	Hickman	Hillyard
Killpack	Knudson	Niederhauser	Peterson
Stowell			

1st Sub. H.B. 304, as amended, was returned to the House for further consideration.

\* \* \*

**2nd Sub. H.B. 373**, UNIFORM FEES ON VINTAGE MOTOR VEHICLES, was read the third time, explained by Senator Eastman, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Hickman	Hillyard
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Van Tassell	Waddoups	Walker	Valentine
Absent or not voti	ng were: Senators		
Buttars	Jenkins	Killpack	Peterson
Stowell			

**2nd Sub. H.B. 373** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 336**, AUTHORITY TO ESTABLISH REFUGEE SERVICES FUND, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis	
Dayton	Eastman	Fife	Goodfellow	
Greiner	Hickman	Hillyard	Jenkins	
Jones	Killpack	Knudson	Madsen	
Mayne	McCoy	Niederhauser	Romero	
Stowell	Van Tassell	Waddoups	Valentine	
Absent or not voting were: Senators				
Buttars	Dmitrich	Peterson	Stephenson	
Walker				

**1st Sub. H.B. 336** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 141**, IDENTIFY THEFT REPORTING INFORMATION SYSTEM AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
--

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Hickman	Hillyard	
Jones	Killpack	Knudson	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker	Valentine			
Absent or not voting were: Senators				
Buttars	Jenkins	Madsen		

**1st Sub. H.B. 141** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

1st Sub. H.B. 149, PROTECTIVE ORDER AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Buttars Madsen

1st Sub. H.B. 149 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 157**, ALCOHOLIC BEVERAGE CONTROL VIOLATIONS AMENDMENTS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow Jenkins Mayne Romero Walker	Greiner Jones McCoy Stowell Valentine	Hickman Killpack Niederhauser Van Tassell	Hillyard Knudson Peterson Waddoups	
Absent or not voting were:SenatorsButtarsMadsenStephenson				

**1st Sub. H.B. 157** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

1st Sub. H.B. 254, SCHOOL COMMUNITY COUNCIL AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Madsen

1st Sub. 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.

\* \* \*

**2nd Sub. H.B. 127**, COMMUNITY COUNCIL ELECTIONS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Madsen

**2nd Sub. H.B. 127** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**1st Sub. H.B. 189**, SCHOOL COMMUNITY COUNCILS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Madsen

**1st Sub. H.B. 189** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 185**, WESTERN STATES PRESIDENTIAL PRIMARY AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators				
Bell	Bramble	Christensen	Davis	
Dayton	Eastman	Fife	Goodfellow	

Greiner Killpack Niederhauser Stowell Valentine	Hickman Knudson Peterson Van Tassell	Hillyard Mayne Romero Waddoups	Jones McCoy Stephenson Walker
Absent or not votin Buttars	ng were: Senators Dmitrich	Jenkins	Madsen

**H.B. 185** 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. 252**, CHARITABLE SOLICITATIONS ACT AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hickman	Hillyard	Jones
Killpack	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Buttars Greiner Jenkins Madsen

1st Sub. H.B. 252 was returned to the House for further consideration.

\* \* \*

**H.B. 378**, STATE ACCOUNTING AND BUDGETARY PROCEDURES 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				
Bell	Bramble	Christensen	Davis	
Dayton	Dmitrich	Eastman	Fife	

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Goodfellow	Hickman	Hillyard	Jones
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Absent or not voti	ng were: Senators		
Buttars	Greiner	Jenkins	Killpack
Madsen			

**H.B. 378** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

#### STANDING COMMITTEE REPORTS

Mr. President: February 28, 2008 The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 298**, STATE LAND ACQUISITION, by Senator J. Hickman.

Curtis S. Bramble, Chair

On motion of Senator Bramble, the committee report was adopted. **S.B. 298** was placed at the top of the Second Reading Calendar.

\* \* \*

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 145**, ADDITIONAL STATE RETIREMENT BENEFIT, by Representative K. Holdaway.

Curtis S. Bramble, Chair

On motion of Senator Bramble, the committee report was adopted. **H.B. 145** was returned to the Rules Committee.

#### SECOND READING CALENDAR

On motion of Senator Bramble, the Senate voted to lift **S.B. 299**, REVISION TO LOCAL GOVERNMENT, from the Rules Committee and place it at the top of the Second Reading Calendar.

**S.B. 299**, REVISION TO LOCAL GOVERNMENT, was read the second time. This bill did not have a Senate standing committee hearing.

On motion of Senator Bramble, under suspension of the rules, the following substitute bill replaced the original bill:

#### 1st Sub. S.B. 299 Revision to Local Government (G. Bell)

On motion of Senator Bramble, the bill was circled.

#### **CONCURRENCE CALENDAR**

On motion of Senator Walker, the Senate voted to concur in the House amendments to **S.B. 132**, CONSUMER CREDIT PROTECTION ACT – ATTORNEY GENERAL POWERS. The bill, as amended, passed on the following roll call:

#### Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were:SenatorsGreinerMadsenStephenson

S.B. 132 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, the Senate voted to authorize legislative staff to draft a resolution regarding the authorization of rebuilding I–15 in Utah County. Senators Jenkins and Hillyard commented.

#### THIRD READING CALENDAR

**1st Sub. S.B. 224**, COAL MINE SAFETY ACT, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife Jenkins Mayne Romero Walker	Goodfellow Jones McCoy Stowell Valentine	Hickman Killpack Niederhauser Van Tassell	Hillyard Knudson Peterson Waddoups
<b>Absent or not voti</b> Greiner	<b>ng were:</b> Senators Madsen	Stephenson	

1st Sub. S.B. 224 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, the circle was removed from **S.B. 294**, COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

#### Yeas, 25; Nays, 0; Absent, 4.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Hillyard
Jones	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			
Absent or not voting were: Senators			

Greiner Jenkins Killpack Madsen

S.B. 294 was transmitted to the House for consideration.

\* \* \*

**3rd Sub. S.B. 269**, WATER RIGHTS – OMBUDSMAN, was read the third time.

On motion of Senator Stowell, the bill was circled.

\* \* \*

**S.B. 277**, POST–CONVICTION REMEDIES ACT REVISIONS, was read the third time, explained by Senator Bell, and passed on the following roll call:

#### Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hillyard	Jones
Killpack	Knudson	Mayne	McCoy
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Voting in the negative Romero	tive was: Senator		
Absent or not voti Greiner	<b>ng were:</b> Senators Hickman	Jenkins	Madsen

S.B. 277 was transmitted to the House for consideration.

\* \* \*

**1st Sub. S.B. 261**, POLITICAL SUBDIVISION ANNEXATION AMENDMENTS, was read the third time.

On motion of Senator Waddoups, the bill was circled.

\* \* \*

**2nd Sub. S.B. 245**, FUNDING RELATING TO AIRPORTS, was read the third time.

On motion of Senator Eastman, the bill was circled.

#### SECOND READING CALENDAR

**H.B. 70**, EXPUNGEMENT LAW AMENDMENTS, was read the second time. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

#### Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hillyard	Jenkins	Jones

Knudson Peterson Waddoups	Mayne Romero Walker	McCoy Stephenson Valentine	Niederhauser Stowell
<b>Voting in the negative was:</b> Senator Greiner			
Absent or not votin Bramble Van Tassell	<b>ng were:</b> Senators Hickman	Killpack	Madsen

H.B. 90, EXPUNGEMENT AMENDMENTS, was read the second time.

On motion of Senator Bell, the bill was circled.

\* \* \*

**1st Sub. H.B. 92**, GARNISHMENT AMENDMENTS, 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

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		
Abcent or not v	oting wore Senator	,	

Absent or not voting were:SenatorsButtarsHickmanMadsen

\* \* \*

**H.B. 121**, COUNTY CHARGES FOR SERVICES TO INCARCERATED PERSONS, was read the second time.

On motion of Senator Bell, the bill was circled.

H.B. 151, MOTOR VEHICLE REVISIONS, was read the second time.

On motion of Senator Eastman, the bill was circled.

\* \* \*

**H.B. 153**, IMPACT FEES AMENDMENTS, was read the second time. Senator Bell explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators			
Bell	Bramble	Christensen	Davis
Dayton	Eastman	Fife	Goodfellow
Greiner	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Absent or not voting were: Senators			
Buttars	Dmitrich	Hickman	Hillyard
Killpack			

\* \* \*

**H.B. 171**, DRIVING PRIVILEGE CARD AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

#### Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or no	t voting were: Senators	
Buttars	Hickman	Hillyard

On motion of Senator Bell, the circle was removed from **H.B. 90**, EXPUNGEMENT AMENDMENTS, and it was before the Senate. Senator Bell explained the bill. The bill passed second reading on the following roll call:

#### Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

#### Absent or not voting were: Senators Buttars Hickman

ars Hickman

\* \* \*

On motion of Senator Killpack, the circle was removed from **H.B. 151**, MOTOR VEHICLE REVISIONS, and it was before the Senate. Senator Killpack 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	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

# Absent or not voting were:SenatorsBellHickman

\* \* \*

On motion of Senator Waddoups, the Senate voted to move to Third Reading Calendar.

#### THIRD READING CALENDAR

On motion of Senator Waddoups, the circle was removed from **1st Sub. S.B. 261**, POLITICAL SUBDIVISION ANNEXATION AMENDMENTS, and it was before the Senate. Senator Waddoups explained the bill. 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	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were:SenatorsBellHickmanMadsenNiederhauser

1st Sub. S.B. 261 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, the Senate voted to lift **1st Sub. H.C.R. 6**, CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF PRESIDENT GORDON B. HINCKLEY, from Rules and place it on the Time Certain Calendar. The resolution will be considered today at 3:00 p.m.

#### TIME CERTAIN CALENDAR

**H.J.R. 10**, JOINT RESOLUTION OPPOSING DESIGNATION OF PUBLIC LANDS CURRENTLY URGED BY CONGRESS AND THE BUREAU OF LAND MANAGEMENT, was read the second time. Senator Dmitrich explained the bill.

Senator Dmitrich proposed the following amendment:

 Page 2, Lines 35 through 38 House Committee Amendments 2–6–2008 35 WHEREAS, the state of Utah's economy relies on these important industries to fuel its

36 economy and tax base;

<u>WHEREAS</u>, energy price increases have a disproportionately negative impact on Utah's poor individuals and families;

37 WHEREAS, Utah schools and local governments are among the benefactors of access

38 to Utah public lands;

Senator Dmitrich's motion to amend passed on a voice vote. Senators Stephenson, Jenkins, Davis, and Buttars commented.

On motion of Senator Dmitrich, under suspension of the rules, **H.J.R. 10**, JOINT RESOLUTION OPPOSING DESIGNATION OF PUBLIC LANDS CURRENTLY URGED BY CONGRESS AND THE BUREAU OF LAND MANAGEMENT, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 3; Absent, 4.

#### Voting in the affirmative were: Senators

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Bramble	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Jenkins	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		
Voting in the negative were: Senators			
Jones	McCoy	Romero	
Absent or not voting were: Senators			
Bell	Christensen	Hickman	Hillyard

H.J.R. 10 was returned to the House for further consideration.

#### THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 296**, FINANCIAL INSTITUTIONS AMENDMENTS, and it was before the Senate.

Senator Bramble proposed the following amendment:

 Page 6, Lines 160 through 163 Senate 2nd Reading Amendments 2–27–2008

160 (A) participates in the loan participation arrangement for the member–business loan:

161 {-<u>and</u> }

162(B)is organized under this chapter; and(C)is a successor to or was a credit union described in Subsection7-9-53(2) $\hat{S} \rightarrow$ (d) $\hat{S}$  as of May

163 <u>3, 1999</u>.

Senator Bramble's motion to amend passed on a voice vote. Senator Bramble explained the bill. Senators Van Tassell, Romero and Valentine declared conflicts of interest. 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	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or	not voting were: Senators	
Bell	Hickman	Hillyard

1st Sub. S.B. 296 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, and at 11:20 a.m., the Senate recessed.

## **AFTERNOON SESSION**

The Senate reassembled at 3:35 p.m., with President Valentine presiding.

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President:

February 28, 2008 The Speaker of the House has signed 1st Sub. S.B. 21, CAMPAIGN FINANCE DISCLOSURE REVISIONS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

S.B. passed. 43. ADMINISTRATIVE RULES The House REAUTHORIZATION, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed 2nd Sub. S.B. 45, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 53, USE OF INITIATIVE AND REFERENDUM FOR ADMINISTRATIVE LAND USE AND ZONING MATTERS, by Senator B. Goodfellow, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 69, UNIFORM LIMITED COOPERATIVE ASSOCIATION 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. 116, RETIREMENT OFFICE AMENDMENTS, by Senator C. Walker, 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. 132, CONSUMER CREDIT PROTECTION ACT - ATTORNEY GENERAL POWERS, by Senator C. Walker, and it is transmitted for the signature of the President; and

The House passed, S.B. 162, FEDERAL EDUCATION AGREEMENT 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, S.B. 186, CUSTODY AND PARENT-TIME FOR NON-PARENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 274, AMENDMENTS TO UTAH SERVICE MEMBERS' CIVIL RELIEF ACT, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1st Sub. S.B. 21, S.B. 43, 2nd Sub. S.B. 45, 1st Sub. S.B. 53, S.B. 69, S.B. 116, S.B. 132, S.B. 162, S.B. 186, and S.B. 274 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, 2008 The House passed **H.B.** 216, ANNEXATION **REVISIONS**, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 325, BULLYING AND HAZING, by Representative C. Moss, et al, and it is transmitted for consideration; and

The House passed, as amended, H.B. 345, MINIMUM AGE FOR PUBLIC EDUCATION ENROLLMENT AMENDMENTS, Representative by E. Hutchings, and it is transmitted for consideration; and

The House passed H.B. 456, FAIR CAMPAIGN PLEDGE AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. H.B. 216, 1st Sub. H.B. 325, H.B. 345, and H.B. 456 were read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

February 28, 2008 The House passed, as amended, 1st Sub. S.B. 78, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for further consideration: and

The House passed, as amended, 1st Sub. S.B. 181, OFF-HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS, by Senator S. Jenkins, and it is transmitted for further consideration; and

The House substituted and passed, 3rd Sub. S.B. 184, CHILD CARE LICENSING EXEMPTIONS, by Senator J. Greiner, and it is transmitted for further consideration: and

The House substituted and passed, 1st Sub. S.B. 283, TRANSPORTATION FUNDING AMENDMENTS, by Senator S. Killpack, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

\* \* \*

Mr. President:

February 28, 2008 The Speaker of the House has appointed a Conference Committee consisting of Representatives W. Harper, F. Hunsaker, and D. Litvack to meet with a like committee from the Senate to consider or amend 2nd Sub. H.B. 54, PROPERTY TAX ASSESSMENT REVISIONS, by Representative W. Harper.

Sandy D. Tenney, Chief Clerk

\* \* \*

Mr. President:

February 28, 2008

The House refuses to recede from its amendments to **3rd Sub. S.B. 15**, DRIVING UNDER THE INFLUENCE AMENDMENTS, by Senator C. Walker, and has appointed a Conference Committee consisting of Representatives P. Ray, C. Frank, and N. Hansen to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk On motion of Senator Walker, the Senate voted to refuse to recede from its amendments to 3rd Sub. S.B. 15. President Valentine appointed a conference committee consisting of Senators Walker, Waddoups, and Mayne to meet with a like committee from the House.

#### RULES COMMITTEE REPORTS

To the Members of the Senate: February 28, 2008 The Rules Committee recommends that, under suspension of the rules, the following bills be placed at the bottom of the Second Reading Calendar:

S.B. 286	Transportation and Transit Amendments
	(Sen. S. Killpack)
2nd Sub. H.B. 319	Review and Approval of Grants (Rep. D. Clark)
	(Sen. C. Bramble)
H.B. 93	Insurance Fraud Amendments (Rep. D. Aagard)
	(Sen. M. Waddoups)

H.B. 290	Municipal Oversight of Rental Dwellings
	(Rep. G. Froerer) (Sen. M. Waddoups)
H.B. 365	Aviation Amendments (Rep. W. Harper)
	(Sen. W. Niederhauser)
H.B. 186	Property Tax – County Assessment and Collection
	Amendments (Rep. K. McIff) (Sen. L. Hillyard)
1st Sub. H.B. 80	Administrative Rule Penalty Amendments (Rep. B. Ferry)
	(Sen. H. Stephenson)
1st Sub. H.B. 316	Substance Abuse Treatment for Pregnant Women and
	Pregnant Minors (Rep. E. Hutchings)
	(Sen. M. Waddoups)
1st Sub. H.B. 326	Children's Health Insurance Program – Open Enrollment
	(Rep. G. Curtis) (Sen. J. Valentine)
1st Sub. H.B. 332	Use of Public Schools by Community Organizations
	(Rep. G. Hughes) (Sen. H. Stephenson)
H.B. 341	Damage to Underground Utility Facilities Amendments
	(Rep. D. Clark) (Sen. S. Killpack)
H.B. 347	Motor Vehicle Business Regulation Amendments
	(Rep. S. Andersen) (Sen. D. Eastman)
1st Sub. H.B. 348	Zion National Park Special Group License Plate
	(Rep. B. Last) (Sen. D. Stowell)
H.B. 362	Motor Fuel Tax – Off–highway Vehicle Refund
	Amendments (Rep. B. Ferry) (Sen. D. Stowell)
H.B. 467	Motor Vehicle Insurance Arbitration Amendments
	(Rep. S. Urquhart) (Sen. C. Bramble)
H.J.R. 8	Joint Resolution Urging Congress to Eliminate
	Transportation Earmarking That Overrides State
	Transportation Priorities (Rep. Julie Fisher)
	(Sen. S. Jenkins)
	Bill Hickman

Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

#### STANDING COMMITTEE REPORTS

Mr. President: February 28, 2008 Without committee review, the Retirement and Independent Entities Committee has returned **H.B. 202**, EMPLOYEE BENEFIT AMENDMENTS, by Representative J. Dougall, to the Rules Committee without recommendation; and

Without committee review, the Retirement and Independent Entities Committee has returned 1st Sub. H.B. 94, PUBLIC EMPLOYEES' RETIREMENT – SPOUSAL ELECTION, by Representative L. Shurtliff, to the Rules Committee without recommendation; and

The Retirement and Independent Entities Committee has tabled and returned **H.B. 39**, DIVESTMENT OF CERTAIN RETIREMENT FUND INVESTMENTS, by Representative Julie Fisher, to the Rules Committee.

Curtis S. Bramble, Chair On motion of Senator Hickman, the committee reports were adopted. **H.B. 39, 1st Sub. H.B. 94,** and **H.B. 202**were returned to Rules.

#### SECOND READING CALENDAR

**H.B. 177**, COUNTY AND MUNICIPAL LAND USE REGULATION OF POTENTIAL GEOLOGIC HAZARD AREAS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

#### Yeas, 22; Nays, 0; Absent, 7.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Dayton
Dmitrich	Eastman	Fife	Greiner
Jenkins	Jones	Killpack	Knudson
Mayne	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		
Absent or not voti Christensen Hillyard	<b>ng were:</b> Senators Davis Madsen	Goodfellow McCoy	Hickman

\* \* \*

**H.B. 182**, DEADLINE FOR VOTING PRECINCT DESIGNATION, was read the second time. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

# Voting in the affirmative were: SenatorsBellBrambleButtarsDaytonEastmanFifeGoodfellowGreinerJenkinsJonesKillpackKnudson

Madsen Stephenson Walker	Mayne Stowell Valentine	Peterson Van Tassell	Romero Waddoups
Absent or not votin Christensen Hillyard	<b>ng were:</b> Senators Davis McCoy	Dmitrich Niederhauser	Hickman

#### TIME CERTAIN CALENDAR

On motion of Senator Madsen, under suspension of the rules, **1st Sub. H.C.R. 6**, CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF PRESIDENT GORDON B. HINCKLEY, was considered read the second and third times and passed on the following roll call:

#### Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Davis
Dayton	Eastman	Fife	Goodfellow
Greiner	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Waddoups	Walker	Valentine	
Absent or not voting were: Senators			
Christensen	Dmitrich	Hickman	Hillyard
Stephenson	Van Tassell		

**1st Sub. H.C.R. 6** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

#### SECOND READING CALENDAR

On motion of Senator Bell, the circle was removed from **H.B. 121**, COUNTY CHARGES FOR SERVICES TO INCARCERATED PERSONS, and it was before the Senate. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

 Page 1, Line 16 House Committee Amendments 1–30–2008 16 subject to current statutory limits  $\{-,-\}$ 

▶ removes language that made that provision applicable to only first and second class counties; and

▶ establishes a fee schedule that applies in the absence of a contract with respect to medical services provided by a health care provider.

2. Page 2, Line 58:

58 shall be commensurate with  $\underline{:}$ 

(i) for a health care facility, the current noncapitated state Medicaid rates  $\{---\}$ ; and

(ii) for a health care provider, 65% of the amount that would be paid under the Public Employees' Benefit and Insurance Program, created in Section 49–20–103, to a health care provider for service rendered in a county of the first class to a covered state employee in the health care plan with the highest number of participants.

Senator Bell's motion to amend passed on a voice vote. Senators Romero and Goodfellow commented. The bill passed second reading on the following roll call:

#### Yeas, 24; Nays, 3; Absent, 2.

#### Voting in the affirmative were: Senators Bell Christensen Bramble Buttars Davis Dayton Dmitrich Eastman Fife Greiner Hickman Jenkins Knudson Madsen Jones Killpack Mayne McCoy Peterson Romero Stowell Van Tassell Waddoups Walker Voting in the negative were: Senators Goodfellow Niederhauser Stephenson Absent or not voting were: Senators Hillyard Valentine

\* \* \*

**1st Sub. H.B. 223**, EXEMPTION FROM LICENSURE BY DIVISION OF REAL ESTATE, was read the second time. Senator Killpack explained the bill. Senators Waddoups, Knudson, Eastman, Jenkins, and Hickman commented. The bill failed second reading on the following roll call:

Yeas, 9; Nays, 18; Absent, 2.

Voting in the affirmative were: Senators				
Bell	Christensen	Eastman	Jenkins	
Knudson	Niederhauser	Romero	Stowell	
Walker				
Voting in the negative were: Senators				
Buttars	Davis	Dayton	Dmitrich	
Fife	Goodfellow	Greiner	Hickman	
Hillyard	Jones	Killpack	Madsen	
Mayne	McCoy	Peterson	Stephenson	
Van Tassell	Waddoups			
Absort on not noting works Constant				

#### Absent or not voting were: Senators Bramble Valentine

The bill was filed.

\* \* \*

**1st Sub. H.B. 309**, ELECTION INFORMATION AMENDMENTS, was read the second time. 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

Bell Dayton Goodfellow Jones Mayne	Buttars Dmitrich Greiner Killpack McCoy	Christensen Eastman Hickman Knudson Niederhauser	Davis Fife Jenkins Madsen Peterson
Romero Waddoups	Stephenson Walker	Stowell	Van Tassell
Absent or not voti Bramble	<b>ng were:</b> Senators Hillyard	Valentine	

\* \* \*

**1st Sub. H.B. 323**, EMINENT DOMAIN AMENDMENTS, was read the second time. Senator Peterson explained the bill. The bill passed second reading on the following roll call:

Yeas, 16; Nays, 9; Absent, 4.

Voting in the affirmative were: Senators				
Bell	Buttars	Christensen	Dayton	
Dmitrich	Eastman	Hickman	Killpack	
Madsen	Niederhauser	Peterson	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Voting in the negative were: Senators				
Davis	Fife	Goodfellow	Greiner	
Jones	Knudson	Mayne	McCoy	
Romero				
Absent or not voting were: Senators				
Bramble	Hillyard	Jenkins	Valentine	
* * *				

**2nd Sub. H.B. 346**, DIVISION OF REAL ESTATE RELATED AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

\* \* \*

**H.B. 352**, AMENDMENTS RELATED TO MONIES DERIVED FROM NAVAJO NATION RESERVATION LANDS IN UTAH, was read the second time.

On motion of Senator Hickman, the bill was circled.

\* \* \*

**H.C.R. 4**, CONCURRENT RESOLUTION ENCOURAGING CONGRESSIONAL ACTION TO DESIGNATE A NEW RECIPIENT OF ROYALTIES FROM NAVAJO RESERVATION LANDS IN UTAH, was read the second time.

On motion of Senator Hickman, the bill was circled.

\* \* \*

On motion of Senator Dmitrich, under suspension of the rules, **H.C.R. 5**, CONCURRENT RESOLUTION URGING CONGRESSIONAL APPROVAL OF R.S. 2477 RIGHTS–OF–WAY RECOGNITION ACT, was considered read the second and third times and passed on the following roll call:

Voting in the affirmative were: Senators				
Bell	Buttars	Christensen	Davis	
Dayton	Dmitrich	Eastman	Fife	
Greiner	Hickman	Hillyard	Jenkins	
Jones	Killpack	Knudson	Madsen	
Niederhauser	Peterson	Stephenson	Van Tassell	
Waddoups				
Voting in the nega	tive were: Senators			
McCoy	Romero	Stowell		
Absent or not voting were: SenatorsBrambleGoodfellowMayneWalkerValentine				

**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.C.R. 7**, CONCURRENT RESOLUTION DECLARING COLORECTAL CANCER AWARENESS MONTH, was read the second time.

On motion of Senator Romero, the bill was circled.

\* \* \*

On motion of Senator Dayton, under suspension of the rules, **H.J.R. 3**, RESOLUTION REAFFIRMING THE WORDS, UNDER GOD, IN THE PLEDGE OF ALLEGIANCE, 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

Bell	Buttars	Christensen	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Niederhauser	Peterson	Romero	Stephenson
Stowell			

### Yeas, 21; Nays, 3; Absent, 5.

#### Absent or not voting were: Senators

Bramble	Davis	Mayne	McCoy
Van Tassell	Waddoups	Walker	Valentine

**H.J.R. 3** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.J.R. 7**, JOINT RESOLUTION RECOGNIZING UNREINFORCED MASONRY BUILDINGS, was read the second time. Senator Fife explained the bill. Senators Stephenson, Davis, and Peterson commented. The bill passed second reading on the following roll call:

#### Yeas, 16; Nays, 6; Absent, 7.

Voting in the affirmative were: Senators				
Davis	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Jenkins	Jones	
Killpack	Knudson	Mayne	Peterson	
Romero	Stowell	Waddoups	Walker	
<b>Voting in the nega</b> Bell Madsen	<b>tive were:</b> Senators Buttars Stephenson	Christensen	Dayton	
Absent or not voting were: Senators				
Bramble	Hickman	Hillyard	McCoy	
Niederhauser	Van Tassell	Valentine		

\* \* \*

**H.B. 339**, HUMAN TRAFFICKING AMENDMENTS, was read the second time.

On motion of Senator Christensen, the bill was circled.

\* \* \*

On motion of Senator Mayne, the circle was removed from **H.C.R. 7**, and it was before the Senate. On motion of Senator Mayne, under suspension of the rules, **H.C.R. 7**, CONCURRENT RESOLUTION DECLARING COLORECTAL CANCER AWARENESS MONTH, was considered read the second and third times. Senator Waddoups commented and the bill passed on the following roll call:

#### Yeas, 24; Nays, 0; Absent, 5.

#### Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Absent or not voti	ng were: Senators		
Bramble	Hillyard	McCoy	Niederhauser
Valentine			

**H.C.R. 7** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2008 The House passed **H.B. 305**, COUNTY SHERIFF QUALIFICATION AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 305** was read the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Hickman and at 5:00 p.m., the Senate adjourned until 9:00 a.m., Friday, February 29, 2008.

## FORTIETH DAY

## MORNING SESSION

## **FEBRUARY 29, 2008**

The Senate was called to order at 9:20 a.m., with President John Valentine presiding.

**Prayer** – Alma Evans, Parowan, Utah **Pledge of Allegiance** – Senator Mike Dmitrich **Roll Call** – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2008 The House passed, **1st Sub. S.B. 54**, INITIATIVE AND REFERENDUM PETITION AMENDMENTS, by Senator B. Goodfellow, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 191**, JUDICIAL CONDUCT COMMISSION AMENDMENTS, by Senator G. Davis, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 192**, SEX OFFENSE AMENDMENTS, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 196**, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 235**, HUMAN REMAINS RELATED AMENDMENTS, by Senator K. VanTassell, 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. 236**, JUDICIARY AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 275**, MILITARY JUSTICE CODE AMENDMENTS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 5**, CONCURRENT RESOLUTION CALLING FOR CONGRESS TO PASS BALANCED IMMIGRATION REFORM, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1st Sub. S.B. 54, 1st Sub. S.B. 191, S.B. 192, S.B. 196, S.B. 235, 1st Sub. S.B. 236, S.B. 275, and S.C.R. 5 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

#### **INTRODUCTION OF BILLS**

**S.B. 4**, **General Obligation Bond Authorization** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

#### CONSENT CALENDAR

**H.B. 173**, MONEY MANAGEMENT ACT UPDATES, was read the third time.

On motion of Senator Fife, the bill was circled.

\* \* \*

**1st Sub. H.B. 371**, DIGITAL CERTIFICATES FOR BREATHALIZERS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Waddoups	Walker	Valentine	

Absent or not voting were:SenatorsEastmanVan Tassell

1st Sub. H.B. 371 was and returned to the House for further consideration.

\* \* \*

**H.B. 375**, DECEPTION DETECTION EXAMINERS LICENSING ACT AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Waddoups
Walker	Valentine		

#### Absent or not voting were: Senators

	0	
Eastman	McCoy	Van Tassell

**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.

#### CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 78**, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Waddoups	Walker	Valentine	

# Absent or not voting were:SenatorsEastmanVan Tassell

1st Sub. S.B. 78 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **1st Sub. S.B. 181**, OFF–HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS. Senators Jones and Greiner commented. The bill, as amended, passed on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators				
Bell	Buttars	Christensen	Dayton	
Eastman	Fife	Hickman	Jenkins	
Killpack	Knudson	Madsen	Mayne	
Niederhauser	Peterson	Stephenson	Stowell	
Waddoups	Walker			
Voting in the nega	tive were: Senators			
Davis	Goodfellow	Greiner	Hillyard	
Jones	McCoy	Romero	Valentine	
Absent or not voting were: Senators				
Bramble	Dmitrich	Van Tassell		

1st Sub. S.B. 181 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Greiner, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 184**, CHILD CARE LICENSING EXEMPTIONS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

#### Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Waddoups	Walker
Valentine			

# Absent or not voting were: SenatorsBrambleDmitrichJenkinsVan Tassell

3rd Sub. S.B. 184 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Killpack, the Senate voted to concur in the House amendments to **1st Sub. S.B. 283**, TRANSPORTATION FUNDING AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Bramble Dmitrich

1st Sub. S.B. 283 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bell, **1st Sub. S.B. 299**, REVISION TO LOCAL GOVERNMENT, will be considered today at 3:00 p.m.

#### **RULES COMMITTEE REPORTS**

To the Members of the Senate: February 29, 2008 The Rules Committee recommends that, under suspension of the rules, the following bills be placed at the bottom of the Second Reading Calendar:

2nd Sub. H.B. 148	Aquaculture Revitalization Act (Rep. M. Noel)
	(Sen. D. Peterson)
1st Sub. H.B. 229	Protections for Agricultural Practices (Rep. M. Morley)
	(Sen. D. Peterson)
2nd Sub. H.B. 276	Health Professional Authority – Death and Disability
	(Rep. B. Last) (Sen. A. Christensen)

H.B. 307	Cancer Screening and Mortality Reduction Special Group
	License Plate (Rep. C. Moss) (Sen. P. Jones)
H.B. 320	Vehicle Impound Yard Requirements (Rep. C. Oda)
	(Sen. G. Bell)
H.B. 399	Medication Aide Certified Amendments
	(Rep. R. Lockhart) (Sen. S. Killpack)
H.B. 406	Traffic Code Amendments (Rep. J. Dunnigan)
	(Sen. S. Jenkins)
1st Sub. H.B. 425	Exemption for Alcoholic Beverage Manufacturing
	License (Rep. C. Johnson) (Sen. D. Stowell)
H.B. 140	Child Restraint Device Amendments (Rep. T. Cosgrove)
	(Sen. G. Bell)
H.B. 160	Charter School Law Revisions (Rep. R. Lockhart)
	(Sen. D. Eastman)
1st Sub. H.B. 187	Death Caused by Illegal Drugs (Rep. C. Herrod)
	(Sen. C. Bramble)
1st Sub. H.B. 192	Property Transaction Amendments (Rep. R. Lockhart)
	(Sen. J. Greiner)
H.B. 195	Concealed Firearm Permit Amendments
	(Rep. M. Newbold) (Sen. M. Waddoups)
H.B. 202	Employee Benefit Amendments (Rep. J. Dougall)
	(Sen. C. Bramble)
1st Sub. H.B. 203	Judicial Review of State Engineer's Decision
	(Rep. P. Painter) (Sen. K. VanTassell)
H.B. 206	Tax Amendments (Rep. W. Harper) (Sen. C. Bramble)
H.B. 216	Annexation Revisions (Rep. B. Last) (Sen. J. Hickman)
1st Sub. H.B. 242	Transportation Funding Revisions (Rep. W. Harper)
	(Sen. M. Waddoups)
H.B. 282	State Payment and Reimbursement to County
	Correctional Facilities (Rep. M. Noel) (Sen. J. Greiner)

Bill Hickman

Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

#### THIRD READING CALENDAR

**H.B. 70**, EXPUNGEMENT LAW AMENDMENTS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

, oung in the u		ilutor b	
Buttars	Christensen	Davis	Dayton
Eastman	Fife	Goodfellow	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Absont or not voting word: Sonators			

#### Voting in the affirmative were: Senators

Absent or not voting were: Senators					
Bell	Bramble	Dmitrich	Greiner		
Hickman					

**H.B.** 70 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. 92**, GARNISHMENT 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				
Buttars	Christensen	Davis	Dayton	
Eastman	Fife	Goodfellow	Hillyard	
Jenkins	Jones	Killpack	Knudson	
Madsen	Mayne	McCoy	Niederhauser	
Peterson	Romero	Stephenson	Stowell	
Van Tassell	Waddoups	Walker	Valentine	
Absent or not voting were: Senators				
Bell	Bramble	Dmitrich	Greiner	
Hickman				

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.

\* \* \*

**H.B. 153**, REVISION TO COUNTY ELECTED OFFICES, was read the third time.

On motion of Senator Eastman, the bill was circled.

**H.B. 171**, DRIVING PRIVILEGE CARD AMENDMENTS, was read the third time.

On motion of Senator Eastman, the bill was circled.

\* \* \*

**H.B. 90**, EXPUNGEMENT AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators				
Bell	Buttars	Christensen	Davis	
Dayton	Eastman	Fife	Goodfellow	
Hillyard	Jenkins	Jones	Killpack	
Knudson	Madsen	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				
Absent or not voting were: Senators				
Bramble	Dmitrich	Greiner	Hickman	

**H.B. 90** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bell, the circle was removed from **H.B. 153**, IMPACT FEES AMENDMENTS, and it was before the Senate. Senators Bell, Killpack and Madsen declared conflicts of interest. The bill passed on the following roll call:

#### Yeas, 29; Nays, 0; Absent, 0.

#### Voting in the affirmative were: Senators

0			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine		-	

**H.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 Bramble, legislative staff was authorized to draft a bill regarding executive compensation.

#### TIME CERTAIN CALENDAR

On motion of Senator Knudson, under suspension of the rules, **H.B. 129**, APPROPRIATION FOR CONSTRUCTION OF A VETERANS' NURSING HOME IN OGDEN, was considered read the second and third times. Senators Walker, Christensen, Davis, Stowell, Jones, Romero, Greiner, Jenkins, and Madsen commented. Senators Knudson, Greiner, Walker, and Valentine declared conflicts of interest. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Bramble

**H.B. 129** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

#### COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Terry Schow, Executive Director of the Utah Department of Veterans Affairs spoke in Committee of the Whole. Senators Fife and Dmitrich commented.

On motion of Senator Knudson, the Committee of the Whole was dissolved.

\* \* \*

On motion of Senator Bramble, and at 10:30 a.m., the Senate sauntered.

The Senate was called to order at 10:40 a.m., with President Valentine presiding.

\* \* \*

On motion of Senator Killpack, under suspension of the rules, S.J.R. 12, JOINT RESOLUTION HONORING HILL AIR FORCE BASE'S 388TH AND 419TH FIGHTER WINGS, was considered read the second and third times. Senator Killpack explained the bill. The bill passed on the following roll call:

#### Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators			
Bell	Dayton	Dmitrich	Eastman
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Valentine
Absent or not vo	oting were: Senators	5	
Bramble	Buttars	Christensen	Davis
Fife	Hillyard	Madsen	Peterson
Walker			

S.J.R. 12 was transmitted to the House.

#### **COMMITTEE OF THE WHOLE**

On motion of Senator Killpack, Lt. Col. Jack L. Sine, 388th Operations Support Squadron Director of Operations and Lt. Col. Thomas P. Klingen Smith. 419th Fighter Squadron Asst. Director of Operations, spoke in Committee of the Whole.

On motion of Senator Killpack, the Committee of the Whole was dissolved.

#### CONSENT CALENDAR

On motion of Senator Van Tassell, the circle was removed from H.B. 173, MONEY MANAGEMENT ACT UPDATES, and it was before the Senate. The bill passed on the following roll call:

#### Yeas, 17; Nays, 0; Absent, 12.

Voting in the affirmative were: Senators			
Bell	Bramble	Davis	Dayton
Eastman	Goodfellow	Greiner	Hickman

Jones Romero Valentine	Knudson Van Tassell	McCoy Waddoups	Niederhauser Walker
Absent or not voti	ng were: Senators		
Buttars	Christensen	Dmitrich	Fife
Hillyard	Jenkins	Killpack	Madsen
Mayne	Peterson	Stephenson	Stowell

**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.

On motion of Senator Bramble, under suspension of the rules, the Senate voted to consider Senate bills on the Second Reading Calendar.

#### SECOND READING CALENDAR

On motion of Senator Hickman, under suspension of the rules, **S.B. 298**, STATE LAND ACQUISITION, was considered read the second and third times. Senator Hickman explained the bill. The bill passed on the following roll call:

#### Yeas, 22; Nays, 0; Absent, 7.

#### Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Dmitrich	Goodfellow	Greiner	Hickman
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Walker	Valentine		
Absent or not voti	ng were: Senators		
Buttars	Christensen	Eastman	Fife
Hillyard	Killpack	Waddoups	

S.B. 298 was transmitted to the House.

\* \* \*

**S.B. 75**, PROHIBITING GANG ACTIVITY, was before the Senate. On motion of Senator Greiner, the bill was returned to the Rules Committee.

\* \* \*

**S.B. 218**, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX, was before the Senate. On motion of Senator Niederhauser, the bill was returned to the Rules Committee.

**S.B. 222**, DIVISION OF REAL ESTATE LICENSING AND PRESENCE IN THE UNITED STATES, was before the Senate. On motion of Senator Dayton, the bill was returned to the Rules Committee.

\* \* \*

**S.B. 237**, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senators Romero and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Goodfellow
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Voting in the negative were:SenatorsFifeMcCoy

Absent or not voting were:SenatorsDaytonGreinerValentine

\* \* \*

On motion of Senator Hillyard. the Senate voted to lift the following bills from the Third Reading Table and place them at the top of the Third Reading Calendar: 1st Sub. H.B. 36, H.B. 45, 1st Sub. H.B. 119, and H.B. 122.

\* \* \*

On motion of Senator Hillyard. the Senate voted to lift **H.B. 102**, CHILD ABUSE HOMICIDE AMENDMENTS, from the Rules Committee and place it at the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Hillyard. the Senate voted to lift **1st Sub. H.B. 326** to the top of the Second Reading Calendar.

On motion of Senator Madsen, the Senate voted to move to Third Reading Calendar.

#### THIRD READING CALENDAR

On motion of Senator Madsen, the circle was removed from **S.B. 210**, PROOF OF CITIZENSHIP REQUIRED TO VOTE, and it was before the Senate.

On motion of Senator Madsen, the following substitute bill replaced the original bill:

#### 1st Sub. S.B. 210 Proof of Citizenship Required to Vote (M. Madsen)

On motion of Senator Madsen, the bill was circled.

#### SECOND READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from **S.B. 258**, PROPERTY TAX COMMITTEE, and it was before the Senate. On motion of Senator Niederhauser, the bill was returned to the Rules Committee.

\* \* \*

**S.B. 286**, TRANSPORTATION AND TRANSIT AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**H.B. 102**, CHILD ABUSE HOMICIDE AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Valentine, under suspension of the rules, **1st Sub. H.B. 326**, CHILDREN'S HEALTH INSURANCE PROGRAM – OPEN ENROLLMENT, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

, oung in the un		inators	
Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Greiner
Hickman	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	Valentine

#### Voting in the affirmative were: Senators

Voting in the negative were:SenatorsDaytonStephenson

Absent or n	ot voting were: Senators	
Buttars	Goodfellow	Hillyard

1st Sub. H.B. 326 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

#### THIRD READING CALENDAR

1st Sub. H.B. 36, CHILD WELFARE AMENDMENTS, was read the third time.

On motion of Senator Dayton, the bill was circled.

\* \* \*

**H.B. 45**, SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY, 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

0			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Greiner	Hickman	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or	r not voting were: Senators	
Fife	Goodfellow	Hillyard

**H.B. 45** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 29, 2008 The House passed, **1st Sub. S.B. 57**, FRANCHISE LAW AMENDMENTS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1st Sub. S.B. 57 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 29, 2008

The House concurred in the Senate amendments and passed **1st Sub. H.B. 304**, SALES AND USE TAX REVENUES FOR QUALIFIED EMERGENCY FOOD AGENCIES, by Representative L. Wiley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 252**, CHARITABLE SOLICITATIONS ACT 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 **5th Sub. H.B. 51**, WATER RIGHT AMENDMENTS, by Representative P. Painter, 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. 40**, SAFE DRINKING WATER REVISIONS, by Representative S. Andersen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 38**, EDUCATION AND OUTREACH REGARDING SUBSTANCES HARMFUL DURING PREGNANCY, by Representative R. Menlove, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1st Sub. H.B. 304, 1st Sub. H.B. 252, 5th Sub. H.B. 51, 2nd Sub. H.B. 40, and H.B. 38, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

Mr. President:

The House passed, as amended, **H.B. 486**, WRONGFUL LIENS AND WRONGFUL JUDGEMENT LIENS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 222**, WATER QUALITY BOARD AMENDMENTS, by Representative P. Painter, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 174**, TRAUMATIC BRAIN INJURY FUND, by Representative J. Gowans, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 486, H.B. 222,** and **1st Sub. H.B. 174** were read the first time and referred to the Rules Committee

\* \* \*

Mr. President:

February 29, 2008

The House adopted the Joint Conference Committee Report dated February 29, 2008, and passed **4th Sub. S.B. 15**, DRIVING UNDER THE INFLUENCE AMENDMENTS, by Senator C. Walker, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk The Joint Conference Committee comprised of Sens. Carlene M. Walker, Karen Mayne, and Michael G. Waddoups, and Reps. Paul Ray, Craig A. Frank, and Neil A. Hansen, recommends **3rd Sub. S.B. 15**, DRIVING UNDER THE INFLUENCE AMENDMENTS, by Senator C. Walker, be replaced and favorably recommends **4th Sub. S.B. 15**, DRIVING UNDER THE INFLUENCE AMENDMENTS.

Sen. Carlene M. Walker and Rep. Paul Ray, Chairs

On motion of Senator Walker, the Senate voted to adopt the conference committee report to **4th Sub. S.B. 15**, DRIVING UNDER THE INFLUENCE AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

February 29, 2008

Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Fife Goodfellow

4th Sub. S.B. 15 was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble, and at 11:45 a.m., the Senate recessed.

# **AFTERNOON SESSION**

The Senate reassembled at 2:30 p.m., with President Valentine presiding.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 29, 2008 The Speaker of the House has signed **1st Sub. S.B. 78**, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 181**, OFF–HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 283**, TRANSPORTATION FUNDING AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **3rd Sub. S.B. 184**, CHILD CARE LICENSING EXEMPTIONS, by Senator J. Greiner, and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 12**, JOINT RESOLUTION HONORING HILL AIR FORCE BASE'S 388TH AND 419TH FIGHTER WINGS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1st Sub. S.B. 78, 1st Sub. S.B. 181, 1st Sub. S.B. 283, 3rd Sub. S.B. 184, and S.J.R. 12 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President:

February 29, 2008

The House passed, as substituted and amended, **1st Sub. H.B. 395**, DEPORTATION OF ELIGIBLE UNDOCUMENTED IMMIGRANT PRISONERS, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 464**, ACCESS TO LANDLOCKED PARCELS, by Representative M. Walker, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 493**, STALKING AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **1st Sub. H.B. 395, 1st Sub. H.B. 464,** and **H.B. 493** were read the first time and referred to the Rules Committee.

\* \* \*

On motion of Senator Killpack, the Senate voted to reconsider its action on **1st Sub. H.B. 223**.

On motion of Senator Killpack, the bill was circled.

#### TIME CERTAIN CALENDAR

A citation was read honoring the Liver Transplant Team at Intermountain Medical Center (Dr. LeGrand Belnap, Dr. Willem Van der Werf, and Dr. Terry Box) and Liver Donor, Debbie McKowen. Senator Dayton commented.

#### THIRD READING CALENDAR

**1st Sub. H.B. 119**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, was read the third time.

On motion of Senator Killpack, the bill was circled.

\* \* \*

**H.B. 122**, DRIVER LICENSE – APPLICATION OF MINOR AMENDMENTS, was read the third time.

On motion of Senator Killpack, the bill was circled.

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\* \* \*

On motion of Senator Stowell, the circle was removed from **3rd Sub. S.B. 269**, WATER RIGHTS – OMBUDSMAN, and it was before the Senate. Senator Stowell explained the bill. Senator Walker commented. The bill passed on the following roll call:

#### Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators			
Bell	Davis	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Walker	Valentine		
Absent or not voting were: Senators			
Bramble	Buttars	Christensen	Hickman
Hillyard	Madsen	Waddoups	

3rd Sub. S.B. 269 was transmitted to the House for consideration.

\* \* \*

**H.B. 151**, MOTOR VEHICLE REVISIONS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 22; Nays, 2; Absent, 5.

Voting in the affirmative were: Senators			
Bell	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		
Voting in the nega	tive were: Senators		
Greiner	Jenkins		
Absent or not voti Bramble	<b>ng were:</b> Senators Christensen	Hickman	Hillyard
Madsen			

SENATE JOURNAL

**H.B. 151** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Buttars, the circle was removed from **H.B. 122**, DRIVER LICENSE – APPLICATION OF MINOR 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			
Bell	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	
Absent or not voting were: Senators			
Bramble	Christensen	Hickman	Hillyard
Jenkins	Madsen		

**H.B. 122** 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 **1st Sub. H.B. 36**, CHILD WELFARE 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

0			
Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jenkins	Killpack
Madsen	Mayne	McCoy	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	
Absent or not voti	ng were: Senators		
Bramble	Hickman	Hillyard	Jones
Knudson	Niederhauser		

1st Sub. H.B. 36, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 177**, COUNTY AND MUNICIPAL LAND USE REGULATION OF POTENTIAL GEOLOGIC HAZARD AREAS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Jenkins
Killpack	Madsen	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker	Valentine	
Voting in the negative Mayne Absent or not voti Hickman Stephenson		Jones	Knudson

**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.

#### TIME CERTAIN CALENDAR

On motion of Senator Bell, the circle was removed from **1st Sub. S.B. 299**, REVISION TO LOCAL GOVERNMENT, and it was before the Senate. Senator Bell explained the bill.

Senator Davis proposed the following amendment:

1. Page 1, Line 19

19  $\blacktriangleright$  enacts provisions authorizing counties and municipalities to  $\underline{:}$ 

• enact an ordinance

2. Page 1, Line 21:

21 unmarried employee's financially dependent or interdependent adult designee; and

• enact an ordinance making hospital and health care facility visitation rights or privileges available to certain individuals;

3. Page 2, Lines 43 through 45:

43 (1) (a) A municipality may, by ordinance enacted by the municipal legislative body, make

44 <u>benefits generally available to all municipal employees, their</u> <u>dependents, and an unmarried</u>

45 <u>employee's financially dependent or interdependent adult</u> <u>designee.</u>

(b) A municipality may, by ordinance enacted by the municipal legislative body, make hospital and health care facility visitation rights or privileges available:

(i) to all individuals participating in a registry created under this section; and

(ii) to the same extent that those rights or privileges are available to other individuals in other adult relationships.

4. Page 3, Lines 64 through 66:

64 (1) (a) A county may, by ordinance enacted by the county legislative body, make benefits

65 generally available to all county employees, their dependents, and an unmarried employee's

66 <u>financially dependent or interdependent adult designee.</u>

(b) A county may, by ordinance enacted by the county legislative body, make hospital and health care facility visitation rights or privileges available:

(i) to all individuals participating in a registry created under this section; and

(ii) to the same extent that those rights or privileges are available to other individuals in other adult relationships.

Senator Davis' motion to amend failed on a voice vote. Senator McCoy commented.

On motion of Senator Bell, the Senate voted to move the bill to the top of the Second Reading Calendar.

On motion of Senator Bell, the bill was circled.

### THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **1st Sub. HB. 119**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, and it was before the Senate.

Senator Bramble proposed the following amendment:

 Page 2a, Lines 48x through 48aa House Floor Amendments 2–5–2008

48x (3) The department shall report on the development and implementation of the program

48y required in Subsection (2) to the legislative Health and Human Services Interim Committee and the

48z legislative Business and Labor Interim Committee no later than the November interim meetings in

48aa {-2007 and } 2008 and 2009 . Each report shall include:

Senator Bramble'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

Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman
Goodfellow	Greiner	Hillyard
Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser
Romero	Stephenson	Stowell
Waddoups	Valentine	
	Dayton Goodfellow Jones Mayne Romero	DaytonDmitrichGoodfellowGreinerJonesKillpackMayneMcCoyRomeroStephenson

Absent or not voting were: Senators Hickman Walker

1st Sub. H.B. 119, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble, the circle was removed from **2nd Sub. S.B. 245**, FUNDING RELATING TO AIRPORTS, HIGHWAYS, AND PUBLIC TRANSIT, and it was before the Senate. On motion of Senator Killpack, the following substitute bill replaced the original bill:

# **3rd Sub. S.B. 245 Funding Relating to Airports, Highways, and Public Transit** (C. Bramble)

Senator Bramble explained the bill. The bill was considered read for the first, second, and third time. The bill passed on the following roll call:

#### Yeas, 20; Nays, 6; Absent, 3.

Voting in the affi	rmative were: Senate	ors	
Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Goodfellow
Greiner	Hillyard	Killpack	Knudson
Madsen	Niederhauser	Peterson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Voting in the neg	ative were: Senators		
Fife	Jones	Mayne	McCoy
Romero	Stephenson		
Absent or not vo	ting were: Senators		
Bell	Hickman	Jenkins	

3rd Sub. S.B. 245 was transmitted to the House for consideration.

\* \* \*

On motion of Senator Bramble, the Senate voted to move to Second Reading Calendar.

### SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 299**, REVISION TO LOCAL GOVERNMENT, and it was before the Senate.

On motion of Senator Bramble, the Senate voted to reconsider its action on Amendment 3 previously proposed by Senator Davis.

Senator Bramble proposed the following amendment:

1. Page 1, Line 19

19  $\blacktriangleright$  enacts provisions authorizing counties and municipalities to  $\underline{:}$ 

enact an ordinance

2. Page 1, Line 21:

21 unmarried employee's financially dependent or interdependent adult designee; and

• enact an ordinance making hospital and health care facility visitation rights or privileges available to certain individuals;

3. Page 2, Lines 43 through 45:

43 (1) (a) A municipality may, by ordinance enacted by the municipal legislative body, make

44 <u>benefits generally available to all municipal employees, their</u> <u>dependents, and an unmarried</u>

45 <u>employee's financially dependent or interdependent adult</u> <u>designee.</u>

(b) A municipality may, by ordinance enacted by the municipal legislative body, make hospital and health care facility visitation rights or privileges available:

(i) to all individuals participating in a registry created under this section; and

(ii) to the same extent that those rights or privileges are available to other individuals in other adult relationships.

4. Page 3, Lines 64 through 66:

64 (1) (a) A county may, by ordinance enacted by the county legislative body, make benefits

65 generally available to all county employees, their dependents, and an unmarried employee's

66 financially dependent or interdependent adult designee.

(b) A county may, by ordinance enacted by the county legislative body, make hospital and health care facility visitation rights or privileges available:

(i) to all individuals participating in a registry created under this section; and

(ii) to the same extent that those rights or privileges are available to other individuals in other adult relationships.

Senator Bramble's motion to amend passed on a voice vote.

On motion of Senator Bramble, the bill was circled.

On motion of Senator Hillyard, the Senate voted to lift the following bills from Rules and place them at the top of the Second Reading Calendar: 1st Sub. H.B. 330, 1st Sub. H.B. 263, 2nd Sub. H.B. 75, and H.B. 19.

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift the following bills from the Third Reading Table and place them at the top of the Third Reading Calendar: **1st Sub. H.B. 37** and **H.B. 86**.

\* \* \*

On motion of Senator Hillyard, the Senate voted to move **H.B. 93** and **H.B. 29** to the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift **3rd Sub. H.B. 131** from Rules and place it on the Second Reading Calendar.

On motion of Senator Bramble, and at 3:50 p.m., the Senate sauntered.

The Senate was called to order at 4:20 p.m., with President Valentine presiding.

#### THIRD READING CALENDAR

**1st Sub. H.B. 37**, UTAH BUSINESS RESOURCE CENTERS ACT, was read the third time and explained by Senator Bramble.

Senator Bramble proposed the following amendment:

- Page 8, Line 214: Delete "<u>\$525,000</u>" and insert "<u>\$125,000</u>"
- Page 8, Line 215: After "<u>Development</u>" insert "."

Senator Bramble's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

, oung in the u		acorb	
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jones	Killpack	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

#### Voting in the affirmative were: Senators

Absent or n		
Hickman	Jenkins	Knudson

1st Sub. H.B. 37 was returned to the House for further consideration.

\* \* \*

**H.B. 86**, FUNDING OF INMATE POSTSECONDARY EDUCATION, was read the third time and explained by Senator Hillyard.

Senator Hillyard proposed the following amendment:

 Page 2, Line 31: Delete "<u>\$1,500,000</u>" and insert "<u>\$150,000</u>"

Senator Hillyard's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen	
Davis	Dmitrich	Eastman	Fife	
Goodfellow	Hillyard	Jones	Killpack	
Mayne	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Stowell	Van Tassell	
Waddoups	Walker	Valentine		
Voting in the negat	tive were: Senators			
Dayton	Greiner	Madsen		
Absent or not voting were: Senators				
Hickman	Jenkins	Knudson		

H.B. 86, as amended, was returned to the House for further consideration.

On motion of Senator Hillyard, the Senate voted to lift **2nd Sub. H.B. 29** from the Third Reading Table and place it at the top of the Third Reading Calendar.

**2nd Sub. H.B. 29**, ELECTION LAW – FINANCIAL REPORTING, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jones	Killpack	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators Hickman Jenkins Knudson

2nd Sub. H.B. 29, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, the Senate voted to move **S.B. 237** to the top of the Third Reading Calendar.

**S.B. 237**, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS, under suspension of the rules, was read the third time and explained by Senator Niederhauser.

Senator Niederhauser proposed the following amendment:

1. Page 1, Lines 22 through 23

22  $\blacktriangleright$  provides a sales and use tax exemption for sales of certain construction materials

23 purchased <u>on or after July 1, 2010</u> by or on behalf of an international airport; and

2. Page 42, Lines 1274 through 1288:

1274 (69) sales of construction materials:
(a) purchased on or after July 1, 2010;
1275 {-(a) } (b) purchased by, on behalf of, or for the
benefit of an international airport:
1276 (i) located within a county of the first class; and
1277 (ii) that has a United States customs office on its premises; and
1278 $\{-\underline{(b)}\}$ $\underline{(c)}$ if the construction materials are:
1279 (i) clearly identified;
1280 (ii) segregated; and
1281 (iii) installed or converted to real property:
1282 (A) owned or operated by the international airport described in
Subsection (69) $\{-(a)\}$ (b) : and
1283 (B) located at the international airport described in Subsection
$(\underline{69}) \{-\underline{(a)}\} (\underline{b}) \underline{.}$
1284 Section 14. Effective date.

1285 (1) Except as provided in Subsection (2) or (3), this bill has retrospective operation for

1286 taxable years beginning on or after January 1, 2008.

(2) The amendments to Section 59-2-804 take effect on 1287 January 1, 2009.

(3) The amendments to Section 59-12-104 take effect on 1288 May 5 , 2008.  $\{-July + \}$ 

Senator Niederhauser's motion to amend passed on a voice vote. The bill passed on the following roll call:

### Yeas, 24; Nays, 2; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Mayne	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators Fife McCoy

Absent or not voting were: Senators Buttars Hickman Madsen

S.B. 237 was transmitted to the House for consideration.

### SECOND READING CALENDAR

**1st Sub. H.B. 330**, STATE SUPPLEMENTAL FUNDING FOR HEAD START, was read the second time. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

 Page 1, Line 32: Delete "<u>\$700.000</u> and insert<u>"\$100.000</u>"

On motion of Senator Bell, under suspension of the rules, **1st Sub. H.B. 330**, STATE SUPPLEMENTAL FUNDING FOR HEAD START, 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

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	Valentine
Voting in the neg	gative were: Senate	ors	
Dayton	Madsen	Stephenson	
	tin a mana Canata		

Absent or not voting were: Senators Buttars Hickman

1st Sub. H.B. 330 was returned to the House for further consideration.

\* \* \*

**1st Sub. H.B. 263**, UTAH REGISTRY OF AUTISM AND DEVELOPMENTAL DISABILITIES, was read the second time. Senator Mayne explained the bill.

Senator Mayne proposed the following amendment:

- 1. Page 1, Line 22: Delete "<u>\$350,000"</u> and insert <u>"\$75,000"</u>
- Page 2, Line 56: Delete "<u>\$350,000"</u> and insert<u>"\$75,000"</u>

Senator Mayne's motion to amend passed on a voice vote.

On motion of Senator Mayne, the circle was removed from **1st Sub. H.B. 263**, UTAH REGISTRY OF AUTISM AND DEVELOPMENTAL DISABILITIES, and it was before the Senate. The bill passed on the following roll call:

#### Yeas, 25; Nays, 0; Absent, 4.

#### Voting in the affirmative were: Senators Bell Davis Dayton Dmitrich Eastman Fife Goodfellow Greiner Hillyard Jenkins Jones Killpack Knudson Madsen Mayne McCoy Niederhauser Peterson Romero Stephenson Stowell Van Tassell Walker Waddoups Valentine Absent or not voting were: Senators Bramble Buttars Christensen Hickman

1st Sub. H.B. 263 was returned to the House for further consideration.

\* \* \*

On motion of Senator Stephenson, under suspension of the rules, **2nd Sub. H.B. 75**, INVENTORY AND REVIEW OF COMMERCIAL ACTIVITIES, 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

Dayton	Eastman	Goodfellow
Hillyard	Jenkins	Killpack
Madsen	McCoy	Niederhauser
Stephenson	Stowell	Van Tassell
Walker	Valentine	
tive were: Senators		
Dmitrich	Fife	Jones
Romero		
	Hillyard Madsen Stephenson Walker tive were: Senators Dmitrich	HillyardJenkinsMadsenMcCoyStephensonStowellWalkerValentinetive were: SenatorsFife

Absent or not voting were: Senators				
Bramble	Buttars	Christensen	Hickman	

**2nd 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 Peterson, under suspension of the rules, **H.B. 19**, ASSAULT ON A PEACE OFFICER PENALTY AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators				
Bell	Buttars	Dayton	Eastman	
Fife	Goodfellow	Greiner	Hillyard	
Jenkins	Jones	Killpack	Knudson	
Madsen	McCoy	Niederhauser	Peterson	
Romero	Stephenson	Stowell	Van Tassell	
Waddoups	Walker	Valentine		
Voting in the nega	tive were: Senators			
Davis	Dmitrich	Mayne		
Absent or not voting were: Senators				
Bramble	Christensen	Hickman		

**H.B. 19** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**3rd Sub. H.B. 131**, COMMUNITY BASED SELF SUFFICIENCY GRANTS, was read the second time. Senator McCoy explained the bill.

Senator McCoy proposed the following amendment:

- Page 1, Line 24: Delete "<u>\$401,500</u>" and insert <u>"\$70,000</u>"
- Page 6, Line 167: Delete "<u>\$401,500</u>" and insert <u>"\$70,000</u>"

Senator McCoy's motion to amend passed on a voice vote. Senator Waddoups commented. The bill passed second reading on the following roll call:

#### Yeas, 26; Nays, 2; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were:SenatorsDaytonStephenson

Absent or not voting was: Senator Hickman

\* \* \*

**H.B. 93**, INSURANCE FRAUD AMENDMENTS, was read the second time. Senator Waddoups explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were:SenatorsHickmanMcCoy

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 102**, CHILD ABUSE HOMICIDE AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, under suspension of the rules, **H.B. 102**, CHILD ABUSE HOMICIDE 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Hickman Peterson

**H.B. 102** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: February 29, 2008 The House passed, **S.B. 19**, ENHANCED PUBLIC SAFETY RETIREMENT SYSTEMS COLA OPTION, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**S.B. 19** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

February 29, 2008

The House substituted, amended, and passed, **5th Sub. S.B. 48**, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, by Senator D. Eastman, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

#### THIRD READING CALENDAR

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to lift **H.B. 93** to the top of the Third Reading Calendar.

**H.B. 93**, INSURANCE FRAUD AMENDMENTS, under suspension of the rules, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

#### Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Hickman

H.B. 93, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble and at 5:15 p.m., the Senate adjourned until 9:00 a.m., Monday, March 3, 2008.

# FORTY-THIRD DAY

# **MORNING SESSION**

## **MARCH 3, 2008**

The Senate was called to order at 9:50 a.m., with President John Valentine presiding.

**Prayer** – Elder James M. Dunn, Second Quorum of Seventy, The Church of Jesus Christ of Latter–Day Saints

Pledge of Allegiance – Senator Gene Davis Roll Call – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 29, 2008

The Speaker of the House has signed **4th Sub. S.B. 15**, DRIVING UNDER THE INFLUENCE AMENDMENTS, by Senator C. Walker, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 59**, WILDLIFE AMENDMENTS, by Senator A. Christensen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 224**, COAL MINE SAFETY ACT, by Senator M. Dmitrich, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 4th Sub. S.B. 15, 1st Sub. S.B. 59, and 1st Sub. S.B. 224 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President:

February 29, 2008

The House concurred in the Senate amendments and passed H.J.R. 10, JOINT RESOLUTION OPPOSING DESIGNATION OF PUBLIC LANDS CURRENTLY URGED BY CONGRESS AND THE BUREAU OF LAND MANAGEMENT, by Representative A. Tilton, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk **H.J.R. 10**, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

February 29, 2008

The House passed, as substituted and amended, **2nd Sub. H.B. 146**, SCHOOL BUS AMENDMENTS, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 156**, DNA SAMPLE – FELONY AND CERTAIN MISDEMEANOR CONVICTIONS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 183**, SALES AND USE TAX AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 333**, SENIOR CITIZEN'S HOMEOWNER'S CREDIT, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 470**, AMENDMENTS TO ANIMAL CRUELTY PROVISIONS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 481**, SUBDIVISION APPROVAL AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. 2nd Sub. H.B. 146, 1st Sub. H.B. 156, 1st Sub. H.B. 183, 2nd Sub. H.B. 333, 1st Sub. H.B. 470, and H.B. 481 were read the first time and referred to the Rules Committee.

Mr. President:

February 29, 2008 The House substituted and passed, 2nd Sub. S.B. 103, HIGHER EDUCATION ENHANCEMENTS, by Senator D. Stowell, 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. 5, Executive Compensation Revisions (C. Bramble), read the first time by short title and referred to the Rules Committee.

### CONSENT CALENDAR

H.B. 401, MASTER PLUMBER LICENSING, 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Hickman Hillyard

H.B. 401 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

H.B. 437, FUNERAL SERVICES LICENSING ACT AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

#### Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were:SenatorsHickmanHillyard

H.B. 437, as amended, was returned to the House for further consideration

\* \* \*

**H.B. 167**, A VICTIM AMICUS BILL, was read the third time, explained by Senator Knudson, and passed on the following roll call:

#### Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Waddoups	Walker	Valentine	

# Absent or not voting were:SenatorsHickmanVan Tassell

**H.B. 167** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 374**, CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT AMENDMENTS, was read the third time, explained by Senator Peterson, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Waddoups	Walker	Valentine	

Absent or not voting were:SenatorsHickmanVan Tassell

**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.

#### CONCURRENCE CALENDAR

**5th Sub. S.B. 48**, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, was before the Senate.

On motion of Senator Eastman the bill was circled.

#### THIRD READING CALENDAR

**H.B. 182**, DEADLINE FOR VOTING PRECINCT DESIGNATION, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine		-	

**H.B. 182** 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 Senate voted to recall **1st Sub. H.B. 330**, STATE SUPPLEMENTAL FUNDING FOR HEAD START, from the House for the purpose of amendments.

\* \* \*

**H.B. 121**, COUNTY CHARGES FOR SERVICES TO INCARCERATED PERSONS, was read the third time and explained by Senator Bell.

On motion of Senator Bell, the following substitute bill replaced the original bill:

**1st Sub. H.B. 121 County Charges for Services to Incarcerated Persons** (R. Greenwood)

Senator Stephenson commented and the bill passed on the following roll call:

#### Yeas, 21; Nays, 7; Absent, 1.

#### Voting in the affirmative were: Senators Bell Bramble Buttars Christensen Davis Dmitrich Eastman Fife Greiner Hillyard Jones Killpack Niederhauser Knudson Mayne McCoy Romero Stowell Van Tassell Walker Valentine Voting in the negative were: Senators Goodfellow Davton Jenkins Madsen Peterson Stephenson Waddoups

Absent or not voting was: Senator Hickman

1st Sub. H.B. 121, as amended, was returned to the House for further consideration.

\* \* \*

**1st Sub. H.B. 309**, ELECTION INFORMATION AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	
Fife	Goodfellow	Greiner	Hickman	
Hillyard	Jenkins	Jones	Killpack	
Knudson	Madsen	Mayne	McCoy	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				

**1st Sub. H.B. 309** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

1st Sub. H.B. 323, EMINENT DOMAIN AMENDMENTS, was read the third time and explained by Senator Peterson.

Senator Dayton proposed the following amendment:

 Page 2, Line 47: Reinstate language deleted in the House Floor Amendment 2-15-08

Senator Dayton's motion to amend failed on a voice vote. Senators Jenkins and McCoy commented and the bill passed on the following roll call:

Yeas, 21; Nays, 5; Absent, 3.

Voting in the affirmative were: Senators						
Bell	Bramble	Buttars	Christensen			
Dmitrich	Eastman	Goodfellow	Greiner			
Jenkins	Killpack	Knudson	Madsen			
Mayne	Niederhauser	Peterson	Stephenson			
Stowell	Van Tassell	Waddoups	Walker			
Valentine						
Voting in the negative were: Senators						
Dayton	Fife	Jones	McCoy			
Romero						
Absent or not voting were: Senators						
Davis	Hickman	Hillyard				

#### Yeas, 29; Nays, 0; Absent, 0.

1st Sub. H.B. 323 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the Senate voted to move to Second Reading Calendar.

#### SECOND READING CALENDAR

On motion of Senator Bramble, the Senate voted to lift **H.B. 206**, TAX AMENDMENTS, to the top of the Second Reading Calendar.

H.B. 206, TAX AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Bramble, the Senate voted to lift **H.B. 202** and **1st Sub. H.B. 242** to the top of the Second Reading Calendar.

On motion of Senator Bramble, the Senate voted to lift from Rules the following bills and place them on the Second Reading Calendar above H.B. 195: 1st Sub. H.B. 174, 5th Sub. H.B. 164, 1st Sub. H.B. 325, H.B. 172, H.B. 361, H.B. 221, H.B. 150, and H.B. 380.

\* \* \*

On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.

#### THIRD READING CALENDAR

On motion of Senator Bramble, the Senate voted to lift **1st Sub. H.B. 133** from the Third Reading Table and place it at the bottom of the Third Reading Calendar.

On motion of Senator Eastman, the Senate voted to move to Concurrence Calendar.

#### CONCURRENCE CALENDAR

On motion of Senator Eastman, the circle was removed from **5th Sub. S.B. 48**, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, and it was before the Senate. On motion of Senator Eastman, the Senate voted to concur in the House amendments to **5th Sub. S.B. 48**, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING. The bill, as amended, passed on the following roll call:

#### Yeas, 17; Nays, 9; Absent, 3.

Voting in the affirmative were: Senators					
Bell	Bramble	Buttars	Christensen		
Dayton	Eastman	Greiner	Hickman		
Jenkins	Knudson	Madsen	Niederhauser		
Peterson	Stephenson	Stowell	Van Tassell		
Valentine					
Voting in the negative were: Senators					
Davis	Dmitrich	Fife	Goodfellow		
Jones	Mayne	McCoy	Romero		
Waddoups					
	<b>G</b> (				

Absent or not voting were:SenatorsHillyardKillpackWalker

5th Sub. S.B. 48 was returned to the House for the signature of the Speaker.

On motion of Senator Eastman, the Senate voted to move to Third Reading Calendar.

#### THIRD READING CALENDAR

**H.J.R.** 7, JOINT RESOLUTION RECOGNIZING UNREINFORCED MASONRY BUILDINGS, was read the third time, explained by Senator Fife, and failed on the following roll call:

#### Yeas, 11; Nays, 16; Absent, 2.

Voting in the affirmative were: Senators					
Buttars	Davis	Dmitrich	Fife		
Goodfellow	Jones	Mayne	Niederhauser		
Romero	Van Tassell	Walker			
<b>Voting in the ne</b> Bell Eastman Knudson Stephenson	gative were: Senato Bramble Greiner Madsen Stowell	ors Christensen Hickman McCoy Waddoups	Dayton Jenkins Peterson Valentine		

Absent or not voting were: Senators Hillyard Killpack

H.J.R. 7 was filed.

\* \* \*

On motion of Senator Bramble, the Senate voted to move to Second Reading Calendar.

#### SECOND READING CALENDAR

On motion of Senator Bramble, the Senate voted to lift the following bills from the Second Reading Calendar and return them to Rules for prioritization: H.B. 347, 1st Sub. H.B. 348, H.B. 362, H.B. 467, H.J.R. 8, 2nd Sub. H.B. 148, 1st Sub. H.B. 229,2nd Sub. H.B. 276, H.B. 307, H.B. 320, H.B. 399, H.B. 406, 1st Sub. H.B. 425, H.B. 140, H.B. 160, 1st Sub. H.B. 187, H.B. 192, H.B. 195, 1st Sub. H.B. 203, H.B. 216, and H.B. 282.

\* \* \*

On motion of Senator Bramble, and at 11:05 a.m., the Senate sauntered.

The Senate was called to order at 11:15 a.m., with President Valentine presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2008 The House passed **H.B. 227**, REVOKING FEDERAL AUTHORITY TO USE STATE LANDS AS A BIRD REFUGE, by Representative B. Ferry, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 227** was read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

March 3, 2008

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 29**, ELECTION LAW – FINANCIAL REPORTING, by Representative B. Daw, and it is transmitted for the signature of the President; and The House concurred in the Senate amendments and passed **1st Sub. H.B. 36**, CHILD WELFARE 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. 37**, UTAH BUSINESS RESOURCE CENTERS ACT, 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. 86**, FUNDING OF INMATE POSTSECONDARY EDUCATION, 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. 93**, INSURANCE FRAUD AMENDMENTS, by Representative D. Aagard, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 119**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Representative B. Daw, 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**, UTAH REGISTRY OF AUTISM AND DEVELOPMENTAL DISABILITIES, by Representative E. Hutchings, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 371**, DIGITAL CERTIFICATES FOR BREATHALIZERS, by Representative C. Herrod, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 29, 1st Sub. H.B. 36, 1st Sub. H.B. 37, H.B. 86, H.B. 93, 1st Sub. H.B. 119, 1st Sub. H.B. 263, and 1st Sub. H.B. 371 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

#### **INTRODUCTION OF BILLS**

**S.B. 3**, **Current Fiscal Year Supplemental Appropriations Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

\* \* \*

Senator Walker asked leave of the body to cast an aye vote to **5th Sub. S.B. 48**. The final vote is now:

## Yeas, 18; Nays, 9; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Greiner	Hickman
Jenkins	Knudson	Madsen	Niederhauser
Peterson	Stephenson	Stowell	Van Tassell
Walker	Valentine		
Voting in the nega	tive were: Senators		
Davis	Dmitrich	Fife	Goodfellow
Jones	Mayne	McCoy	Romero
Waddoups			

# Absent or not voting were:SenatorsHillyardKillpack

### THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **H.B. 171**, DRIVING PRIVILEGE CARD AMENDMENTS, and it was before the Senate.

Senator Madsen proposed the following amendment:

- 1. Page 1, Line 24
  - 24 Identification Database Program;

▶ prohibits the Driver License Division from issuing a receipt that serves as a temporary driving privilege card or other temporary permit to an applicant for a driving privilege card;

2. Page 21, Line 644 through Page 22, Line 654:

644 (4) (a) (i) The division upon determining after an examination that an applicant is

645 mentally and physically qualified to be granted a driving privilege may issue to an applicant a

646 receipt for the fee if the applicant is eligible for a license certificate .

647 (ii) The receipt serves as a temporary license certificate {-or temporary driving privilege

648 eard-} allowing the person to drive a motor vehicle while the division is completing its

649 investigation to determine whether the person is entitled to be granted a driving privilege.

(b) The receipt shall be in the person's immediate possession while driving a motor

651 vehicle, and it is invalid when the person's license certificate {-or driving privilege card-} has been

652 issued or when, for good cause, the privilege has been refused.

(c) The division shall indicate on the receipt a date after which it is not valid as a

654 license certificate {-or driving privilege card-}

(d) (i) Except as provided in Subsection (4)(d)(ii), the division may not issue a receipt that serves as a temporary driving privilege card or other temporary permit to an applicant for a driving privilege card. (ii) The division may issue a learner permit issued in accordance

with Section 53-3-210.5 to an applicant for a driving privilege card.

3. Page 22, Line 677 through Page 23, Line 680:

677 (8) The division shall issue temporary license certificates {- or temporary driving

678 privilege cards—} of the same nature, except as to duration, as the license certificates {-or driving

679 privilege cards } that they temporarily replace, as are necessary to implement applicable

680 provisions of this section and Section 53–3–223.

Senator Madsen's motion to amend passed on a voice vote. Senator Romero commented. The bill passed on the following roll call:

## Yeas, 26; Nays, 0; Absent, 3.

voting in the am	mative were: Senate	Drs	
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

## Voting in the affirmative were: Senators

Absent or not voting were:SenatorsButtarsHickmanKillpack

H.B. 171 was returned to the House for further consideration.

\* \* \*

**3rd Sub. H.B. 131**, COMMUNITY BASED SELF SUFFICIENCY GRANTS, was read the third time.

On motion of Senator McCoy, the bill was circled.

\* \* \*

1st Sub. H.B. 133, HEALTH SYSTEM REFORM, was read the third time.

On motion of Senator Killpack, the bill was circled.

#### SECOND READING CALENDAR

**H.B. 202**, EMPLOYEE BENEFIT AMENDMENTS, was read the second time. Senator Bramble explained the bill.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

#### 1st Sub. H.B. 202 Employee Benefit Amendments (J. Dougall)

Senator Valentine commented.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.C.R. 4**, CONCURRENT RESOLUTION ENCOURAGING CONGRESSIONAL ACTION TO DESIGNATE A NEW RECIPIENT OF ROYALTIES FROM NAVAJO RESERVATION LANDS IN UTAH, and it was before the Senate. Senator Bramble explained the bill. Senators Jenkins and Dmitrich commented.

On motion of Senator Bramble, under suspension of the rules, **H.C.R. 4**, CONCURRENT RESOLUTION ENCOURAGING CONGRESSIONAL ACTION TO DESIGNATE A NEW RECIPIENT OF ROYALTIES FROM NAVAJO RESERVATION LANDS IN UTAH, was considered read the second and third times and passed on the following roll call:

Voting in the affirmative were: Senators			
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Yeas, 28; Nays, 0; Absent, 1.

Buttars

H.C.R. 4 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the circle was removed from H.B. 352, AMENDMENTS RELATED TO MONIES DERIVED FROM NAVAJO NATION RESERVATION LANDS IN UTAH, and it was before the Senate. Senator Bramble explained the bill.

On motion of Senator Bramble, under suspension of the rules, H.B. 352, AMENDMENTS RELATED TO MONIES DERIVED FROM NAVAJO NATION RESERVATION LANDS IN UTAH, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Hickman Buttars

H.B. 352 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

## COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 3, 2008

The House passed, **1st Sub. S.B. 84**, NET METERING PROGRAMS, by Senator K. VanTassell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 88**, UNIFORM MODEL REGISTERED AGENT 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. 239**, OFFICE OF THE ATTORNEY GENERAL – SAFETY NET INITIATIVE, 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 1st Sub. S.B. 84, S.B. 88, and S.B. 239 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

The House substituted and passed, **2nd Sub. S.B. 161**, ADVANCE HEALTH CARE DIRECTIVE AMENDMENTS, by Senator A. Christensen, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 209**, METHAMPHETAMINE DECONTAMINATION STANDARDS AND FUNDING, by Senator D. C. Buttars, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 247**, VETERANS PROCUREMENT PROVISIONS, by Senator F. Fife, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

\* \* \*

Mr. President:

March 3, 2008

March 3. 2008

The House passed, as amended, **H.B. 427**, HUNTER EDUCATION REQUIREMENT EXEMPTION FOR MILITARY PERSONNEL, by Representative B. Winn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 427** was read the first time and referred to the Rules Committee.

Mr. President:

March 3, 2008 The House transmits 1st Sub. H.B. 330, STATE SUPPLEMENTAL FUNDING FOR HEAD START, by Representative L. Shurtliff, for further consideration.

Sandy D. Tenney, Chief Clerk 1st Sub. H.B. 330 was placed at the top of the Third Reading Calendar.

\* \* \*

On motion of Senator Bramble, and at 12:00 noon, the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Valentine presiding.

## COMMUNICATIONS FROM THE HOUSE

Mr. President: The House passed, S.B. 277, POST-CONVICTION REMEDIES ACT REVISIONS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk **S.B.** 277 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 3. 2008 The House substituted and passed, 2nd Sub. S.B. 105, JUDICIAL PERFORMANCE EVALUATION COMMISSION, by Senator D. C. Buttars, 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. 2, Minimum School Program Budget Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

March 3. 2008

On motion of Senator Bramble, the Senate voted to lift **S.B. 5**, EXECUTIVE COMPENSATION REVISIONS, from the Rules Committee and place it at the top of the Second Reading Calendar.

## THIRD READING CALENDAR

**1st Sub. H.B. 330**, STATE SUPPLEMENTAL FUNDING FOR HEAD START, was before the Senate and explained by Senator Bell.

Senator Hillyard proposed the following amendment:

1. Page 1, Line 22

22 as an ongoing appropriation subject to future budget constraints,  $\{-\$700,000-\}$  \$100,000 from the

 Page 2, Lines 47 through 49 Senate 2nd Reading Amendments 2–29–2008:

47 (c) distributed to agencies at a per child rate based on a statewide average of the federal

48 <u>per child rate, resulting in</u> {<u>100</u>} <u>additional children</u> receiving the comprehensive child

49 development services.

Senator Hillyard's motion to amend passed on a voice vote. The bill passed on the following roll call:

## Yeas, 19; Nays, 6; Absent, 4.

### Voting in the affirmative were: Senators

Bell Eastman Hillyard McCoy Van Tassell	Bramble Goodfellow Jones Niederhauser Walker	Davis Greiner Knudson Romero Valentine	Dmitrich Hickman Mayne Stowell
	tive were: Senators Jenkins Waddoups	Madsen	Peterson

Absent or not voting were: Senators

Buttars Christensen Fife Killpack

1st Sub. H.B. 330, as amended, was returned to the House for further consideration.

## SECOND READING CALENDAR

On motion of Senator Bell, the circle was removed from **1st Sub. S.B. 299**, REVISION TO LOCAL GOVERNMENT, and it was before the Senate. Senator Bell explained the bill.

Senator Bramble proposed the following amendment:

 Page 1, Lines 19 through 19a Senate 2nd Reading Amendments 2–29–2008

19 • enacts provisions authorizing counties and municipalities to  $\hat{S} \rightarrow \{-\frac{1}{2}\}$ 

19a  $\clubsuit$  **\clubsuit**  $\hat{S}$  enact an ordinance

 Page 1, Lines 21 through 21b Senate 2nd Reading Amendments 2–29–2008:

21 unmarried employee's financially dependent or interdependent adult designee;  $\hat{S} \rightarrow \{-and\}$ 

21a <u>enact an ordinance making hospital and health care</u> facility visitation rights or

 Page 2, Line 43 Senate 2nd Reading Amendments 2–29–2008:

43 (1)  $\hat{S} \rightarrow \{-(\underline{a})\} \notin \hat{S}$  A municipality may, by ordinance enacted by the municipal legislative body.

 Page 2, Lines 45 through 45e Senate 2nd Reading Amendments 2–29–2008: 45 <u>employee's financially dependent or interdependent adult</u> <u>designee.</u>

45a  $\hat{S}$  {-(b) A municipality may, by ordinance enacted by the municipal legislative body, make

45b <u>hospital and health care facility visitation rights or privileges</u> available:

45c <u>(i) to all individuals participating in a registry created under this</u> section; and

45d <u>(ii) to the same extent that those rights or privileges are</u> available to other individuals in

45e <u>other adult relationships.</u> } ←Ŝ

Page 3, Line 64
 Senate 3rd Reading Amendments 2–29–2008:

64 (1)  $\hat{S} \rightarrow \{-(a)\} \in \hat{S}$  <u>A county may, by ordinance enacted</u> by the county legislative body, make

 Page 3, Lines 66 through 66e Senate 3rd Reading Amendments 2–29–2008:

66 financially dependent or interdependent adult designee.

66a  $\hat{S}$   $\rightarrow$  {-<u>(b) A county may, by ordinance enacted by the county</u> legislative body, make hospital and

66b <u>health care facility visitation rights or privileges available:</u>

66c <u>(i) to all individuals participating in a registry created under this</u> section; and

66d <u>(ii) to the same extent that those rights or privileges are</u> available to other individuals in

66e <u>other adult relationships.</u> } ←Ŝ

Senator Bramble's motion to amend passed on a voice vote. Senators McCoy, Buttars, and Romero commented.

On motion of Senator Bell, under suspension of the rules, **1st Sub. S.B. 299**, REVISION TO LOCAL GOVERNMENT, was considered read the second and third times. The bill passed on the following roll call:

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Niederhauser	Peterson	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			
Voting in the negative were: Senators			
Davis	Dmitrich	Fife	Goodfellow
Mayne	McCoy	Romero	
Absent or not voting was: Senator			

Absent or not voting was: Senator Hickman

1st Sub. S.B. 299 was transmitted to the House.

\* \* \*

On motion of Senator Bell the Senate voted to include the following intent language in the Senate Journal.

### **INTENT LANGUAGE FOR 1ST SUB. S.B. 299**

It is the intent of the Legislature that the enactment of 1st Sub. S.B. 299, Revision to Local Government, not disturb any hospital visitation rights provided by a municipal registry.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **S.B. 5**, EXECUTIVE COMPENSATION REVISIONS, was considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne

## Yeas, 21; Nays, 7; Absent, 1.

McCoy Stephenson Walker	Niederhauser Stowell Valentine	Peterson Van Tassell	Romero Waddoups
Absent or not vot	<b>ing were:</b> Senators Eastman	Hickman	

**S.B. 5** was transmitted to the House.

\* \* \*

On motion of Senator Killpack, the circle was removed from **S.B. 286**, TRANSPORTATION AND TRANSIT AMENDMENTS, and it was before the Senate. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

- 1. Page 1, Lines 14 through 16:
  - 14 This bill:

15 provides that a public transit district is not required to conform to  $\{-any - municipal -\}$  any municipal land use ordinances of a municipality that is located within the boundaries of a county of the first class or a

16 county <u>of the first class's</u> land use ordinances when constructing:

2. Page 1, Line 20:

20 across two or more counties;

▶ provides that a municipality located within the boundaries of a county of the first class or a county of the first class may not require through an interlocal agreement a public transit district to obtain approval from the municipality or county prior to constructing a:

• rail fixed guideway public transit facility that extends across two or more counties; or

• structure that serves a rail fixed guideway public transit facility that extends across two or more counties;

3. Page 1, Lines 21 through 23:

21  $\blacktriangleright$  repeals the provisions providing that a public transit district is not required to

22 conform to <u>certain</u> municipal or county land use ordinances when constructing certain

23 public transit facilities on July 1, 2013; and

4. Page 2, Lines 50 through 56:

50 (2) (a) Notwithstanding Subsection (1), a public transit district under Title 17B, Chapter

51 <u>2a, Part 8, Public Transit District Act, is not required to conform to</u> <u>any applicable land use</u>

52 <u>ordinance of a municipality</u> <u>located within the boundaries of a</u> <u>county of the first class</u> when constructing a:

53 {-(a) } (i) rail fixed guideway public transit facility that extends across two or more counties;

54 <u>or</u>

55 {-(b) } (ii) structure that serves a rail fixed guideway public transit facility that extends across

56 two or more counties , including:

(A) platforms;

(B) passenger terminals or stations:

(C) park and ride facilities;

(D) maintenance facilities;

(E) all related utility lines, roadways, and other facilities serving the public transit facility; or

(F) other auxiliary facilities

(b) The exemption from municipal land use ordinances under this Subsection (2) does not extend to any property not necessary for the construction or operation of a rail fixed guideway public transit facility.

(c) A municipality located within the boundaries of a county of the first class may not, through an agreement under Title 11, Chapter 3, Interlocal Cooperation Act, require a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act, to obtain approval from the municipality prior to constructing a:

(i) rail fixed guideway public transit facility that extends across two or more counties; or

(ii) structure that serves a rail fixed guideway public transit facility that extends across two or more counties, including:

(A) platforms;

(B) passenger terminals or stations;
 (C) park and ride facilities;
 (D) maintenance facilities;
 (E) all related utility lines, roadways, and other facilities serving
 the public transit facility; or
 (F) other auxiliary facilities.

5. Page 6, Lines 163 through 169:

163 (2) (a) Notwithstanding Subsection (1), a public transit district under Title 17B, Chapter

164 <u>2a, Part 8, Public Transit District Act, is not required to conform to any applicable land use</u>

165 <u>ordinance of a county</u> <u>of the first class</u> <u>when constructing a:</u>

166  $\{-(a)\}$  (i) rail fixed guideway public transit facility that extends across two or more counties;

167 <u>or</u>

168 {-(b) } (ii) structure that serves a rail fixed guideway public transit facility that extends across

169 two or more counties . including:

(A) platforms;

(B) passenger terminals or stations;

(C) park and ride facilities;

(D) maintenance facilities;

(E) all related utility lines, roadways, and other facilities serving the public transit facility; or

(F) other auxiliary facilities .

(b) The exemption from county land use ordinances under this Subsection (2) does not extend to any property not necessary for the construction or operation of a rail fixed guideway public transit facility.

(c) A county of the first class may not, through an agreement under <u>Title 11, Chapter 3, Interlocal Cooperation Act, require a public transit</u> <u>district under Title 17B, Chapter 2a, Part 8, Public Transit District Act, to</u> <u>obtain approval from the county prior to constructing a:</u>

(i) rail fixed guideway public transit facility that extends across two or more counties; or

(ii) structure that serves a rail fixed guideway public transit facility that extends across two or more counties, including:

(A) platforms;

(B) passenger terminals or stations;
(C) park and ride facilities:
(D) maintenance facilities;
(E) all related utility lines, roadways, and other facilities serving
the public transit facility; or
(F) other auxiliary facilities.

Senator Killpack's motion to amend passed on a voice vote.

On motion of Senator Killpack, under suspension of the rules, **S.B. 286**, TRANSPORTATION AND TRANSIT AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 21; Nays, 3; Absent, 5.

Voting in the affi	rmative were: Senat	ors	
Bell	Bramble	Buttars	Davis
Dmitrich	Fife	Goodfellow	Greiner
Hillyard	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Waddoups	Walker
Valentine			
Voting in the neg	ative were: Senators		
Jenkins	Stephenson	Stowell	
Absent or not vo	ting were: Senators		
Christensen	Dayton	Eastman	Hickman
Van Tassell			

S.B. 286 was transmitted to the House.

\* \* \*

On motion of Senator Bramble, the circle was removed from 1st Sub. H.B. 202, EMPLOYEE BENEFIT AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, the bill was circled.

\* \* \*

1st Sub. H.B. 242, TRANSPORTATION FUNDING REVISIONS, was read the second time. Senator Waddoups explained the bill.

915

Senator Waddoups proposed the following amendment:

- Page 3, Lines 66 through 71 House Floor Amendments 2–27–2008
  - 66 interchange, and highway improvements;

67 (ii) {-<u>\$3,000,000</u> } <u>\$2,000,000</u> to West Valley City for 7200 West;

68 (iii) \$4,000,000 to West Jordan City for 7800 South and Airport Road intersection and

69 highway improvements;

 70
 (iv)
 {-\$6,500,000}
 \$6,250,000
 to Sandy City for

 1300 East, 9000 South to 11400 South, and State

71 <u>Street to Interstate 15;</u>

 Page 3, Lines 78 through 81 House Floor Amendments 2–27–2008:

78 <u>(viii) \$1,000,000 to Murray City for highway</u> {-<u>and</u> <u>intersection</u> } improvements for {-<u>6400</u>

79 <u>South and</u> } <u>Cottonwood Street</u>; {-<u>and</u> }

- 80 (ix) \$1,000,000 to Cottonwood Heights for Fort Union Boulevard between 1300 East
- 81 <u>and Highland Drive</u> <u>;</u> (x) \$1,000,000 to Midvale City for State Street between 7200 South and 9000 South; and (xi) \$250,000 to Salt Lake County for 2300 East \_.

Davis Greiner

Senator Waddoups' motion to amend passed on a voice vote. Senators Jones and Hillyard commented.

On motion of Senator Waddoups, under suspension of the rules, **1st Sub. H.B. 242**, TRANSPORTATION FUNDING REVISIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 1; Absent, 6.

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	
Dayton	Dmitrich	Fife	

Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero Walker	Stephenson Valentine	Stowell	Waddoups

**Voting in the negative was:** Senator Goodfellow

## Absent or not voting were: Senators

	8		
Christensen	Eastman	Hickman	Hillyard
McCoy	Van Tassell		

1st Sub. H.B. 242, as amended, was returned to the House for further consideration.

#### SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **2nd Sub. H.B. 319**, REVIEW AND APPROVAL OF GRANTS, was considered read the second and third times and passed on the following roll call:

#### Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Davis	
Dayton	Dmitrich	Goodfellow	Greiner	
Hillyard	Jenkins	Jones	Killpack	
Knudson	Madsen	Mayne	Niederhauser	
Peterson	Romero	Stephenson	Stowell	
Waddoups	Walker	Valentine		
Absent or not voting were: Senators				
Christensen	Eastman	Fife	Hickman	
McCoy	Van Tassell			

**2nd Sub. H.B. 319** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 339**, HUMAN TRAFFICKING AMENDMENTS, and it was before the Senate.

Senator Romero proposed the following amendment:

1. Page 3, Line 71

71 <u>purpose is a</u> {<u>second degree felony</u>} <u>class A</u> <u>misdemeanor</u>, <u>except under Section 76–5–310.</u>

 Page 4, Lines 115 through 115g Senate Committee Amendments 2–27–2008:

115 <u>this section.</u>] ←Ĥ

115a { $\hat{S} \rightarrow$  Section 5. Coordinating H.B. 339 with S.B. 81 ----Modifying substantive language.

115b If this H.B. 339 and S.B. 81, Illegal Immigration, both pass, it is the intent of the Legislature

115c <u>that the Office of Legislative Research and General Counsel, in</u> preparing the Utah Code

115d <u>database for publication, modify Subsection 76–10–2701(3) as</u> enacted by S.B. 81 to read as

115e <u>follows:</u>

115f (3)(a) A person who violates Subsection (2)(a) is guilty of a third degree felony.

115g (b) A person who violates Subsection (2)(b) is guilty of a class A misdemeanor.  $\clubsuit$  }

Section 5. Coordinating H.B. 339 with S.B. 81 -- Modifying substantive language.

If this H.B. 339 and S.B. 81, Illegal Immigration, 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 76–5–309(2), as enacted by this H.B. 339, to read as follows:

(2) Human smuggling of one or more human beings for profit or for a commercial purpose is a class A misdemeanor, except under Section <u>76–5–310.</u>

Senator Romero'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 unit multice were behaviors				
Bell	Bramble	Buttars	Davis	
Dayton	Dmitrich	Fife	Goodfellow	
Greiner	Hillyard	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Waddoups	Walker	
Valentine				
Absent or not voting were: Senators				
Christensen	Eastman	Hickman	Van Tassell	
* * *				

### Voting in the affirmative were: Senators

On motion of Senator Killpack, the circle was removed from **2nd Sub. H.B. 346**, DIVISION OF REAL ESTATE RELATED AMENDMENTS, and it was before the Senate. The bill passed second reading on the following roll call:

### Yeas, 25; Nays, 0; Absent, 4.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Waddoups	Walker
Valentine			
	a		
Absent or not voti	ng were: Senators		
Christensen	Eastman	Hickman	Van Tassell

\* \* \*

**H.B. 290**, MUNICIPAL OVERSIGHT OF RENTAL DWELLINGS, was read the second time. Senator Waddoups explained the bill. Senators Greiner, Dayton, and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators				
Bell	Buttars	Davis	Dmitrich	
Fife	Goodfellow	Greiner	Hillyard	

Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

**Voting in the negative was:** Senator Dayton

Absent or not voti	ng were: Senators		
Bramble	Christensen	Eastman	Hickman

## COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 27, 2008

The Joint Conference Committee comprised of Sens. Wayne Niederhauser, Lyle Hillyard, and Scott McCoy, and Reps. Wayne A. Harper, Fred Hunsaker, and David Litvack, recommends **2nd Sub. H.B. 54**, PROPERTY TAX ASSESSMENT REVISIONS, by Representative W. Harper, be replaced and favorably recommends **3rd Sub. H.B. 54**, PROPERTY TAX ASSESSMENT REVISIONS.

Sen. Wayne Niederhauser and Rep. Wayne A. Harper, Chairs On motion of Senator Niederhauser, the Senate voted to adopt the conference committee report to **3rd Sub. H.B. 54**, PROPERTY TAX ASSESSMENT REVISIONS. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Christensen Eastman

3rd Sub. H.B. 54 was returned to the House for further consideration.

#### SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 202**, EMPLOYEE BENEFIT AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senator Davis commented.

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 202**, EMPLOYEE BENEFIT AMENDMENTS, 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			
Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Niederhauser	Stephenson	Stowell	Van Tassell
Walker	Valentine		
Voting in the nega	tive were: Senators		
Goodfellow	Mayne	McCoy	Romero
Absent or not voting were: Senators			
Christensen	Peterson	Waddoups	

1st Sub. H.B. 202 was returned to the House for further consideration.

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift **S.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, from Rules and place it at the top of the Second Reading Calendar.

**S.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, was read the second time.

On motion of Senator Hillyard, the bill was circled.

\* \* \*

**H.B. 365**, AVIATION AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senators Hillyard and Greiner commented. The bill passed second reading on the following roll call:

### 921

March 3, 2008

Yeas, 1	9; Nays,	, 6; Absent, 4.	
---------	----------	-----------------	--

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Dayton	
Dmitrich	Eastman	Goodfellow	Greiner	
Jenkins	Knudson	Madsen	Niederhauser	
Peterson	Stephenson	Stowell	Van Tassell	
Waddoups	Walker	Valentine		
Voting in the nega	tive were: Senators			
Fife	Hillyard	Jones	Mayne	
McCoy	Romero			
Absent or not voting were: Senators				
Christensen	Davis	Hickman	Killpack	

## **COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 3, 2008 The House passed, S.B. 200, PROFESSIONAL ENGINEERS LICENSING AMENDMENTS, by Senator F. Fife, 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. 48, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, by Senator D. Eastman, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk S.B. 200 and 5th Sub. S.B. 48 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

The House passed, as amended, H.B. 473, FIREARMS AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. H.B. 473 was read the first time and referred to the Rules Committee.

\* \* \*

Mr. President:

March 3, 2008 The House passed, as amended, 1st Sub. S.B. 72, JUSTICE COURT AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration: and

The House passed, as amended, **2nd Sub. S.B. 134**, MORTGAGE FRAUD ACT, by Senator S. Killpack, and it is transmitted for further consideration; and

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

#### SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, **H.B. 186**, PROPERTY TAX – COUNTY ASSESSMENT AND COLLECTION 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

, oung in the wi			
Bell	Bramble	Buttars	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			
Absent or not voting were: Senators			
Christensen	Davis	Hickman	Killpack

**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.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **1st Sub. H.B. 104**, URBAN TRAILS APPROPRIATION, from Rules and placed it at the top of the Second Reading Calendar.

**1st Sub. H.B. 104**, URBAN TRAILS APPROPRIATION, was read the second time. Senator Waddoups explained the bill.

On motion of Senator Waddoups, the following substitute bill replaced the original bill:

3rd Sub. H.B. 104 Urban Trails Appropriation (K. Holdaway)

On motion of Senator Waddoups, under suspension of the rules, **3rd Sub. H.B. 104**, URBAN TRAILS APPROPRIATION, 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

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Romero	Stephenson
Van Tassell	Waddoups		
Voting in the nega	tive were: Senators		
Dayton	Madsen	Peterson	Stowell
Absent or not vot Hickman	<b>ing were:</b> Senators Walker	Valentine	

3rd Sub. H.B. 104, as amended, was returned to the House for further consideration.

\* \* \*

**1st Sub. H.B. 80**, ADMINISTRATIVE RULE PENALTY AMENDMENTS, was read the second time. Senator Stephenson explained the bill.

On motion of Senator Stephenson, the following substitute bill replaced the original bill:

2nd Sub. H.B. 80 Administrative Rule Penalty Amendments (B. Ferry)

On motion of Senator Stephenson, under suspension of the rules, **2nd Sub. H.B. 80**, ADMINISTRATIVE RULE PENALTY AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen

Mayne Romero Waddoups	McCoy Stephenson	Niederhauser Stowell	Peterson Van Tassell
<b>Absent or not voti</b> Buttars	<b>ng were:</b> Senators Hickman	Walker	Valentine

2nd Sub. H.B. 80 was returned to the House for further consideration.

\* \* \*

On motion of Senator Waddoups, under suspension of the rules, **1st Sub. H.B. 316**, SUBSTANCE ABUSE TREATMENT FOR PREGNANT WOMEN AND PREGNANT MINORS, was considered read the second and third times and passed on the following roll call:

### Yeas, 25; Nays, 0; Absent, 4.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis	
Dayton	Dmitrich	Eastman	Fife	
Goodfellow	Greiner	Hillyard	Jenkins	
Jones	Killpack	Knudson	Mayne	
McCoy	Niederhauser	Peterson	Romero	
Stephenson	Stowell	Van Tassell	Waddoups	
Walker				
Absent or not voting were: Senators				

Buttars	Hickman	Madsen	Valentine

1st Sub. H.B. 316 was signed by the President and returned to the House.

\* \* \*

**1st Sub. H.B. 332**, USE OF PUBLIC SCHOOLS BY COMMUNITY ORGANIZATIONS, was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 1, Line 16

16 {-> modifies an exemption for charter schools; }

2. Page 2, Line 31:

31 {-53A-1a-511, as last amended by Laws of Utah 2007, Chapter 349-}

3. Page 2, Line 36 through Page 4, Line 88:

36 {-Section 1. Section 53A-1a-511 is amended to read:

37 53A-1a-511. Waivers from state board rules — Application of statutes and rules

38 to charter schools.

39 (1) A charter school shall operate in accordance with its charter and is subject to Title

40 53A, State System of Public Education, and other state laws applicable to public schools,

41 except as otherwise provided in this part.

42 (2) (a) A charter school or any other public school or school district may apply to the

43 State Board of Education for a waiver of any state board rule that inhibits or hinders the school

44 or the school district from accomplishing its mission or educational goals set out in its strategic

45 plan or charter.

46 (b) The state board may grant the waiver, unless:

47 (i) the waiver would cause the school district or the school to be in violation of state or

48 federal law; or

49 (ii) the waiver would threaten the health, safety, or welfare of students in the district or

50 at the school.

51 (c) If the State Board of Education denies the waiver, the reason for the denial shall be

52 provided in writing to the waiver applicant.

53 (3) (a) Except as provided in Subsection (3)(b), State Board of Education rules

54 governing the following do not apply to a charter school:

55 (i) school libraries;

56 (ii) required school administrative and supervisory services; and

57 (iii) required expenditures for instructional supplies.

58 (b) A charter school shall comply with rules implementing statutes that prescribe how

59 state appropriations may be spent.

60 (4) The following provisions of Title 53A, State System of Public Education, and rules

61 adopted under those provisions, do not apply to a charter school:

62 (a) Sections 53A-1a-108 and 53A-1a-108.5, requiring the establishment of a school

63 community council and school improvement plan;

64 [(b) Sections 53A-3-413 and 53A-3-414, pertaining to the use of school buildings as

65 civic centers;]

66 [(c)] (b) Section 53A-3-420, requiring the use of activity disclosure statements;

67 [(d)] (c) Section 53A-12-207, requiring notification of intent to dispose of textbooks;

68 [(e)] (d) Section 53A-13-107, requiring annual presentations on adoption;

69 [(f)] (e) Chapter 19, Part 1, Fiscal Procedures, pertaining to fiscal procedures of school

70 districts and local school boards; and

71 [(g)] (f) Section 53A-14-107, requiring an independent evaluation of instructional

72 materials.

73 (5) For the purposes of Title 63, Chapter 56, Utah Procurement Code, a charter school

74 shall be considered a local public procurement unit.

75 (6) Each charter school shall be subject to:

76 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

77 (b) Title 63, Chapter 2, Government Records Access and Management Act.

78 (7) (a) The State Charter School Board shall, in concert with the charter schools, study

79 existing state law and administrative rules for the purpose of determining from which laws and

80 rules charter schools should be exempt.

81 (b) (i) The State Charter School Board shall present recommendations for exemption to

82 the State Board of Education for consideration.

83 (ii) The State Board of Education shall consider the recommendations of the State

84 Charter School Board and respond within 60 days.

85 (8) Sections 53A 3 413 and 53A 3 414, pertaining to the use of school buildings and

86 <u>grounds as civic centers, and rules adopted under those provisions,</u> <u>do not apply to a charter</u>

87 school that leases its buildings and ground s. }

88 Section  $\{-2-\}$  <u>1</u>. Section 53A-3-413 is amended to read:

 Page 4, Line 98 Senate Committee Amendments 2–25–2008:

98 Section  $\{-3-\}$   $\underline{2}$  . Section 53A-3-414 is amended to read:

Senator Stephenson's motion to amend passed on a voice vote. Senators Romero, McCoy, Jones, Madsen, Mayne, Greiner, and Fife commented. Senator Killpack declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 8; Absent, 0.

## Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Goodfellow	Hickman

Jenkins Mayne Stowell Valentine	Killpack Niederhauser Van Tassell	Knudson Peterson Waddoups	Madsen Stephenson Walker
Voting in the nega	tive were: Senators		
Davis	Dmitrich	Fife	Greiner
Hillyard	Jones	McCoy	Romero
* * *			

On motion of Senator Hillyard, the Senate voted to lift **H.B. 410**, RESTRICTED ACCOUNTS AMENDMENTS, from Rules and place it at the top of the Second Reading Calendar.

#### \* \* \*

On motion of Senator Bramble and at 5:00 p.m., the Senate adjourned until 8:00 a.m., Tuesday, March 4, 2008.

# FORTY-FOURTH DAY

# MORNING SESSION

## **MARCH 4, 2008**

The Senate was called to order at 8:55 a.m., with President John Valentine presiding.

**Prayer** – Former Senator Tom Hatch **Pledge of Allegiance** – Senator Pat Jones Roll Call – All Senators present

### **READING OF TITLES OF BILLS AND RESOLUTIONS** (PLEASE REFER TO DAY 1, PAGE 64)

### **COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 3, 2008

The House concurred in the Senate amendments and passed 1st Sub. H.B. 242, TRANSPORTATION FUNDING 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 1st Sub. H.B. 330, STATE SUPPLEMENTAL FUNDING FOR HEAD START, by Representative L. Shurtliff, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1st Sub. H.B. 242 and 1st Sub. H.B. 330 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, 2008 The House passed, as amended, H.B. 4, STATE AGENCY AND HIGHER EDUCATION COMPENSATION AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed H.B. 5, REVENUE BOND, CAPITAL FACILITY, AND PROPERTY ACQUISITION AUTHORIZATIONS, by Representative K. Garn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. H.B. 4 and H.B. 5 were read the first time and referred to the Rules Committee.

Mr. President:

March 3, 2008

The House passed, as amended, **1st Sub. S.B. 81**, ILLEGAL IMMIGRATION, by Senator J. Hickman, and it is transmitted for further consideration; and

The House substituted and passed, **1st Sub. S.B. 208**, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, by Senator S. Killpack, and it is transmitted for further consideration; and

The House substituted, amended, and passed, **1st Sub. S.B. 220**, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION, by Senator C. Bramble, 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. 281, Use of Minimum School Program Nonlapsing Balances** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

### CONCURRENCE CALENDAR

On motion of Senator Stowell, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 103**, HIGHER EDUCATION ENHANCEMENTS. The bill, as amended, passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

2nd Sub. S.B. 103 was returned to the House for the signature of the Speaker.

On motion of Senator Christensen, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 161**, ADVANCE HEALTH CARE DIRECTIVE AMENDMENTS. The bill, as amended, passed on the following roll call:

## Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Hickman

2nd Sub. S.B. 161 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. 209**, METHAMPHETAMINE DECONTAMINATION STANDARDS AND FUNDING. The bill, as amended, passed on the following roll call:

### Yeas, 28; Nays, 0; Absent, 1.

### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

# Absent or not voting was: Senator Hickman

S.B. 209 was returned to the House for the signature of the Speaker.

On motion of Senator Fife, the Senate voted to concur in the House amendments to **S.B. 247**, VETERANS PROCUREMENT PROVISIONS. The bill, as amended, passed on the following roll call:

#### Yeas, 29; Nays, 0; Absent, 0.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

S.B. 247 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 **2nd Sub. S.B. 105**, JUDICIAL PERFORMANCE EVALUATION COMMISSION. The bill, as amended, passed on the following roll call:

### Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Van Tassell

2nd Sub. S.B. 105 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 **1st Sub. S.B. 72**, JUSTICE COURT AMENDMENTS. The bill, as amended, passed on the following roll call:

## Yeas, 29; Nays, 0; Absent, 0.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine		-	

1st Sub. S.B. 72 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Killpack, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 134**, MORTGAGE FRAUD ACT. The bill, as amended, passed on the following roll call:

### Yeas, 29; Nays, 0; Absent, 0.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine		-	

2nd Sub. S.B. 134 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hickman, the Senate voted to concur in the House amendments to **1st Sub. S.B. 81**, ILLEGAL IMMIGRATION. Senator Davis commented. The bill, as amended, passed on the following roll call:

#### Yeas, 24; Nays, 4; Absent, 1.

## Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Dmitrich	Eastman	Goodfellow	Greiner

Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Voting in the nega			
Davis	Fife	McCoy	Romero

Absent or not voting was: Senator Buttars

1st Sub. S.B. 81 was returned to the House for the signature of the Speaker.

On motion of Senator Hillyard, a 24-hour hold was placed on the bill.

\* \* \*

**1st. Sub. S.B. 208**, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, was before the Senate.

On motion of Senator Bramble, the bill was circled.

\* \* \*

**1st Sub. S.B. 220**, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION, was before the Senate and explained by Senator Bramble. Senator Waddoups commented.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Killpack, the circle was removed from 1st Sub. S.B. 208, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, and it was before the Senate.

On motion of Senator Killpack, the Senate voted to concur in the House amendments to **1st Sub. S.B. 208**, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in	the	affirmative	were:	Senators
-----------	-----	-------------	-------	----------

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Goodfellow	Greiner	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or	not voting were: Senators	
Fife	Hickman	Hillyard

1st Sub. S.B. 208 was returned to the House for the signature of the Speaker.

### THIRD READING CALENDAR

**H.B. 339**, HUMAN TRAFFICKING AMENDMENTS, was read the third time.

On motion of Senator Jenkins, the bill was circled.

\* \* \*

On motion of Senator Jenkins, the Senate voted to reconsider its action on **H.J.R. 7**.

**H.J.R.** 7, JOINT RESOLUTION RECOGNIZING UNREINFORCED MASONRY BUILDINGS, was before the Senate.

On motion of Senator Jenkins, the bill was circled.

\* \* \*

**2nd Sub. H.B. 346**, DIVISION OF REAL ESTATE RELATED AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

### Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Walker	Valentine

Hickman

Madsen

#### Absent or not voting were: Senators

Davis

Bramble Waddoups

**2nd Sub. H.B. 346** 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 Senate voted to lift **1st Sub. H.B. 106** from the Third Reading Table and place it at the bottom of the Third Reading Calendar.

On motion of Senator Hillyard, the Senate voted to lift **2nd Sub. H.B. 146**, **H.B. 258**, and **H.B. 459** from Rules and place them at the top of the Second Reading Calendar.

\* \* \*

**H.B. 290**, MUNICIPAL OVERSIGHT OF RENTAL DWELLINGS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

### Voting in the affirmative were: Senators

Buttars	Christensen	Davis
Fife	Goodfellow	Greiner
Hillyard	Jenkins	Jones
Knudson	Mayne	McCoy
Peterson	Romero	Stephenson
Van Tassell	Waddoups	Valentine
	Fife Hillyard Knudson Peterson	FifeGoodfellowHillyardJenkinsKnudsonMaynePetersonRomero

Voting in the negative were:SenatorsDaytonWalker

Absent or not	voting were: Senators	
Bramble	Eastman	Madsen

**H.B. 290** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

Senators Waddoups and Valentine declared conflicts of interest.

\* \* \*

**H.B. 365**, AVIATION AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

## Yeas, 26; Nays, 3; Absent, 0.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were:SenatorsJonesMcCoyRomero

**H.B. 365** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

#### \* \* \*

On motion of Senator Bramble, the Senate voted to move to Concurrence Calendar.

#### **CONCURRENCE CALENDAR**

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 220**, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION, and it was before the Senate.

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **1st Sub. S.B. 220**, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION. Senator Waddoups commented. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

## Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Valentine	

## **Voting in the negative was:** Senator Waddoups

#### Absent or not voting was: Senator Walker

1st Sub. S.B. 220 was returned to the House for the signature of the Speaker.

## THIRD READING CALENDAR

**1st Sub. H.B. 332**, USE OF PUBLIC SCHOOLS BY COMMUNITY ORGANIZATIONS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

## Yeas, 19; Nays, 10; Absent, 0.

## Voting in the affirmative were: Senators

Van Tassell

Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Niederhauser	Peterson	Stephenson	Stowell
Waddoups	Walker	Valentine	
Voting in the negative were: Senators			
Davis	Dmitrich	Fife	Goodfellow
Greiner	Jones	Mayne	McCoy

1st Sub. H.B. 332, as amended, was returned to the House for further consideration.

\* \* \*

**1st Sub. H.B. 106**, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES, was read the third time, explained by Senator Bell, and passed on the following roll call:

## Yeas, 23; Nays, 2; Absent, 4.

Romero

## Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Jenkins	Jones	Killpack
Knudson	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Dayton Mayne

Absent or not voting were:SenatorsButtarsHickmanH

Hillyard

Madsen

1st Sub. H.B. 106, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Jenkins, the circle was removed from **H.J.R. 7**, JOINT RESOLUTION RECOGNIZING UNREINFORCED MASONRY BUILDINGS, and it was before the Senate.

Senator Fife proposed the following amendment:

1. Page 1, Lines 11 through 16

11 inventory <u>public</u> unreinforced masonry buildings in Utah and recommend how to address the

- 12 problem.
- 13 Highlighted Provisions:
- 14 This resolution:

15 " urges the Utah Seismic Safety Commission to compile an inventory of <u>public</u> unreinforced

16 masonry buildings in the state;

2. Page 2, Lines 28 through 29:

28 WHEREAS, much of the existing <u>public</u> building stock within the state was constructed under

29 codes and standards that did not recognize this hazard;

- 3. Page 2, Lines 38 through 39:
  - 38 WHEREAS, there is a large, but not quantified, inventory of <u>public</u> unreinforced masonry
  - 39 buildings in seismically active areas in the state; { \_\_\_\_\_}
- 4. Page 2, Lines 40 through 41:

40 WHEREAS, recognizing and anticipating future catastrophic events, and preparing to

41 recover from them is in the best interests of the citizens and the state  $\{ \div \}$ ; and

<u>WHEREAS, it is not intended that the state, a school district, a</u> charter school, or their officers or employees would be liable for any injury or damage resulting from the exercise or performance of, or the failure to exercise or perform, an action related to a recommended priority made by the Utah Seismic Safety Commission under this resolution:

Senator Fife's motion to amend passed on a voice vote.

#### ###

Senator Jenkins proposed the following amendment:

 Page 2, Line 49: After "<u>Commission</u>" insert "<u>.</u>" and delete "<u>and the Federal Emergency</u> <u>Management Agency.</u>"

Senator Jenkins' motion to amend passed on a voice vote. Senator McCoy and Christensen commented. The bill passed on the following roll call vote:

## Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman
Goodfellow	Greiner	Hickman
Jones	Killpack	Knudson
McCoy	Niederhauser	Peterson
Stephenson	Stowell	Van Tassell
Walker	Valentine	
	Dayton Goodfellow Jones McCoy Stephenson	DaytonDmitrichGoodfellowGreinerJonesKillpackMcCoyNiederhauserStephensonStowell

Absent or not voting were: Senators Hillyard Madsen

H.J.R. 7, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Jenkins, the circle was removed from 1st Sub. H.B. 133, HEALTH SYSTEM REFORM, and it was before the Senate.

On motion of Senator Killpack, the following substitute bill replaced the original bill:

## 2nd Sub. H.B. 133 Health System Reform (D. Clark)

The bill passed on the following roll call vote:

Yeas, 26; Nays, 0; Absent, 3.

## Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

## Absent or not voting were: Senators

	-	
Christensen	Hickman	Madsen

2nd Sub. H.B. 133, as amended, was returned to the House for further consideration.

## SECOND READING CALENDAR

On motion of Senator Dmitrich, under suspension of the rules, **2nd Sub. H.B. 146**, SCHOOL BUS 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

0			
Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Christensen **2nd Sub. H.B. 146** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **H.B. 258**, MEDICAID DRUG UTILIZATION AMENDMENTS, was considered read the second and third times. Senators Walker, Knudson, Buttars, and Mayne commented and the bill passed on the following roll call:

## Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Walker		

## Absent or not voting were: Senators

	8	
Hillyard	Waddoups	Valentine

**H.B. 258** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **H.B. 459**, CONSTRUCTION TRADES EXEMPTION, was considered read the second and third times. Senators Davis, Jenkins, and Christensen commented and the bill passed on the following roll call:

#### Yeas, 17; Nays, 11; Absent, 1.

## Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Eastman
Greiner	Hickman	Hillyard	Killpack
Knudson	Niederhauser	Peterson	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			
Voting in the neg	gative were: Senato	rs	
Bell	Davis	Dmitrich	Fife
Goodfellow	Jenkins	Jones	Madsen
Mayne	McCoy	Romero	

## Absent or not voting was: Senator

Buttars

**H.B. 459** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, **H.B. 410**, RESTRICTED ACCOUNTS AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

## Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Buttars

**H.B. 410** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar below **1st Sub. H.B. 223:** 

## 1st Sub. H.B. 192, H.B. 399, and H.B. 160

On motion of Senator Bramble, the Senate voted to lift the following bills from Rules and place the on the bottom of the Second Reading Calendar:

H.B. 400, H.B. 466, 2nd Sub. H.B. 136, 2nd Sub. H.B. 168, H.B. 415, H.B. 305, H.B. 181, H.B. 282, H.B. 203, H.B. 222, H.B. 492, H.B. 497, H.B. 472, H.B. 347, H.B. 315, and H.B. 183

\* \* \*

On motion of Senator Bramble, and at 10:30 a.m., the Senate sauntered.

The Senate was called to order at 11:00 a.m., with President Valentine presiding.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2008 The House passed, **S.B. 288**, CONDOMINIUM OWNERSHIP ACT AMENDMENTS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 295**, SECURITY ALARM BUSINESS LICENSING AMENDMENTS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President

Sandy D. Tenney, Chief Clerk S.B. 288 and S.B. 295 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, 2008

The House adopted the Joint Conference Committee Report dated March 4, 2008, and passed **3rd Sub. H.B. 54**, PROPERTY TAX ASSESSMENT 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. 80**, ADMINISTRATIVE RULE PENALTY AMENDMENTS, by Representative B. Ferry, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 104**, URBAN TRAILS APPROPRIATION, by Representative K. Holdaway, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 121**, COUNTY CHARGES FOR SERVICES TO INCARCERATED PERSONS, 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. 171**, DRIVING PRIVILEGE CARD AMENDMENTS, by Representative B. Daw, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 202**, EMPLOYEE BENEFIT AMENDMENTS, by Representative J. Dougall, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 437**, FUNERAL SERVICES LICENSING ACT AMENDMENTS, by Representative S. Urquhart, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk **3rd Sub. H.B. 54, 2nd Sub. H.B. 80, 3rd Sub. H.B. 104, 1st Sub. H.B. 121, H.B. 171, 1st Sub. H.B. 202,** and **H.B. 437** 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 Greiner, under suspension of the rules, **1st Sub. H.B. 192**, PROPERTY TRANSACTION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

#### Yeas, 23; Nays, 0; Absent, 6.

voting in the all	irmauve were: Ser	lators	
Bell	Bramble	Christensen	Dayton
Dmitrich	Eastman	Fife	Greiner
Hickman	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Valentine	
Absent or not v	oting were: Senator	S	
Buttars	Davis	Goodfellow	Hillyard
Niederhauser	Walker		

Voting in the affirmative were: Senators

1st Sub. 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.

\* \* \*

On motion of Senator Killpack, under suspension of the rules, **H.B. 399**, MEDICATION AIDE CERTIFIED AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Valentine

#### Voting in the affirmative were: Senators

Absent or not voting was: Senator Walker

**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.

\* \* \*

On motion of Senator Eastman, under suspension of the rules, **H.B. 160**, CHARTER SCHOOL LAW REVISIONS, was considered read the second and third times and passed on the following roll call:

## Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Valentine	

Absent or not voting were: Senators Niederhauser Walker

**H.B. 160** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Killpack, under suspension of the rules, **H.B. 341**, DAMAGE TO UNDERGROUND UTILITY FACILITIES AMENDMENTS, was considered read the second and third times.

Senator Greiner proposed the following amendment:

1. Page 8, Lines 238 through 241:

238 (e) (i) An operator need not mark or locate an underground facility the operator does

239 <u>not own.</u>

240 (ii) An underground facility under Subsection (2)(e)(i) includes a water or sewer lateral

241 <u>or a facility running from a house to a garage or outbuilding</u> <u>unless the facility crosses a public right-of-way or public utility</u> <u>easement</u> <u>.</u>

2. Page 13, Lines 382 through 385:

382 Any {-operator-} <u>person</u> [utilizing a fiberoptic or other] installing a nonmetallic facility, such as a

383 <u>sewer, water, or fiber optic line</u>, shall install the [fiberoptic or other] nonmetallic facility so that

384 it can be located with standard underground facility detection devices or in a concrete conduit

385 system.

Senator Greiner's motion to amend failed on a voice vote. The bill passed on the following roll call:

## Yeas, 28; Nays, 1; Absent, 0.

## Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

## Voting in the negative was: Senator

Greiner

**H.B. 341** 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 Dmitrich, under suspension of the rules, **1st Sub. H.B. 174**, TRAUMATIC BRAIN INJURY FUND, was considered read the second and third times and passed on the following roll call:

## Yeas, 29; Nays, 0; Absent, 0.

## Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

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 Senate voted to lift **H.B. 165**, SALES AND USE TAX EXEMPTIONS RELATING TO AIRCRAFT, from Rules and place it on the Second Reading Calendar.

\* \* \*

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 **3rd Sub. H.B. 131**, COMMUNITY BASED SELF SUFFICIENCY GRANTS, and it was before the Senate.

Senator McCoy proposed the following amendment:

 Page 1, Line 21 Senate 2nd Reading Amendments 2–29–2008 21  $\blacktriangleright$  establishes a pilot program for the grants {-for the 2008-09 fiscal year-}.

 Page 1, Line 24 Senate 2nd Reading Amendments 2–29–2008:

24 ►  $\hat{S}$  [\$401,500] \$ {-70,000} } <u>175,000</u> €  $\hat{S}$  from the General Fund for fiscal year 2008–09 only, to fund

```
3. Page 3, Line 68:
```

68 (1) Within appropriations specified by the Legislature for this purpose, <u>or as funding is available.</u> the department

 Page 6, Lines 153 through 158 Senate 2nd Reading Amendments 2–29–2008:

153 (d) { for fiscal year 2008 09 } as funding permits . implement the community based grant as a pilot program

154 <u>for which the department shall award the money</u> {<u>-appropriated</u>} <u>for the grants</u> {<u>-in nine different</u>

155 grants } as follows:

156 (i)  $\{-\underline{four}\}$  two grants in the amount of \$50,000 each to be awarded to experienced and

157 established grant applicants; and

158(ii){-five}threegrants in the amount of \$30,000each to be awarded to grant applicants that:

 Page 6, Lines 167 through 169 Senate 2nd Reading Amendments 2–29–2008:

167 There is appropriated from the General Fund for fiscal year 2008–09 only,  $\hat{S} \rightarrow [\frac{401,500}{2}]$ 

 $167a \ (-\frac{70,000}{2}) \ (\frac{175,000}{2}) \ (\frac{175,000}{2})$ 

168 <u>the Department of Health to fund the community based grant</u> program authorize by Chapter 18.

169 Part 3, Access to Health Care.

Senator McCoy's motion to amend passed on a voice vote.

On motion of Senator McCoy, the bill was circled.

## SECOND READING CALENDAR

On motion of Senator Stowell, under suspension of the rules, **5th Sub. H.B. 164**, TOWN INCORPORATION PROCESS AMENDMENTS, was considered read the second and third times.

Senator Christensen proposed the following amendment:

1. Page 2, Line :

2. Page 2, Line 43:

43 {-This bill provides revisor instructions.-}

3. Page 13, Lines 368 through 372:

368 (13)(a)For each petition filed before the{-effectivedate of this section}January 1, 2008:

369  $\{-(a)\}$  (i) the petition is subject to and governed by the law in effect at the time the petition

370 was filed; and

 $371 \quad \{-(b)\} \quad \underline{(ii)} \quad$ 

372 judicial proceedings relating to the petition.

(b) Each petition filed on or after January 1, 2008 is subject to and governed by this section.

4. Page 15, Lines 451 through 455:

451 {Section 6. Revisor instructions.

452 <u>It is the intent of the Legislature that the Office of Legislative</u> <u>Research and General</u>

453 <u>Counsel, in preparing the Utah Code database for publication,</u> replace the phrase "the effective

454 <u>date of this section</u>" in Subsection 10-2-125(13) of this bill with the actual effective date of this

<sup>36 ▶</sup> provides that a {-previously filed-} petition filed before January 1, 2008 is subject to the law in effect when the

## 455 <u>bill.}</u>

Senator Christensen's motion to amend failed on a voice vote.

###

Senator Killpack proposed the following amendment:

1. Page 1, Line:

13 ▶ modifies the process of incorporating a town;
 ▶ limits the areas in counties of the first class that qualify as contiguous for purposes of a proposed incorporation of a town;

2. Page 5, Lines 132 through 133:

132 (2) (a) (i) A contiguous area of a county not within a municipality, with a population of at

133 least 100 but less than 1,000, may incorporate as a town as provided in this section.

(ii) An area within a county of the first class is not contiguous for purposes of Subsection (2)(a)(i) if:

(A) the area includes a strip of land that connects geographically separate areas; and

(B) the distance between the geographically separate areas is greater than the average width of the strip of land connecting the geographically separate areas.

Senator Killpack's motion to amend passed on a voice vote. Senators Van Tassell and Romero commented.

On motion of Senator Stowell, the bill was circled.

## COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 4, 2008

The House passed, **1st Sub. S.B. 202**, ENERGY RESOURCE AND CARBON EMISSION REDUCTION INITIATIVE, 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. 297**, ANIMAL TORTURE AND CRUELTY AMENDMENTS, 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

1st Sub. S.B. 202 and S.B. 297 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, 2008 The House passed, as amended, **1st Sub. S.B. 180**, REGENTS' SCHOLARSHIP PROGRAM, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 263**, SELF AUTHENTICATION OF DOCUMENTS, by Senator S. McCoy, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

On motion of Senator McCoy, the Senate voted to move to Third Reading Calendar.

## THIRD READING CALENDAR

On motion of Senator McCoy, the circle was removed from **3rd Sub. H.B. 131**, COMMUNITY BASED SELF SUFFICIENCY GRANTS, and it was before the Senate.

On motion of Senator McCoy, the following substitute bill replaced the original bill:

## 4th Sub. H.B. 131 Community Based Self Sufficiency Grants (J. Seelig)

Senator McCoy proposed the following amendment:

- 1. Page 1, Line 23:
  - 23  $\blacktriangleright$  establishes a pilot program for the contract for {-service for the 2008-09 fiscal year-} services.
- 2. Page 1, Lines 26 through 27:

26 ► {-\$250,000 from the Medicaid Restricted Account-} <u>175,000 from the General Fund</u> for fiscal year 2008–09 only, to 3. Page 3, Line 73:

73 (b) {-<u>Within appropriations specified by the Legislature</u>, the } <u>The</u> department may <u>as funding permits</u> <u>contract</u>

4. Page 6, Lines 158 through 164:

158 (d) { for fiscal year 2008–09 } as funding permits , implement the community based service contract as a pilot

159 program for which the department shall enter into contracts for services as follows:

160 (i) two contracts in the amount of \$50,000 each to be awarded to experienced and

161 established applicants; and

162 (ii) {-four } three contracts in the amount of \$30,000 each to be awarded to applicants that:

163 (A) are not as established or experienced as the applicants under Subsection (3)(c)(i);

164 <u>or</u>

5. Page 6, Lines 171 through 173:

 171
 There is appropriated from the {-interest on the Medicaid

 Restricted Account }
 General Fund for fiscal

 172
 year 2008–09 only, \$ {-250,000 } 175,000 to the

 Department of Health to fund the contracts for services

173 authorized by Chapter 18, Part 3, Access to Health Care.

Senator McCoy's motion to amend passed on a voice vote. Senator McCoy explained the bill. Senator Waddoups commented. The bill passed on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

## Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Mayne	McCoy
Niederhauser	Romero	Stowell	Van Tassell
Walker	Valentine		

# Voting in the negative were: SenatorsDaytonMadsenPetersonStephensonWaddoupsValueValueValueValue

Absent or not voting were: Senators Buttars Christensen

4th Sub. H.B. 131, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift **2nd Sub. H.B. 22** from the Third Reading Table and place it on the Third Reading Calendar.

\* \* \*

**2nd Sub. H.B. 22**, EXPEDITED PARENT-TIME ENFORCEMENT, was read the third time and explained by Senator Bell.

Senator Bell proposed the following amendment:

1. Page 1, Line 9:

9 This bill {-expands-} <u>converts</u> the Expedited Parent-time Enforcement Program {-to the entire state-} <u>from a</u> <u>Pilot program to a program in the Third District Court.</u> .

2. Page 1, Lines 12 through 13:

13 the Third Judicial District {-to a statewide program-} .

3. Page 2, Lines 26 through 28:

26 (1) There is established an Expedited Parent-time Enforcement [Pilot] Program {-[-} in the

27 third judicial district  $\{--\}$  to be administered by the Administrative Office of the Courts [from July

28 1, 2003, to July 1, 2007].

4. Page 2, Line 42:

42 (3) (a) [Under this pilot program, if] If a parent files a motion in the  $\{--\}$  third  $\{--\}$  district

Senator Bell's motion to amend passed on a voice vote.

On motion of Senator Bell, the bill was circled.

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift **H.B. 15** from the Third Reading Table and place it at the top of the Third Reading Calendar.

## SECOND READING CALENDAR

On motion of Senator Stowell, the circle was removed from **5th Sub. H.B. 164**, TOWN INCORPORATION PROCESS AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 2, Line 43:

43 This bill provides revisor instructions. <u>This bill coordinates with S.B. 20, Municipal Government</u> Amendments, by technically merging amendments.

2. Page 15, Line 455:

455 <u>bill.</u>

<u>Section 7. Coordinating H.B. 164 with S.B. 20 – Technically</u> merging amendments.

If this H.B. 164 and S.B. 20, Municipal Government Amendments, 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 10–2–125(10), as amended in this bill, to read:

"((7)] (10) Each newly incorporated town shall operate under the [six-member] five-member council form of government as [described] defined in Section [10-3-101] 10-3b-102."

Senator Stowell's motion to amend passed on a voice vote. Senator Hillyard declared a conflict of interest.

On motion of Senator Stowell, under suspension of the rules, **5th Sub. H.B. 164**, TOWN INCORPORATION PROCESS AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Voting in the affirmative were: Senators				
Bell	Bramble	Davis	Dayton	
Dmitrich	Eastman	Fife	Goodfellow	
Greiner	Hillyard	Jenkins	Jones	
Killpack	Knudson	Madsen	Mayne	
Niederhauser	Peterson	Romero	Stephenson	
Stowell	Van Tassell	Waddoups	Walker	
Valentine				
Absent or not voting were: Senators				
Buttars	Christensen	Hickman	McCoy	

**5th Sub. H.B. 164** was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar:

# H.B. 445, H.B. 349, 1st Sub. H.B. 384, H.B. 216, H.B. 476, 2nd Sub. H.B. 426, H.B. 140, H.B. 406, 1st Sub. H.B. 464, and H.B. 303.

\* \* \*

On motion of Senator Bramble, and at 12:00 noon, the Senate recessed.

## **AFTERNOON SESSION**

The Senate reassembled at 2:30 p.m., with President Pro Tem Bramble presiding.

## COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2008 The Speaker of the House has signed **1st Sub. S.B. 72**, JUSTICE COURT AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. S.B. 103**, HIGHER EDUCATION ENHANCEMENTS, by Senator D. Stowell, and it is transmitted for the signature of the President; and

Yeas, 25; Nays, 0; Absent, 4.

The House concurred in the Senate amendments and passed **2nd Sub. S.B. 105**, JUDICIAL PERFORMANCE EVALUATION COMMISSION, by Senator D. C. Buttars, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 134**, MORTGAGE FRAUD ACT, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 161**, ADVANCE HEALTH CARE DIRECTIVE AMENDMENTS, by Senator A. Christensen, and it is transmitted for the signature of the President; and

The House passed, **S.B. 189**, INDEPENDENT CONTRACTOR DATABASE, by Senator D. Eastman, 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. 208**, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 209**, METHAMPHETAMINE DECONTAMINATION STANDARDS AND FUNDING, 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. 220**, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 247**, VETERANS PROCUREMENT PROVISIONS, by Senator F. Fife, and it is transmitted for the signature of the President; and

The House passed, **S.B. 286**, TRANSPORTATION AND TRANSIT AMENDMENTS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 296**, FINANCIAL INSTITUTIONS 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.J.R. 5**, JOINT RESOLUTION AMENDING LEGISLATIVE APPORTIONMENT, 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

1st Sub. S.B. 72, 2nd Sub. S.B. 103, 2nd Sub. S.B. 105, 2nd Sub. S.B. 134, 2nd Sub. S.B. 161, S.B. 189, 1st Sub. S.B. 208, S.B. 209, 1st Sub. S.B. 220, S.B. 247, S.B. 286, 1st Sub. S.B. 296 and S.J.R. 5 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President: March 4, 2008
 The House substituted and passed, 1st Sub. S.B. 62, HEALTH INSURANCE
 MEDICAL COMPLICATION EXCLUSIONS, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 177**, LOCAL GOVERNMENT DISPOSAL OF REAL PROPERTY ACQUIRED BY EXACTION, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

\* \* \*

Mr. President: March 4, 2008 The House passed, as amended, **H.B. 2**, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 490**, LEGISLATIVE TASK FORCES AND STUDY PRIORITIES, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 2** and **H.B. 490** were read the first time and referred to the Rules Committee.

\* \* \*

March 4, 2008 The House has rejected S.B. 123, FILLING VACANCIES IN THE SENATE, by Senator J. Hickman, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

## THIRD READING CALENDAR

On motion of Senator Hickman, the circle was removed from H.B. 339, HUMAN TRAFFICKING AMENDMENTS, and it was before the Senate.

On motion of Senator Hickman, the Senate voted to remove Amendment #5 made by Senator Romero on March, 3, 2008. (See Senate Journal, Day 43). Senators Romero, Buttars, McCoy, Dmitrich, Walker, and Madsen commented.

On motion of Senator Hickman, the bill was circled.

## SECOND READING CALENDAR

On motion of Senator Greiner, under suspension of the rules, 1st Sub. H.B. 325, BULLYING AND HAZING, was considered read the second and third times.

Senator Jenkins proposed the following amendment:

1. Page 1, Lines 16 through 17:

{-> requires and encourages the reporting of bullying, 16 hazing, or retaliation;

17 **>**---provides immunity for the good faith reporting of bullying, hazing, or retaliation; }

- 2. Page 2, Lines 40 through 41:
  - 40 { 53A-11a-501, Utah Code Annotated 1953
  - 41 53A-11a-502, Utah Code Annotated 1953-}
- 3. Page 4, Line 88:

88	(3) "Policy" means a	bullying and hazing policy	described in
Section	{- <u>53A-11a-401-</u> }	<u>53A–11a–301</u> .	

4. Page 4, Line 117:

5. Page 5, Lines 123 through 145:

123 (2) No school employee or student may make a false {-report } allegation of bullying, hazing, or

124 retaliation against a school employee or student.

125 {-Section 5. Section 53A-11a-301 is enacted to read:

126 Part 3. Reporting

127 <u>53A-11a-301.</u> Reporting of bullying, hazing, or retaliation required.

128 (1) A school employee who witnesses, or has reliable information regarding, an

129 <u>incident of bullying, hazing, or retaliation shall report the incident</u> and information to the

130 school official designated in the school's policy.

131 (2) A student or parent who witnesses, or has reliable information regarding, an

132 <u>incident of bullying, hazing, or retaliation is encouraged to report</u> <u>the incident and information</u>

133 to the school official designated in the school's policy.

134 Section 6. Section 53A–11a–302 is enacted to read:

135 <u>53A–11a–302.</u> Immunity for reporting in good faith.

136 <u>A school employee, student, or parent who reports an incident</u> of, or information

137 <u>relating to, bullying, hazing, or retaliation, is immune from any</u> <u>civil liability that otherwise</u>

138 might result by reason of making the report, if the report is made:

- 139 <u>(1) promptly;</u>
- 140 <u>(2) in good faith;</u>
- 141 (3) to the school official designated in the school's policy; and
- 142 (4) in accordance with the school's policy. }
- 143Section $\{-7-\}$  $\underline{5}$ Section $\{-53A-11a-401-\}$  $\underline{53A-11a-301}$ is enacted to read:

Part  $\{-4-\}$  <u>3</u>. School Policy 144 145  $\{-53A-11a-401\}$   $\{-53A-11a-301\}$  Bullying and hazing policy. 6. Page 7, Lines 189 through 190: 189 (m) procedures and plans for training school employees and students in recognizing  $\{-, \}$ and 190 preventing {-<u>, and reporting</u> } <u>bullying, hazing, or retaliation.</u> 7. Page 7, Lines 197 through 207: 197 Section {-8-} Section <u>6</u>. {-53A-11a-402-} 53A-11a-302 is enacted to read: 198 {-53A-11a-402 } <u>53A-11a-302</u> . Model policy. 199 On or before September 1, 2008, the State Board of Education shall: 200 (1) develop a model policy on bullying, hazing, and retaliation, consistent with Section 53A-11a-301 , in order to assist a 201 {-53A-11a-401 } school board in adopting a policy under Section 202  $\{-53A - 11a - 401\}$ 53A-11a-301 : and 203 (2) post the model policy described in Subsection (1) on the State Board of Education's 204 website. 205 Section {\_\_\_} 7 Section {-53A-11a-501-} <u>53A-11a-401</u> is enacted to read: 206 Part  $\{-5-\}$ 4 . Miscellaneous 207 53A<u>-11a-401</u> . {<u>-53A-11a-501</u>} Training, education, and prevention. 8. Page 8, Lines 217 through 218: 217 Section  $\{-10-\}$ Section 8. {-53A-11a-502-} 53A-11a-402 is enacted to read:

218  $\{-53A-11a-502\}$  53A-11a-402. Other forms of legal redress.

Senator Jenkins' motion to amend passed on a voice vote.

Senators Dayton, Waddoups, Jones, Walker, Buttars, McCoy, and Madsen commented and the bill passed on the following roll call:

## Yeas, 25; Nays, 2; Absent, 2.

## Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			_

Voting in the negative were:SenatorsDaytonMadsen

## Absent or not voting were: Senators

Goodfellow Valentine

1st Sub. H.B. 325, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Hickman, the Senate voted to lift **H.J.R. 12** from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Hickman, the Senate voted to lift **H.B. 476** to the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Killpack, under suspension of the rules, **H.B. 476**, PAY OF NATIONAL GUARD MEMBERS, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson

Mayne	McCoy	Niederhauser	Peterson		
Romero	Stephenson	Stowell	Van Tassell		
Waddoups	Walker	Valentine			
Absent or not voting were: Senators					

Absent or not voting were: Senators Dayton Madsen

**H.B. 476** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, **H.J.R. 12**, JOINT RESOLUTION AMENDING THE UTAH CONSTITUTION – STOCK AND BOND SUBSCRIPTIONS, was considered read the second and third times and passed on the following roll call:

## Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Madsen

**H.J.R. 12** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, the Senate voted to recall **H.B. 352**, AMENDMENTS RELATED TO MONIES DERIVED FROM NAVAJO NATION RESERVATION LANDS IN UTAH, from the House for the purpose of amendments.

\* \* \*

**H.B. 172**, DISTRIBUTION OF LOCAL OPTION SALES AND USE TAX REVENUES, was read the second time.

On motion of Senator Jenkins, the bill was circled.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **H.B. 361**, ANTI–SEIZURE DRUG NOTIFICATION, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Knudson Madsen

**H.B. 361** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Jenkins, the circle was removed from **H.B. 172**, DISTRIBUTION OF LOCAL OPTION SALES AND USE TAX REVENUES, and it was before the Senate.

On motion of Senator Jenkins, the following substitute bill replaced the original bill:

1st Sub. H.B. 172 City or Town Option Sales and Use Tax (B. Dee)

Senator Jenkins proposed the following amendment:

1. Page 39, Lines 1189 through 1195:

1189 (1) (a) Subject to the other provisions of this section and except as provided in

1190 <u>Subsection (2), beginning on January 1, 2009 and ending on</u> June 30, 2016, if a city or town 1191receives{-the minimum tax revenue distribution in<br/>accordance with Section 59-12-205-}a distributionfor the1192twelve consecutive months of fiscal year 2005-06because<br/>the city or town would have received a tax revenue distribution of less<br/>than .75% of the taxable sales within the boundaries of the city or town<br/>but for Subsection 59-12-205(3)(a). the city or town legislative body<br/>may

1193 impose a sales and use tax of up to .20% on the transactions:

- (i) described in Subsection 59–12–103(1); and
- 1195 (ii) within the city or town.
- 2. Page 44, Lines 1329 through 1335:

1329 (1) (a) Subject to the other provisions of this section and except as provided in

1330Subsection (2), beginning on January 1, 2009 and ending on<br/>June 30, {-2013 } 2016 , if a city or town

1331receives{-the minimum tax revenue distribution in<br/>accordance with Section 59–12–205a distributionfor the

1332twelve consecutive months of fiscal year 2005–06becausethe city or town would have received a tax revenue distribution of lessthan .75% of the taxable sales within the boundaries of the city or townbut for Subsection 59–12–205(3)(a). the city or town legislative bodymay

1333 impose a sales and use tax of up to .20% on the transactions:

1334 (i) described in Subsection 59–12–103(1); and

1335 (ii) within the city or town.

3. Page 45, Line 1363:

1363 (b) A tax under this part is not subject to Subsections 59-12-205(2) through  $\{-(7)\}$  (6).

4. Page 45, Lines 1384 through 1385:

1384 (b) (i) If the billing period for  $\{-\frac{\text{the}}{\text{the}}\}$  <u>a</u> transaction begins before the enactment of the tax or

1385 the tax rate increase under Subsection (1), the enactment of a tax or a tax rate increase shall

5. Page 45, Lines 1388 through 1389:

1388 (ii) If the billing period for  $\{-\frac{\text{the}}{\text{the}}\}$  a transaction begins before the effective date of the repeal

1389 <u>of the tax or the tax rate decrease imposed under Subsection (1),</u> the repeal of a tax or a tax rate

6. Page 46, Lines 1414 through 1415:

1414 (e) (i) If the billing period for  $\{-\frac{\text{the}}{\text{the}}\}$  <u>a</u> transaction begins before the effective date of the

1415 <u>enactment of the tax or a tax rate increase under Subsection (1),</u> the enactment of a tax or a tax

7. Page 46, Lines 1418 through 1419:

1418 (ii) If the billing period for  $\{-\text{the}\}$  a transaction begins before the effective date of the repeal

1419 <u>of the tax or the tax rate decrease imposed under Subsection (1),</u> the repeal of a tax or a tax rate

Senator Jenkins' motion to amend passed on a voice vote. Senator Jenkins explained the bill. Senators Bramble and Niederhauser commented.

On motion of Senator Jenkins, under suspension of the rules, **1st Sub. H.B. 172**, CITY OR TOWN OPTION SALES AND USE TAX, was considered read the first, second and third times and passed on the following roll call:

Yeas, 24; Nays, 5; Absent, 0.

## Voting in the affirmative were: Senators

, oung in the u	minutive were be	ilutors	
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Waddoups	Walker
Voting in the ne	gative were: Senat	ors	
Buttars	Madsen	Stephenson	Van Tassell
Valentine			

1st Sub. H.B. 172, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **H.B. 352**, AMENDMENTS RELATED TO MONIES DERIVED FROM NAVAJO NATION RESERVATION LANDS IN UTAH, was considered read the first, second and third times and passed on the following roll call:

## Yeas, 27; Nays, 0; Absent, 2.

## Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

## Absent or not voting were: Senators

Eastman Niederhauser

**H.B. 352** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift **S.B. 2**, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Bramble, and at 3:35 p.m., the Senate sauntered.

The Senate was called to order at 4:00 p.m., with President Valentine presiding.

## COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2008 The House passed, **S.B. 5**, EXECUTIVE COMPENSATION 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, **3rd Sub. S.B. 211**, ALCOHOLIC BEVERAGE CONTROL 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. 231**, TRANSPORTATION GOVERNANCE, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk S.B. 5, 3rd Sub. S.B. 211, and S.B. 231 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift **S.B. 281**, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, from Rules and place it at the top of the Second Reading Calendar under **S.B. 2**.

## SECOND READING CALENDAR

**S.B. 2**, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, was read the second time.

On motion of Senator Stephenson, the following substitute bill replaced the original bill:

## 1st Sub. S.B. 2 Minimum School Program Budget (H. Stephenson)

Senator Stephenson explained the bill. Senators Peterson, Jones, Hillyard, Romero, Van Tassell, Mayne, and Waddoups commented.

Senator McCoy proposed the following amendment:

1. Page 1, Lines 23 through 24:

23 {-•a pilot project using a home based educational technology program to develop

24 school readiness skills of preschool children; }

2. Page 2, Line 53:

53 • {-**\$3,469,580**-} <u>**\$969,580**</u> from the Uniform School Fund for fiscal year 2008–09;

3. Page 2, Line 55 through Page 3, Line 57:

55 {• \$1,000,000 from the Uniform School Fund for fiscal year 2007–08 only;

56 • \$250,000 from the General Fund for fiscal year
2008-09; and
57 • \$50,000 from the General Fund for fiscal year 2007-08
only. }

4. Page 3, Lines 76 through 82:

76	{-53A-1a-1001, Utah Code Annotated 1953
77	53A-1a-1002, Utah Code Annotated 1953
78	53A-1a-1003, Utah Code Annotated 1953
79	53A-1a-1004, Utah Code Annotated 1953
80	53A-1a-1005, Utah Code Annotated 1953
81	53A-1a-1006, Utah Code Annotated 1953
82	53A-1a-1007, Utah Code Annotated 1953-}

5. Page 3, Line 85:

```
85 {-53A-17a-157, Utah Code Annotated 1953-}
```

- Page 11, Line 316 through Page 15, Line 456: Delete lines 316 to 456 and renumber accordingly.
- 7. Page 21, Line 626:

 626
 (hh)
 Teacher
 Salary
 Supplement
 {-Restricted

 Account
 }
 Program
 . \$4,700,000;

8. Page 27, Lines 830 through 831:

830 <u>money to the</u> {-<u>Teacher Salary Supplement Restricted Account</u> <u>established in Section</u>

831 <u>53A-17a-157</u> <u>State Board of Education</u> to fund the <u>Teacher Salary Supplement Program.</u>

9. Page 28, Line 848 through Page 30, Line 897:

 848
 (4)
 The
 { Department
 of
 Human
 Resource

 Management
 }
 State Board of Education
 shall:

 849
 { (a) create an on-line application system for a teacher to

apply to receive a salary

850 supplement through the Teacher Salary Supplement Program;

851 (b) } (a) determine if a teacher:

852 (i) is an eligible teacher; and

853 (ii) has a course assignment as listed in Subsections (1)(a)(i)(A) through (D);

854  $\{-\underline{(c)}\}$  <u>(b)</u> verify, as needed, the determinations made under Subsection (4)  $\{-\underline{(b)}\}$  <u>(a)</u> with school

855 district and school administrators; and

856  $\{-(d)\}$  (c) certify a list of eligible teachers and the amount of their salary supplement  $\{-, sorted\}$ 

857 <u>by school district and charter school, to the Division of</u> <u>Finance</u> } <u>to the school district or charter school</u> <u>.</u>

858 (5) {-(a) An eligible teacher shall apply with the Department of Human Resource

859 <u>Management prior to the conclusion of a school year to receive the</u> salary supplement

860 authorized in this section.

861 <u>(b) An eligible teacher may apply with the Department of</u> <u>Human Resource</u>

862 <u>Management, after</u> } <u>After</u> verification that the requirements under this section have been satisfied,  $\{-\underline{to}\}$  <u>an</u> <u>eligible teacher may</u>

863 receive a salary supplement after the completion of:

864  $\{-\underline{(i)}\}$  <u>(a)</u> the school year as an annual award; or

865 {-(ii) } (b) a semester or trimester as a partial award based on the portion of the school year

866 that has been completed.

867 (6) (a) The { <u>Division of Finance</u> } <u>State Board of</u> <u>Education</u> shall distribute monies { <u>from the Teacher Salary</u>

 868
 Supplement
 Restricted
 Account
 }
 appropriated
 for
 the

 Teacher
 Salary
 Supplement
 Program
 to school districts and charter

 schools
 {-for
 for
 Salary
 Salary
 Salary

869 <u>Supplement Program</u> } in accordance with the provisions of this section.

870 (b) The {-<u>Department of Human Resource</u> <u>Management</u> } <u>State Board of Education</u> <u>shall include the</u> <u>employer-paid</u>

871 <u>benefits described under Subsection (2)(b) in the amount of each</u> salary supplement certified to

872 <u>the</u> {<u>Division of Finance</u>} <u>school district or charter</u> <u>school</u>.

873 (c) The employer-paid benefits described under Subsection (2)(b) are an addition to the

874 salary supplement limits described under Subsection (3).

875(7)(a)Money received{-from}forthe TeacherSalary Supplement{-Restricted Account}}Programshall

876 <u>be used by a school district or charter school to provide a salary</u> <u>supplement equal to the</u>

877 amount specified for each eligible teacher.

878 (b) The salary supplement is part of the teacher's base pay, subject to the teacher's

879 qualification as an eligible teacher every year, semester, or trimester.

880 {-<u>(8) The State Board of Education shall cooperate with the</u> Department of Human

881 <u>Resource Management as it administers the Teacher Salary</u> <u>Supplement Program by:</u>

882 (a) providing or verifying teacher data, as requested; and

883 (b) making information technology resources available. }

884 (9) Notwithstanding the provisions of this section, if the appropriation for the program

885 <u>is insufficient to cover the costs associated with salary</u> <u>supplements, the</u> {-<u>Department of Human</u>

886 <u>Resource Management</u> } <u>State Board of Education</u> may limit or reduce the salary supplements.

887 {-Section 20. Section 53A-17a-157 is enacted to read:

888 <u>53A-17a-157.</u> Teacher Salary Supplement Restricted Account.

889 (1) There is created within the Uniform School Fund a restricted account known as the

890 <u>"Teacher Salary Supplement Restricted Account."</u>

891 (2) The account shall be funded from appropriations made to the account by the

892 Legislature.

893 (<u>3) The account shall be used to fund teacher salary</u> supplements for school districts

894 and charter schools as provided in Section 53A-17a-156. }

895 {-<u>(4) The Division of Finance shall distribute account</u> monies to school districts and

896 <u>charter schools for the Teacher Salary Supplement Program as</u> <u>provided in Section</u>

897 <u>53A-17a-156.</u> }

10. Page 36, Line 1092:

1092 {-<u>(4) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed</u> July 1, 2014. }

11. Page 36, Lines 1101 through 1108:

1101 {<u>(a) \$2,500,000 to the State Board of Education for</u> <u>UPSTART as provided in Title</u>

1102 <u>53A, Chapter 1a, Part 10, UPSTART, including costs of:</u>

1103 <u>(i) a home–based educational technology program provided by</u> <u>a contractor;</u>

1104 <u>(ii) computers, peripheral equipment, and Internet service for</u> <u>families who cannot</u>

1105 afford the equipment and service;

1106 (iii) administrative and technical support provided by school districts;

1107 (iv) an audit of the contractor's use of funds appropriated for UPSTART; and

1108 (v) an evaluation of the home-based educational technology program; }

12. Page 36, Line 1110 through Page 37, Line 1119:

1110 <u>financial and economic literacy as provided by Subsection</u> <u>53A-13-110(2)(b);</u> <u>and</u>

1111 (c) \$869,580 to the State Charter School Board for support services to charter schools

1112 as provided in Section  $53A-1a-501.6 \quad \{-; and \}$ 

1113 {-<u>(d) \$4,700,000 from the Uniform School Fund Teacher</u> Salary Supplement Restricted

1114 <u>Account for the Teacher Salary Supplement Program in</u> accordance with the provisions under

1115 <u>Sections 53A 17a 156 and 53A 17a 157.</u>

1116 (2) As an ongoing appropriation subject to future budget constraints, there is

1117 <u>appropriated from the General Fund for fiscal year 2008–09,</u> <u>\$250,000 from the General Fund</u>

1118 <u>to the Department of Human Resource Management for</u> <u>administration of the Teacher Salary</u>

1119 <u>Supplement Program established in Section</u> <u>53A-17a-156.</u> }

13. Page 37, Line 1134 through Page 38, Line 1142:

1134 (1) There is appropriated for fiscal year 2007–08 only, {-as follows:

1135 (a) \$50,000 from the General Fund to the Department of Human Resource

1136 <u>Management for costs to administer the Teacher Salary</u> <u>Supplement Program established in</u>

1137 <u>Section 53A–17a–156;</u>

1138 (b) \$1,000,000 from the Uniform School Fund to the State Board of Education for

1139 <u>UPSTART as provided in Title 53A, Chapter 1a, Part 10,</u> <u>UPSTART; and</u>

1140 (c) } <u>\$280,000 from the Uniform School Fund to the State</u> Board of Education for library

- 1141 books and electronic resources.
- 1142 (2) The money appropriated in {-Subsections (1)(a) through
- (c) } Subsection (1) is nonlapsing.

14. Page 39, Lines 1196 through 1203:

1196 This bill takes effect on July 1, 2008, except {-:

1197 <u>(1) if approved by two-thirds of all the members elected to each house. Sections</u>

119853A-1a-1001 through 53A-1a-1007 take effect upon approval<br/>by the governor, or the day

1199 <u>following the constitutional time limit of Utah Constitution</u> <u>Article VII, Section 8, without the</u>

1200 governor's signature, or in the case of a veto, the date of veto override; and

1201 (2) the following sections take effect on May 5, 2008:

1202 (a) Section 53A-17a-156; and

1203 (b) } Uncodified Section 29, One-time appropriations for fiscal year 2007–08 takes effect on May 5, 2008 .

Senator McCoy's motion to amend failed on the following roll call vote:

#### Yeas, 9; Nays, 19; Absent, 1.

# Voting in the affirmative were: SenatorsChristensenDavisDmitrichFifeGoodfellowJonesMayneMcCoyRomeroKorentKorentKorent

#### Voting in the negative were: Senators

Bell	Bramble	Buttars	Dayton
Eastman	Greiner	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Valentine	

Absent or not voting was: Senator Walker

#### ###

Senator Romero proposed the following amendment:

1. Page 2, Lines 27 through 28:

27 { • the Teacher Salary Supplement Program to provide a salary supplement to an

28 eligible teacher; }

the K-3 Class Size Reduction Incentive Program;

2. Page 2, Line 55 through Page 3, Line 57:

\$1,000,000 from the Uniform School Fund for fiscal year 2007–08 only {-;-} <u>.</u>
\$6 {-•\$250,000 from the General Fund for fiscal year 2008–09; and }
\$7 {-•\$50,000 from the General Fund for fiscal year 2007–08 only. }

- 3. Page 3, Lines 84 through 85:
  - 84 53A–17a–156, Utah Code Annotated 1953
  - 85 {-53A-17a-157, Utah Code Annotated 1953-}
- 4. Page 21, Line 626:

626	<u>(hh)</u>	{- <u>Teacher</u>	Salary	Supplen	nent	Restricted
Account	<u>ŧ</u> }	K-3 Class Size	Reduction	Program	<u>, \$4,7</u>	700,000 <u>;</u>

- Page 27, Line 806 through Page 60, Line 897: Delete lines 806 through 897
- 6. Page 30, Lines 896 through 897:

896 <u>charter schools for the Teacher Salary Supplement Program as</u> <u>provided in Section</u>

897 <u>53A-17a-156</u>.
<u>Section 19</u>. Section <u>53A-17a-156</u> is enacted to read: <u>53A-17a-156</u>. <u>K-3 Class Size Reduction Incentive Program</u>.
(1) As used in this section: (a) "Average class size by grade" shall be determined in accordance with the provisions of Section <u>53A-3-602.5</u>.
(b) "Target class size" means: (i) for kindergarten: (A) an average class size for the school that does not exceed 18 students; and

(B) a class in the school that does not exceed 20 students; (ii) for first grade:

(A) an average class size for the school that does not exceed 20 students; and

(B) a class in the school that does not exceed 22 students; and (iii) for second or third grade:

(A) an average class size for the school that does not exceed 22 students; and

(B) a class in the school that does not exceed 24 students.

(2) Subject to monies appropriated for the K–3 Class Size Reduction Incentive Program, the State Board of Education shall establish a grant program as provided in this section to assist schools to reduce average class size by grade for kindergarten through grade 3 to the target class size.

(3) (a) A school may apply for K–3 Class Size Reduction Incentive Program grants, with each grade individually considered, if a grade's average class size by grade is larger than the target class size.

(b) A grant application shall indicate how the monies will be used to reach a target class size.

(c) Grants shall be awarded:

(i) to reduce an eligible grade's average class size to the target class size, prioritized within this category based upon the highest average class size by grade; or

(ii) to allow schools that are limited by facilities or other constraints from qualifying for the grants described in Subsection (3)(c)(i) to hire paraeducators who shall work in the classrooms of a grade.

(4) Once awarded, a grant is intended to be ongoing, provided that the grade's average class size by grade remains within the target class size.

(5) If a participating school does not meet the target class size for a grade for which a grant is received or if a school uses grant monies in a manner that is inconsistent with the provisions of this section, the school is liable for reimbursing the State Board of Education for the amount of grant monies received from the State Board of Education.

(6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:

(a) establishing procedures and deadlines for applying for and awarding grants;

(b) specifying how grant monies shall be allocated among schools

that qualify to receive the grants; and

(c) requiring reporting of grant money expenditures and evidence showing that the grant monies have been used to reduce average class size by grade for kindergarten through grade 3.

(7) The State Board of Education shall provide a report by December 1 of each year to the Public Education Appropriations Subcommittee on the K–3 Class Size Reduction Incentive Program.

(8) The Legislature shall provide for an annual adjustment in the appropriation for the K-3 Class Size Reduction Incentive Program based upon the report under Subsection (7) and the requirements of schools under this section.

Renumber remaining sections accordingly.

7. Page 37, Lines 1111 through 1119:

1111 (c) \$869,580 to the State Charter School Board for support services to charter schools

1112 <u>as provided in Section 53A-1a-501.6</u> {<u>; and</u> }

1113 {-<u>(d) \$4,700,000 from the Uniform School Fund Teacher</u> Salary Supplement Restricted

1114 <u>Account for the Teacher Salary Supplement Program in</u> accordance with the provisions under

1115 <u>Sections 53A 17a 156 and 53A 17a 157.</u> }

1116 {-(<u>2) As an ongoing appropriation subject to future budget</u> constraints, there is

1117appropriated from the General Fund for fiscal year 2008–09,\$250,000 from the General Fund

1118 <u>to the Department of Human Resource Management for</u> administration of the Teacher Salary

1119 <u>Supplement Program established in Section</u> <u>53A-17a-156.</u> }

8. Page 37, Lines 1134 through 1137:

1134 (1) There is appropriated for fiscal year 2007–08 only, as follows:

1135 {-(a) \$50,000 from the General Fund to the Department of Human Resource

1136 <u>Management for costs to administer the Teacher Salary</u> <u>Supplement Program established in</u>

1137 <u>Section 53A-17a-156;</u> } Renumber remaining subsections accordingly.

9. Page 39, Lines 1200 through 1203:

1200 governor's signature, or in the case of a veto, the date of veto override; and

1201 (2) {-<u>the following sections take effect on May 5, 2008:</u>

1202 (a) Section 53A-17a-156; and

1203 (b) -} Uncodified Section 29, One-time appropriations for fiscal year 2007–08 takes effect on May 5, 2008 .

Senator Romero's motion to amend failed on the following roll call vote:

#### Yeas, 10; Nays, 19; Absent, 0.

Voting in the affirmative were: Senators					
Davis	Dmitrich	Fife	Goodfellow		
Greiner	Jones	Mayne	McCoy		
Romero	Van Tassell				
Voting in the nega	ative were: Senators				
Bell	Bramble	Buttars	Christensen		
Dayton	Eastman	Hickman	Hillyard		
Jenkins	Killpack	Knudson	Madsen		
Niederhauser	Peterson	Stephenson	Stowell		
Waddoups	Walker	Valentine			

###

Senator Van Tassell proposed the following amendment:

- 1. Page 2, Lines 34 through 35:
  - 34 enhance the academic growth of high-ability students;  $\{-and-\}$

35 • the English Language Learner Family Literacy Centers Program; <u>and</u>

• career and technical education online assessment;

2. Page 21, Line 631:

631 (mm) USTAR Centers, {-<u>\$6,900,000</u> } <u>\$6,500,000</u> ; 3. Page 37, Lines 1112 through 1115:

1112 as provided in Section 53A-1a-501.6; {-and }

1113 (d) \$4,700,000 from the Uniform School Fund Teacher Salary Supplement Restricted

1114 <u>Account for the Teacher Salary Supplement Program in accordance</u> with the provisions under

```
1115 Sections 53A-17a-156 and 53A-17a-157 {---}; and
(e) $400,000 to the State Board of Education for career and
technical education online assessment.
```

Senator Van Tassell's motion to amend passed on a voice vote.

On motion of Senator Stephenson, under suspension of the rules, **1st Sub. S.B. 2**, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

#### Yeas, 21; Nays, 7; Absent, 1.

#### Voting in the affirmative were: Senators

D . 11	D	D the m	<u>C1</u>
Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Stephenson	Stowell	Van Tassell	Waddoups
Valentine			
Voting in the nega	tive were: Senators		
Davis	Dmitrich	Fife	Goodfellow
Greiner	McCoy	Romero	

Absent or not voting was: Senator Walker

1st Sub. S.B. 2 was transmitted to the House.

\* \* \*

**S.B. 281**, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, was read the second time.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

On motion of Senator Bramble, the Senate voted to lift the following bills from Rules and place them at the top of the Second Reading Calendar:

S.B. 4 and H.B. 359

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift the following bills from Rules and place them at the top of the Second Reading Calendar below **H.B. 165:** 

#### H.B. 66, 1st Sub. H.B. 109, H.B. 364, and H.B. 490

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift the following bills from the Third Reading Table and place them at the top of the Third Reading Calendar:

#### H.B. 248 and 1st Sub. H.B. 72

\* \* \*

On motion of Senator Stephenson, the circle was removed from **S.B. 281**, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, and it was before the Senate. Senator Stephenson explained the bill.

Senator Jones proposed the following amendment:

1. Page 1, Lines 18 through 19:

a grant program to minimize the expenses of teachers
 to obtain the {-American

19 Board-} Distinguished Teacher certification and to provide additional

2. Page 2, Line 42:

42 Board or the National Board .

3. Page 2, Line 45:

(d) "National Board" means the National Board for Professional Teaching Standards.

4. Page 2, Line 47:

47 (a) minimize out-of-pocket expenses of licensed teachers to obtain the {-<u>American Board</u>}

5. Page 2, Lines 49 through 50:

49 (b) provide additional compensation to licensed teachers who obtain the {-American

50 <u>Board</u> } <u>Distinguished Teacher certification.</u>

6. Page 2, Line 54:

54 <u>teachers to obtain the</u> {<u>American Board</u>} <u>Distinguished</u> <u>Teacher certification, a school district or</u>

7. Page 2, Line 57:

57 (4)(a) to pay for costs of licensed teachers directly related to obtaining {-American Board }

- 8. Page 3, Line 60:
  - 60 additional compensation to licensed teachers who obtain the {-<u>American Board</u> } <u>Distinguished</u>
- 9. Page 3, Line 63:

63 <u>\$1,500 for each</u> {<u>American Board</u>} <u>Distinguished Teacher</u>, <u>except as provided in Subsection</u>

10. Page 3, Lines 69 through 70:

69 <u>match the grant monies to further increase compensation to</u> <u>teachers who obtain the</u> {<u>American</u>

70 <u>Board</u> } <u>Distinguished Teacher certification.</u>

11. Page 4, Line 100:

 100 teachers to obtain the
 {<u>American Board</u>}
 Distinguished

 Teacher certification and to provide

Senator Jones' motion to amend failed on a voice vote.

###

Senator Stephenson proposed the following amendment:

1. Page 5, Line 138: Delete "2008" and insert "2009"

Senator Stephenson's motion to amend passed on a voice vote.

Senators Madsen, McCoy, Hillyard, and Romero commented.

On motion of Senator Stephenson, under suspension of the rules, **S.B. 281**, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, was considered read the second and third times. The bill passed on the following roll call:

#### Yeas, 20; Nays, 8; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Eastman	Fife	Greiner	Hickman
Hillyard	Jenkins	Killpack	Knudson
Madsen	Niederhauser	Peterson	Stephenson
Stowell	Waddoups	Walker	Valentine
<b>Voting in the nega</b> Davis Mayne	<b>tive were:</b> Senators Dmitrich McCoy	Goodfellow Romero	Jones Van Tassell

Absent or not voting was: Senator Buttars

S.B. 281 was transmitted to the House.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 4, 2008

The House concurred in the Senate amendments and passed **H.J.R. 7**, JOINT RESOLUTION RECOGNIZING UNREINFORCED MASONRY BUILDINGS, by Representative L. Wiley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 106**, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES, by Representative R. McGee, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **4th Sub. H.B. 131**, COMMUNITY BASED SELF SUFFICIENCY PROGRAM, by Representative J. Seelig, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 133**, HEALTH SYSTEM REFORM, by Representative D. Clark, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **5th Sub. H.B. 164**, TOWN INCORPORATION PROCESS AMENDMENTS, by Representative M. Brown, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 332**, USE OF PUBLIC SCHOOLS BY COMMUNITY ORGANIZATIONS, by Representative G. Hughes, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk H.J.R. 7, 1st Sub. H.B. 106, 4th Sub. H.B. 131, 2nd Sub. H.B. 133, 5th Sub. H.B. 164, and 1st Sub. H.B. 332 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

March 4, 2008

The House passed, **S.B. 83**, CHECK CASHING AND DEFERRED DEPOSIT LENDING REGISTRATION ACT, 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. 174**, DENTIST AND DENTAL HYGIENIST PRACTICE ACT AMENDMENTS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 193, ELECTION LAW CHANGES, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk S.B. 83, S.B. 174, and S.B. 193 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, 2008 The House passed, as amended, 3rd Sub. S.B. 20, MUNICIPAL GOVERNMENT AMENDMENTS, by Senator C. Walker, and it is transmitted for further consideration: and

The House substituted and passed, 2nd Sub. S.B. 151, TRADEMARK PROTECTION ACT AMENDMENTS, by Senator D. Eastman, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 294, COMMUNITY DEVELOPMENT AND RENEWAL 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.

#### INTRODUCTION OF BILLS

S.C.R. 6. Concurrent Resolution on the Reconstruction of Interstate 15 (J. Valentine), read the first time by short title and referred to the Rules Committee.

#### SECOND READING CALENDAR

On motion of Senator Jenkins, under suspension of the rules, S.B. 4, GENERAL OBLIGATION BOND AUTHORIZATION, was considered read the second and third times. Senator Jenkins explained the bill. Senators Waddoups and Goodfellow commented. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

S.B. 4 was transmitted to the House.

\* \* \*

On motion of Senator Hillyard, the circle was removed from **S.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, and it was before the Senate. Senator Hillyard explained the bill. Senator Waddoups commented.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Bell

S.B. 3 was transmitted to the House.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 206**, TAX AMENDMENTS, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 26, Lines 773 through 778

773 [(4)] (6) "Agreement sales and use tax" means a tax imposed under:

774 (a) Subsection 59-12-103(2)(a)(i) (A);

- 775 (b) Subsection 59–12–103(2)(b)(i);
- 776 (c) Subsection 59–12–103(2)(c)(i);
- 777 [(d) Subsection 59–12–103(2)(d)(i);]
- 778 [(e)] (d) Subsection 59–12–103(2)[(e)(ii)] (d)(i)(A) (I);
- 2. Page 75, Lines 2316 through 2318:

2316 (2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax

2317 is imposed on a transaction described in Subsection (1) equal to the sum of:

2318 (i) a state tax imposed on the transaction at a tax rate  $\underline{\text{equal to}}$ the sum of  $\underline{:}$ 

(<u>A)</u> 4.65%; and

(B) the tax rate the state imposes in accordance with Part 18, Additional State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59–12–211 through 59–12–215 is in a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act; and

3. Page 76, Line 2348 through Page 77, Line 2358:

2348 [(e)] (d) (i) [A state tax and a local tax is imposed on an entire] For a bundled

2349 transaction [as provided in this Subsection (2)(e) if the bundled transaction] that is attributable

2350 to food and food ingredients and tangible personal property other than food and food

2351 ingredients[. (ii) If the tax on a bundled transaction described in Subsection (2)(e)(i) is

2352 collected by a seller other than a seller that collects a tax in accordance with Subsection

2353 59-12-107(1)(b), beginning on January 1, 2007], a state tax and a local tax is imposed on the

entire bundled transaction equal to the sum of:

- 2355 (A) a state tax imposed on the entire bundled transaction  $\{-at-\}$  equal to the sum of:
  - $(\underline{I})$  the tax rate described in
- 2356 Subsection (2)(a)(i)  $(\underline{A})$ ; and

(II) the tax rate the state imposes in accordance with Part 18, Additional State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59–12–211 through 59–12–215 is in a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act; and

2357 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates

2358 described in Subsection (2)(a)(ii).

4. Page 78, Lines 2391 through 2397:

2391 [(f)] (e) Subject to Subsections (2)[(g)] (f) and [(h)] (g), a tax rate repeal or tax rate

change for a tax rate imposed under the following shall take effect on the first day of a calendar

- 2393 quarter:
- 2394 (i) Subsection (2)(a)(i)  $(\underline{A})$ ;
- 2395 (ii) Subsection (2)(b)(i);
- 2396 (iii) Subsection (2)(c)(i); <u>or</u>
- 2397 (iv) Subsection (2)(d)(i)(A) (I) [;].
- 5. Page 78, Lines 2400 through 2407:

2400 [(g)] (f) (i) [For a transaction described in Subsection (2)(g)(iii), a] <u>A</u> tax rate increase

2401 shall take effect on the first day of the first billing period that begins after the effective date of

2402 the tax rate increase if the billing period for the transaction begins before the effective date of a

- 2403 tax rate increase imposed under:
- 2404 (A) Subsection (2)(a)(i)  $(\underline{A})$ ;
- 2405 (B) Subsection (2)(b)(i);

- 2406 (C) Subsection (2)(c)(i); or
- 2407 (D) Subsection (2)(d)(i)(A) (I)  $[\frac{1}{2}]$ .
- 6. Page 78, Line 2410 through Page 79, Line 2418:

2410 (ii) [For a transaction described in Subsection (2)(g)(iii), the] The repeal of a tax or a

2411 tax rate decrease shall take effect on the first day of the last billing period that began before the

2412 effective date of the repeal of the tax or the tax rate decrease if the billing period for the

2413 transaction begins before the effective date of the repeal of the tax or the tax rate decrease

- 2414 imposed under:
- 2415 (A) Subsection (2)(a)(i)  $(\underline{A})$ ;
- 2416 (B) Subsection (2)(b)(i);
- 2417 (C) Subsection (2)(c)(i); or
- 2418 (D) Subsection (2)(d)(i)(A) (I) [;].
- 7. Page 79, Lines 2432 through 2441:

2432 [(h)] (g) (i) For a tax rate described in Subsection (2)[(h)] (g)(ii), if a tax due on a

2433 catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, a

2434 tax rate repeal or change in a tax rate takes effect:

2435 (A) on the first day of a calendar quarter; and

2436 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

2437 (ii) Subsection (2)[(h)] (g)(i) applies to the tax rates described in the following:

- 2438 (A) Subsection (2)(a)(i)  $(\underline{A})$ ;
- 2439 (B) Subsection (2)(b)(i);
- 2440 (C) Subsection (2)(c)(i); <u>or</u>

2441 (D) Subsection (2)(d)(i)(A) (I) [;].

8. Page 80, Lines 2446 through 2451:

2446 (3) (a) Except as provided in Subsections (4) through [(10)] (9), the following state

- taxes shall be deposited into the General Fund:
- 2448 (i) the tax imposed by Subsection (2)(a)(i)  $(\underline{A})$ ;
- 2449 (ii) the tax imposed by Subsection (2)(b)(i);
- 2450 (iii) the tax imposed by Subsection (2)(c)(i); or
- 2451 (iv) the tax imposed by Subsection (2)(d)(i)(A) (I)  $[\frac{1}{2}]$ .
- 9. Page 85, Lines 2615 through 2625:

2615 [(9)] (8) (a) Notwithstanding Subsection (3)(a), in addition to the amount deposited in

2616 Subsection (7)(a), and until Subsection [(9)] (8)(b) applies, for a fiscal year beginning on or

2617 after July 1, 2007, the Division of Finance shall deposit into the Centennial Highway Fund

2618 Restricted Account created by Section 72–2–118 a portion of the taxes listed under Subsection

2619 (3)(a) equal to 8.3% of the revenues collected from the following taxes, which represents a

2620 portion of the approximately 17% of sales and use tax revenues generated annually by the sales

2621 and use tax on vehicles and vehicle-related products:

2622 (i) the tax imposed by Subsection (2)(a)(i)  $(\underline{A})$ ;

2623 (ii) the tax imposed by Subsection (2)(b)(i);

2624 (iii) the tax imposed by Subsection (2)(c)(i); and

2625 (iv) the tax imposed by Subsection [(2)(e)(ii)(A)] (2)(d)(i)(A) (I) .

10. Page 85, Line 2626 through Page 86, Line 2638:

2626 (b) Notwithstanding Subsection (3)(a) and in addition to the amounts deposited under

2627 Subsection (7)(b), when the highway general obligation bonds have been paid off and the

highway projects completed that are intended to be paid from revenues deposited in the

2629 Centennial Highway Fund Restricted Account as determined by the Executive Appropriations

2630 Committee under Subsection 72-2-118(6)(d), the Division of Finance shall deposit into the

2631 Transportation Investment Fund of 2005 created by Section 72–2–124 a portion of the taxes

2632 listed under Subsection (3)(a) equal to 8.3% of the revenues collected from the following taxes,

2633 which represents a portion of the approximately 17% of sales and use tax revenues generated

2634 annually by the sales and use tax on vehicles and vehicle-related products:

2635 (i) the tax imposed by Subsection (2)(a)(i) (A) ;

2636 (ii) the tax imposed by Subsection (2)(b)(i);

2637 (iii) the tax imposed by Subsection (2)(c)(i); and

2638 (iv) the tax imposed by Subsection [(2)(e)(ii)(A)](2)(d)(i)(A) (I).

11. Page 278, Lines 8601 through 8602:

8601 (b) (i) [For a transaction described in Subsection (9)(b)(iii), if] If the billing period for

8602 {-the-} <u>a</u> transaction begins before the effective date of the enactment of the tax or tax rate increase

12. Page 278, Lines 8606 through 8607:

8606 (ii) [For a transaction described in Subsection (9)(b)(iii), if] If the billing period for  $\{-\text{the}-\}$  a

transaction begins before the effective date of the repeal of the tax or the tax rate decrease

13. Page 279, Lines 8644 through 8645:

8644 (e) (i) [For a transaction described in Subsection (9)(e)(iii), if] If the billing period for

8645 {-the-}  $\underline{\underline{a}}$  transaction begins before the effective date of the enactment of the tax or a tax rate increase

14. Page 280, Lines 8649 through 8650:

8649 (ii) [For a transaction described in Subsection (9)(e)(iii), if] If the billing period for  $\{-\text{the}-\}$  a

transaction begins before the effective date of the repeal of the tax or the tax rate decrease

Senator Bramble's motion to amend passed on a voice vote.

On motion of Senator Bramble, under suspension of the rules, **H.B. 206**, TAX AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were:SenatorsDaytonHickmanM

McCoy

H.B. 206, as amended, was returned to the House for further consideration.

\* \* \*

**2nd Sub. H.B. 359**, TAX CHANGES, was read the second time. Senator Niederhauser explained the bill.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

3rd Sub. H.B. 359 Tax Changes (J. Dougall)

Senator Jones commented.

On motion of Senator Niederhauser, under suspension of the rules, **3rd Sub. H.B. 359**, TAX CHANGES, 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	Niederhauser	Peterson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the	e negative were: Senators	
Goodfellow	McCoy	Romero

Absent or not voting were: Senators

Madsen Stephenson

3rd Sub. H.B. 359 was returned to the House for further consideration.

#### CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **1st Sub. S.B. 180**, REGENTS' SCHOLARSHIP PROGRAM. The bill, as amended, passed on the following roll call:

#### Yeas, 26; Nays, 1; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

**Voting in the negative was:** Senator Dayton

#### Absent or not voting were: Senators

Madsen Stephenson

1st Sub. S.B. 180 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator McCoy, the Senate voted to concur in the House amendments to **S.B. 263**, SELF AUTHENTICATION OF DOCUMENTS. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Madsen

S.B. 263 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **1st Sub. S.B. 62**, HEALTH INSURANCE – MEDICAL COMPLICATION EXCLUSIONS. The bill, as amended, passed on the following roll call:

#### Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Madsen

1st Sub. S.B. 62 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **S.B. 177**, LOCAL GOVERNMENT DISPOSAL OF REAL PROPERTY ACQUIRED BY EXACTION. The bill, as amended, passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in	the affirmative were: Sena	ators	
D 11	D 11	р	

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

S.B. 177 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. 294**, COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS. The bill, as amended, passed on the following roll call:

#### Yeas, 28; Nays, 1; Absent, 0.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

**Voting in the negative was:** Senator McCoy

S.B. 294 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Walker, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 20**, MUNICIPAL GOVERNMENT AMENDMENTS. The bill, as amended, passed on the following roll call:

#### Yeas, 27; Nays, 2; Absent, 0.

Voting in	the	affirmative	were:	Senators
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Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Van Tassell
Waddoups	Walker	Valentine	

### Voting in the negative were: Senators

Madsen Stowell

3rd Sub. S.B. 20 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Eastman, the Senate refused to concur in the House amendments. **2nd Sub. S.B. 151,** TRADEMARK PROTECTION ACT AMENDMENTS, was returned to the House.

\* \* \*

Senator Bell asked leave of the body to cast an aye vote on **S.B. 3**. The vote now reads:

Yeas, 29; Nays, 0; Absent, 0.

#### Voting in the affirmative were: Senators

0			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine		-	

On motion of Senator Hickman, the Senate voted to move to Third Reading Calendar.

#### THIRD READING CALENDAR

On motion of Senator Hickman, the circle was removed from **H.B. 339**, HUMAN TRAFFICKING AMENDMENTS, and it was before the Senate.

Senator Hickman proposed the following amendment:

 Page 3, Line 71 Senate 2nd Reading Amendments 3–3–2008

71 <u>purpose is a</u>  $\hat{S} \rightarrow [\underline{second degree felony}] \{ \underline{-class A} \\ \underline{misdemeanor} \} \leftarrow \hat{S} \underline{third degree felony} \underline{, except under Section} \\ \underline{76-5-310.}$ 

- Page 3, Lines 75 through 76 Senate 2nd Reading Amendments 3–3–2008:
  - 75 <u>knowing participation in</u> <u>:</u> <u>(a)</u> <u>human trafficking</u> {<u>or human smuggling</u> } <u>is guilty of a</u> <u>second degree</u>
  - 76 <u>felony</u> <u>: and</u> (b) human smuggling is guilty of a third degree felony</u>.

Senator Hickman's motion to amend passed on a voice vote. Senator Romero commented. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

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Absent or not voting were:SenatorsGoodfellowKillpackStephenson
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H.B. 339, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble and at 6:40 p.m., the Senate adjourned until 8:30 a.m., Wednesday, March 5, 2008.

# FORTY-FIFTH DAY

# MORNING SESSION

## **MARCH 5, 2008**

The Senate was called to order at 9:00 a.m., with President John Valentine presiding.

Prayer – Rabbi Tracee Rosen, Congregation Kol Ami Pledge of Allegiance – Senator Brent Goodfellow Roll Call – All Senators present

#### READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 64)

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2008 The House passed, **S.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 4**, GENERAL OBLIGATION BOND AUTHORIZATION, 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. 185**, ECONOMIC INCENTIVE REVISIONS, 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. 264**, DEVELOPMENT AROUND MILITARY INSTALLATIONS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 265**, UNLAWFUL DETAINER AMENDMENTS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk S.B. 3, S.B. 4, 2nd Sub. S.B. 185, 1st Sub. S.B. 264, S.B. 265 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, 2008 The House substituted and passed, **3rd Sub. S.B. 17**, CHILD ABUSE AND NEGLECT REGISTRY – MANAGEMENT AND LICENSING INFORMATION SYSTEMS AMENDMENTS, by Senator G. Davis, and it is transmitted for further consideration; and

The House passed, as amended, **3rd Sub. S.B. 46**, ANTI–FLOW CONTROL AMENDMENTS, by Senator D. Eastman, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

#### THIRD READING CALENDAR

**H.B. 248**, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR CERTAIN PROPERTY INCORPORATED INTO REAL PROPERTY, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

#### Yeas, 29; Nays, 0; Absent, 0.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

**H.B. 248** 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. 72**, MOTORCYCLE LICENSE AND ENDORSEMENT AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Christensen

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars		
Davis	Devton	Dmitrich		

Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

**1st Sub. H.B. 72** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

**H.B. 15**, CONTROL AND PREVENTION OF SEXUALLY TRANSMITTED DISEASES, was before the Senate, explained by Senator Dmitrich.

Senator Christensen proposed the following amendment:

- Page 1, Line 23: Delete "\$350,000" and insert "\$175,000"
- Page 3, Line 76: Delete "<u>\$350,000</u>" and insert "<u>\$175,000</u>"

Senator Christensen's motion to amend passed on a voice vote. The bill passed on the following roll call:

#### Yeas, 29; Nays, 0; Absent, 0.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

H.B. 15, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Bell, the circle was removed from 2nd Sub. H.B. 22, EXPEDITED PARENT-TIME ENFORCEMENT, and it was before the Senate. The bill passed on the following roll call:

#### Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine		_	

2nd Sub. H.B. 22, as amended, was returned to the House for further consideration.

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 4, 2008 The House passed, as amended, 2nd Sub. S.B. 71, SCHOOL DISTRICT AMENDMENTS, by Senator C. Walker, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

\* \* \*

Mr. President:

March 5, 2008

The House refuses to recede from its amendments to **2nd Sub. S.B. 151**, TRADEMARK PROTECTION ACT AMENDMENTS, by Senator D. Eastman, and has appointed a Conference Committee consisting of Representatives J. Dougall, G. Snow, and D. Litvack to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk On motion of Senator Eastman, the Senate voted to refuse to recede from its amendments to **2nd Sub. S.B. 151**. President Valentine appointed a conference committee consisting of Senators Eastman, Niederhauser, and McCoy to meet with a like committee from the House.

#### SECOND READING CALENDAR

**H.B. 165**, SALES AND USE TAX EXEMPTIONS RELATING TO AIRCRAFT, was read the second time. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

 Page 2, Line 57 through Page 3, Line 62: House Floor Amendments 2–22–2008

57 (5) sales of parts  $\hat{H} \rightarrow [\{]$  and  $[] ] [\underline{}] \leftarrow \hat{H}$  equipment  $\hat{H} \rightarrow [\underline{}, \text{or supplies}] :$ 

57b 2002 North American Industry Classification System of the federal Executive Office of the

57c President, Office of Management and Budget; and

57d (<u>b</u>) **€**Ĥ for<u>:</u>

58  $\hat{H} \rightarrow [\underline{(a)}] (\underline{i}) \leftarrow \hat{H}$  installation in <u>an</u> aircraft [operated by common carriers in interstate or foreign

59 commerce], including services relating to the installation of parts  $\hat{H} \rightarrow [\underline{r}] \text{ or } \leftarrow \hat{H} \text{ equipment } \hat{H} \rightarrow [\underline{r}]$ 

59a <u>or supplies</u>]  $\leftarrow \hat{H}$  <u>in the</u>

- 60 <u>aircraft;</u>
- 61  $\hat{H} \rightarrow [(\underline{b})]$  (ii)  $\notin \hat{H}$  renovation of an aircraft; or
- 62  $\hat{H} \rightarrow [\underline{(e)}] (\underline{(iii)} \leftarrow \hat{H} \underline{repair of an aircraft};$

Senator Killpack's motion to amend passed on a voice vote.

On motion of Senator Killpack, under suspension of the rules, **H.B. 165**, SALES AND USE TAX EXEMPTIONS RELATING TO AIRCRAFT, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Christensen

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	
Davis	Dayton	Dmitrich	

Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Eastman

H.B. 165, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 66**, PARAEDUCATOR TO TEACHER SCHOLARSHIP PROGRAM, was read the second time.

On motion of Senator Mayne, the bill was circled.

\* \* \*

1st Sub. H.B. 109, SEX OFFENDER LAW AMENDMENTS, was read the second time.

Senator Greiner proposed the following amendment:

1. Page 2, Line 48: After "<u>parole</u>" insert "<u>, such as the following:</u>" and delete the remaining language.

Senator Greiner's motion to amend passed on a voice vote.

###

Senator Dmitrich proposed the following amendment:

- Page 2, Line 28: Delete "<u>\$495,000</u>" and insert "<u>\$200,000</u>"
- Page 4, Line 100a: Delete "<u>\$495,000</u>" and insert "<u>\$200,000</u>"

Senator Dmitrich's motion to amend passed on a voice vote.

On motion of Senator Dmitrich, under suspension of the rules, **1st Sub. H.B. 109**, SEX OFFENDER LAW 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were:SenatorsGoodfellowNiederhauser

1st Sub. H.B. 109, as amended, was returned to the House for further consideration.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2008 The House concurred in the Senate amendments and passed 1st Sub.
H.B. 172, CITY OR TOWN OPTION SALES AND USE TAX, by Representative B. Dee, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 206**, TAX 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. 325**, BULLYING AND HAZING, by Representative C. Moss, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 339**, HUMAN TRAFFICKING AMENDMENTS, by Representative C. Herrod, and it is transmitted for the signature of the President; and H.B. 359, TAX CHANGES, by Representative J. Dougall, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1st Sub. H.B. 172, H.B. 206, 1st Sub. H.B. 325, H.B. 339, and 3rd Sub. H.B. 359 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 5, 2008 The Speaker of the House has signed 3rd Sub. S.B. 20, MUNICIPAL GOVERNMENT AMENDMENTS, by Senator C. Walker, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 62, HEALTH INSURANCE - MEDICAL COMPLICATION EXCLUSIONS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 177, LOCAL GOVERNMENT DISPOSAL OF REAL PROPERTY ACQUIRED BY EXACTION, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 180, REGENTS' SCHOLARSHIP PROGRAM, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 263, SELF AUTHENTICATION OF DOCUMENTS, by Senator S. McCoy, and it is transmitted for the signature of the President: and

The Speaker of the House has signed S.B. 294, COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 3rd Sub. S.B. 20, 1st Sub. S.B. 62, S.B. 177, 1st Sub. S.B. 180, S.B. 263, and **S.B. 294** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

On motion of Senator Bramble, the Senate voted to suspend the rules for the remainder of the day in considering bills on the Second Reading Calendar.

\* \* \*

On motion of Senator Valentine, the Senate voted to lift **S.C.R. 6**, CONCURRENT RESOLUTION ON THE RECONSTRUCTION OF INTERSTATE 15, from Rules and place it on the Second Reading Calendar.

#### SECOND READING CALENDAR

On motion of Senator Valentine, under suspension of the rules, **S.C.R. 6**, CONCURRENT RESOLUTION ON THE RECONSTRUCTION OF INTERSTATE 15, was considered read the second and third times. Senator Valentine explained the bill. Senators Knudson, Jenkins, Hillyard, Bramble, Killpack, Stephenson, and Jones commented. Senator Jones declared a conflict of interest. The bill passed on the following roll call:

#### Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator McCoy

**S.C.R. 6** was transmitted to the House.

\* \* \*

On motion of Senator Knudson, under suspension of the rules, **2nd Sub. H.B. 364**, PROMOTION OF HEALTH CARE COVERAGE, was considered read the second and third times.

Senator Knudson proposed the following amendment:

 Page 2, Line 28: House Floor Amendments 2–26–2008

28  $\blacktriangleright$  as an ongoing appropriation subject to future budget constraints, \$ {-100,000-} <u>60,000</u> from the

2. Page 4, Lines 90 through 93:

90 <u>As an ongoing appropriation subject to future budget</u> constraints, there is appropriated

91 <u>from the General Fund for fiscal year 2008–09,</u> <u>\$ {-100,000</u> } <u>60,000</u> to the Division of Health Care</u>

92 <u>Financing within the Department of Health to promote awareness</u> of and facilitate enrollment

93 in the Utah's Premium Partnership for Health Insurance Program.

Senator Knudson's motion to amend passed on a voice vote. The bill passed on the following roll call:

#### Yeas, 25; Nays, 2; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine		-	

Voting in the negative were:SenatorsDaytonMadsen

Absent or not voting were: Senators Buttars Killpack

2nd Sub. H.B. 364, as amended, was returned to the House for further consideration.

#### CONCURRENCE CALENDAR

On motion of Senator Davis, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 17**, CHILD ABUSE AND NEGLECT REGISTRY – MANAGEMENT AND LICENSING INFORMATION SYSTEMS AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Madsen	Mayne	McCoy	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Knudson Niederhauser

3rd Sub. S.B. 17 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Eastman, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 46**, ANTI–FLOW CONTROL AMENDMENTS. The bill, as amended, passed on the following roll call:

#### Yeas, 25; Nays, 0; Absent, 4.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Eastman	Fife
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not	voting were: Senators		
Dmitrich	Goodfellow	Madsen	Niederhauser

3rd Sub. S.B. 46 was returned to the House for the signature of the Speaker.

\* \* \*

**2nd Sub. S.B. 71**, SCHOOL DISTRICT AMENDMENTS, was before the Senate.

Senator Walker made the motion to refuse to concur in the House amendments to **2nd Sub. S.B. 71**, SCHOOL DISTRICT AMENDMENTS. Senator Waddoups made the motion to concur to the House amendments. Senator Buttars commented.

On motion of Senator Walker, the bill was circled.

\* \* \*

On motion of Senator Bramble, and at 10:10 a.m., the Senate sauntered.

The Senate was called to order at 10:20 a.m., with President Valentine presiding.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2008 The House passed, 1st Sub. S.B. 205, UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 261, POLITICAL SUBDIVISION ANNEXATION AMENDMENTS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1st Sub. S.B. 205 and 1st Sub. S.B. 261 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 5, 2008 The House passed 1st Sub. H.B. 198, STATE AGENCY ENERGY EFFICIENCY, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 385, ROAD AND RIGHTS-OF-WAY AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk Communications filed. 1st Sub. H.B. 198 and 1st Sub. H.B. 385 were read the first time and referred to the Rules Committee.

#### **CONCURRENCE CALENDAR**

On motion of Senator Walker, the circle was removed from 2nd Sub. S.B. 71, SCHOOL DISTRICT AMENDMENTS, and it was before the Senate.

Senator Walker made the motion to refuse to concur in the House amendments to 2nd Sub. S.B. 71, SCHOOL DISTRICT AMENDMENTS. Senator Waddoups made the motion to concur to the House amendments. Senator Waddoups' motion to concur passed.

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 71**, SCHOOL DISTRICT AMENDMENTS. The bill, as amended, passed on the following roll call:

#### Yeas, 24; Nays, 5; Absent, 0.

### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Knudson	Madsen
Mayne	McCoy	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

#### Voting in the negative were: Senators

voling in the negative were. Denators				
Jones	Killpack	Niederhauser	Peterson	
Romero				

2nd Sub. S.B. 71 was returned to the House for the signature of the Speaker.

#### SECOND READING CALENDAR

On motion of Senator Mayne, the circle was removed from **H.B. 66**, PARAEDUCATOR TO TEACHER SCHOLARSHIP PROGRAM, and it was before the Senate.

Senator Mayne proposed the following amendment:

1. Page 1, Lines 16 through 19

17 scholarships of up to  $\{-\$10,000-\}$  <u>\$5,000</u> to paraeducators employed by school districts and

18 charter schools who are pursuing an associate's degree or bachelor's degree to

19 become a licensed teacher;

2. Page 2, Line 30:

- 3. Page 2, Line 52:
  - 52 <u>Teacher Scholarship Program to award scholarships of up to</u> {-<u>\$10,000</u>} } <u>\$5,000</u> to paraeducators
- 4. Page 3, Line 82:
  - 82 (5) The maximum scholarship amount is  $\left\{-\frac{10,000}{5}\right\}$   $\frac{55,000}{5}$ .
- Page 4, Lines 101 through 103 House Committee Amendments 2–8–2008:

101 <u>As an ongoing appropriation subject to future budget</u> constraints, there is appropriated

102 <u>for fiscal year 2008–09</u>, {<u>\$1,000,000</u>} <u>\$25,000</u> from the Uniform School Fund to the State Board of

103 Education for the Paraeducator to Teacher Scholarship Program.

Senator Mayne's motion to amend passed on a voice vote. Senator Dayton commented. Senator Mayne declared a conflict of interest.

On motion of Senator Mayne, under suspension of the rules, **H.B. 66**, PARAEDUCATOR TO TEACHER SCHOLARSHIP PROGRAM, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were:SenatorsEastmanNiederhauser

H.B. 66, as amended, was returned to the House for further consideration.

\* \* \*

**H.B. 490**, LEGISLATIVE TASK FORCES AND STUDY PRIORITIES, was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Dayton, under suspension of the rules, **H.B. 221**, AGRICULTURE AND INDUSTRIAL PROTECTION AREA AMENDMENTS, was considered read the second and third times.

Senator Dayton proposed the following amendment:

 Page 1, Lines 20 through 22: House Committee Amendments 2–14–2008

21 corridor  $\hat{H} \rightarrow \{-\frac{\text{as a final, preferred alternative}}{\text{an agriculture protection area}} \bigstar \hat{H}$  over land in

21a unless there is no other

22 reasonably comparable alternative } and to make reasonable efforts to minimize or eliminate detrimental impacts on agriculture .

 Page 10, Lines 282 through 285 House Committee Amendments 2–14–2008:

283 <u>transportation corridor</u>  $\hat{H} \rightarrow \{-\underline{as a final, preferred} \\ \underline{alternative} \} \leftarrow \hat{H} \{-\underline{on land within an agriculture} \}$ 

283a <u>protection area unless there is no</u> } <u>shall:</u> (a) consider:

(i) whether the transportation corridor would:
(A) be located on land that is included within an agriculture
protection area; or
(B) interfere with agriculture production activities on land within
an agriculture protection area; and
(ii) each other
284       reasonably comparable alternative to the placement of the corridor         on       {-the}       land within       {-the}       an
285 <u>agriculture protection area</u> {: } : and
(b) make reasonable efforts to minimize or eliminate any
detrimental impact on agriculture that may result from the designation of
a transportation corridor.

Senator Dayton's motion to amend passed on a voice vote. Senators Jenkins, Killpack, and Bell commented. Senators Jenkins and Peterson declared conflicts of interest. The bill passed on the following roll call:

#### Yeas, 24; Nays, 0; Absent, 5.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Valentine
Absent or not voti	ng were: Senators		
Buttars	Hillyard	Mayne	Waddoups
Walker			

H.B. 221, as amended, was returned to the House for further consideration.

On motion of Senator Dayton, the Senate voted to include the following intent language in the Senate Journal:

#### **INTENT LANGUAGE ON H.B. 221**

In passing H.B. 221, Agriculture and Industrial Protection Area Amendments, it is the intent of the Legislature that the protection of agricultural lands be a priority throughout the transportation corridor determination process, but without resulting in unnecessary procedural delay in evaluating and determining the designation of a preferred transportation corridor. On motion of Senator Bramble, the Senate voted to move the following bills on the Second Reading Calendar below **H.B. 406**:

#### 1st Sub. H.B. 203, H.B. 222, H.B. 492, 1st Sub. H.B. 472, and H.B. 347

On motion of Senator Bramble, the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar above **1st Sub. H.B. 400:** 

# H.B. 467, H.B. 210, H.B. 370, H.B. 493, H.B. 58, H.B. 366, 1st Sub. H.B. 187, H.B. 486, and H.B. 226.

On motion of Senator Bramble, the Senate voted to lift **H.B. 443** and **H.B. 380** from Rules and place them at the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Bramble, and at 11:00 a.m., the Senate sauntered.

The Senate was called to order at 11:25 a.m., with President Valentine presiding.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2008 The House substituted and passed, **6th Sub. S.B. 38**, TRANSPARENCY IN GOVERNMENT, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

#### SECOND READING CALENDAR

**H.B. 150**, AUTHORIZATION FOR COUNTIES TO PROVIDE SUPPLEMENTAL LAW ENFORCEMENT SERVICES, was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Van Tassell, under suspension of the rules, **H.B. 443**, MEMBERSHIP OF OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE, was considered read the second and third times and passed on the following roll call:

#### Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Hillyard
Jenkins	Jones	Killpack	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Valentine		

Absent or not vo		
Greiner	Knudson	Walker

**H.B. 443** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Killpack, under suspension of the rules, **H.B. 380**, INSURANCE DEPARTMENT – WORKERS' COMPENSATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis		
Dayton	Eastman	Fife	Goodfellow		
Hickman	Hillyard	Jenkins	Jones		
Killpack	Knudson	Madsen	Mayne		
McCoy	Niederhauser	Peterson	Romero		
Stephenson	Stowell	Van Tassell	Waddoups		
Valentine					
Absent or not voting were: Senators					

Buttars Dmitrich Greiner Walker

**H.B. 380** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Killpack, the bill was circled.

\* \* \*

On motion of Senator Eastman, under suspension of the rules, **H.B. 349**, OPEN ENROLLMENT REVISIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Valentine			

Voting in the negative were: Senators Goodfellow Mayne

Absent or not voting were: Senators Hillyard Walker

**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.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 384**, EMPLOYEE OBLIGATIONS RELATED TO WORKERS' COMPENSATION, was considered read the second and third times. Senator Romero commented and the bill passed on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Dayton	
Dmitrich	Eastman	Fife	Goodfellow	

Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Voting in the nega	tive were: Senators		
Davis	Mayne	McCoy	Romero

Absent or not voting was: Senator Christensen

1st Sub. 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.

\* \* \*

On motion of Senator Bramble, and at 11:50 a.m., the Senate recessed.

# **AFTERNOON SESSION**

The Senate reassembled at 2:55 p.m., with President Valentine presiding.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 5, 2008 The House passed, as amended, 1st Sub. S.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

#### **INTRODUCTION OF BILLS**

S.J.R. 11, Master Study Resolution (C. Bramble), read the first time by short title and referred to the Rules Committee.

#### SECOND READING CALENDAR

H.B. 216, ANNEXATION REVISIONS, was read the second time.

On motion of Senator Eastman, the bill was circled.

#### \* \* \*

**2nd Sub. H.B. 426**, GOVERNMENT PROCUREMENT – PRIVATE PROPOSALS, was read the second time.

On motion of Senator Killpack, the bill was circled.

\* \* \*

On motion of Senator Bell, under suspension of the rules, **H.B. 140**, CHILD RESTRAINT DEVICE AMENDMENTS, was considered read the second and third times. Senators Jenkins, Jones, Christensen, Romero, Knudson, and Mayne commented and the bill passed on the following roll call:

Yeas, 17; Nays, 11; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dmitrich
Goodfellow	Greiner	Hickman	Hillyard
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Romero	Van Tassell
Valentine			

#### Voting in the negative were: Senators

Bramble	Buttars	Dayton	Eastman
Fife	Jenkins	Madsen	Peterson
Stephenson	Stowell	Waddoups	

Absent or not voting was: Senator Walker

**H.B. 140** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, the Senate voted to lift the following bills from Rules and place them at the top of the Second Reading Calendar:

#### 1st Sub. H.B. 198, H.B. 2, H.B. 4, and H.B. 5

\* \* \*

On motion of Senator Hickman, the circle was removed from **H.B. 216**, ANNEXATION REVISIONS, and it was before the Senate.

On motion of Senator Hickman, under suspension of the rules, **H.B. 216**, ANNEXATION REVISIONS, was considered read the second and third times and passed on the following roll call:

#### Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators						
Bell	Bramble	Buttars	Christensen			
Davis	Dayton	Dmitrich	Eastman			
Fife	Goodfellow	Greiner	Hickman			
Hillyard	Jenkins	Jones	Killpack			
Knudson	Madsen	Mayne	Niederhauser			
Peterson	Romero	Stowell	Van Tassell			
Waddoups						
Absent or not voting were: Senators						
McCoy	Stephenson	Walker	Valentine			

**H.B. 216** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Jenkins, under suspension of the rules, **1st Sub. H.B. 198**, STATE AGENCY ENERGY EFFICIENCY, 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
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Bell	Bramble	Buttars	Christensen		
Davis	Dayton	Dmitrich	Fife		
Goodfellow	Greiner	Hillyard	Jenkins		
Jones	Killpack	Knudson	Madsen		
Mayne	McCoy	Niederhauser	Peterson		
Romero	Stephenson	Stowell	Van Tassell		
Waddoups					
Absent or not voting were: Senators					
Eastman	Hickman	Walker	Valentine		

1st Sub. H.B. 198 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, **H.B. 2**, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, was considered read the second and third times.

Senator Waddoups proposed the following amendment:

- Page 4, Line 138: Delete "<u>\$5,000,000</u>" and insert "<u>\$3,500,000</u>"
- Page , Line 140: Delete "<u>\$5,000,000</u>" and insert "<u>\$3,500,000</u>"
- Page 4, Line 142: Delete "<u>\$2,000,000</u>" and insert "<u>\$3,500,000</u>"
- Page 4, Line 144: Delete "<u>\$2,000,000</u>" and insert "<u>\$3,500,000</u>"

Senator Waddoups' motion to amend passed on a voice vote. Senators Stowell and Romero commented and the bill passed on the following roll call:

#### Yeas, 26; Nays, 1; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Waddoups
Walker	Valentine		

**Voting in the negative was:** Senator McCoy

Absent or not voting were:SenatorsMadsenVan Tassell

H.B. 2, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Hillyard, under suspension of the rules, **H.B. 4**, STATE AGENCY AND HIGHER EDUCATION COMPENSATION AMENDMENTS,

was considered read the second and third times. Senator Mayne commented and the bill passed on the following roll call:

### Yeas, 26; Nays, 2; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Waddoups
Walker	Valentine		

Voting in the negative were:SenatorsButtarsStephenson

Absent or not voting was: Senator

Van Tassell

**H.B. 4** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Jenkins, under suspension of the rules, **H.B. 5**, REVENUE BOND, CAPITAL FACILITY, AND PROPERTY ACQUISITION AUTHORIZATIONS, was considered read the second and third times.

Senator Jenkins proposed the following amendment:

1. Page 5, Line 136:

136 (3) The Legislature intends that:

(a) the University of Utah may, subject to the requirements of Section 63A-5-206, use

donations to plan, design, and construct a School of Business Replacement/Expansion:

(b) no state funds be used for any portion of this project; and

(c) the university may request state funds for operation and maintenance costs and capital improvements to the extent that the university is able to demonstrate to the Board of Regents that the facility meets approved academic and training purposes under Board of Regents

	<u>.710.</u> ne Legislature , Line 144:	intend	ls that:
144	{- <u>(4)</u> }	<u>(5)</u>	The Legislature intends that:
3. Page 6	, Line 152:		
152	{- <u>(5)</u> }	<u>(6)</u>	The Legislature intends that:
4. Page 6	, Line 159:		
159	{- <u>(6)</u> }	<u>(7)</u>	The Legislature intends that:
5. Page 6	, Line 166:		
166	{- <u>(7)</u> }	<u>(8)</u>	The Legislature intends that:
6. Page 6	, Line 174:		
174	{- <u>(8)</u> }	<u>(9)</u>	The Legislature intends that:

Senator Jenkins' motion to amend passed on a voice vote. Senator Hillyard and Romero and passed on the following roll call:

### Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators							
Bell	Bramble	Davis	Dayton				
Dmitrich	Eastman	Fife	Goodfellow				
Greiner	Hickman	Hillyard	Jenkins				
Jones	Killpack	Knudson	Mayne				
Niederhauser	Peterson	Romero	Stephenson				
Stowell	Van Tassell	Walker	Valentine				
Voting in the negative was: Senator Waddoups							

Absent or not voting were: Senators					
Buttars	Christensen	Madsen	McCoy		

H.B. 5, as amended, was returned to the House for further consideration.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President	•				March 5, 2008
The Spea	ker of the House	has	signed 3rd Sub. S.B. 1	<b>7</b> , CHILI	O ABUSE AND
NEGLECT	REGISTRY	_	MANAGEMENT	AND	LICENSING

INFORMATION SYSTEMS AMENDMENTS, by Senator G. Davis, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **3rd Sub. S.B. 46**, ANTI–FLOW CONTROL AMENDMENTS, by Senator D. Eastman, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk **3rd Sub. S.B. 17** and **3rd Sub. S.B. 46** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

The House adopted the Joint Conference Committee Report dated March 5, 2008, and passed **2nd Sub. S.B. 151**, TRADEMARK PROTECTION ACT AMENDMENTS, by Senator D. Eastman, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk The Joint Conference Committee comprised of Sens. Dan Eastman, Greg Bell, and Scott McCoy, and Reps. John Dougall, Gordon Snow, and David Litvack, recommends **2nd Sub. S.B. 151**, TRADEMARK PROTECTION ACT AMENDMENTS, by Senator D. Eastman, be replaced and favorably recommends **3rd Sub. S.B. 151**, TRADEMARK PROTECTION ACT AMENDMENTS.

> Sen. Dan Eastman and Rep. John Dougall, Chairs

On motion of Senator Eastman, the Senate voted to adopt the Joint Conference Committee Report to **3rd Sub. S.B. 151**, TRADEMARK PROTECTION ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

#### Yeas, 24; Nays, 0; Absent, 5.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Greiner	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Walker	Valentine

March 5, 2008

Absent or not voting were: Senators					
Buttars	Goodfellow	Hickman	Killpack		
Waddoups					

3rd Sub. S.B. 151 was returned to the House for the signature of the Speaker.

#### SECOND READING CALENDAR

On motion of Senator Jenkins, under suspension of the rules, **H.B. 406**, TRAFFIC CODE AMENDMENTS, was considered read the second and third times. Senators Greiner, Hickman, McCoy, Jones, and Stowell commented and the bill passed on the following roll call:

#### Yeas, 19; Nays, 9; Absent, 1.

#### Voting in the affirmative were: Senators Bell Bramble Christensen Dayton Dmitrich Eastman Fife Hickman Jenkins Killpack Knudson Madsen Niederhauser Peterson Stephenson Van Tassell Walker Valentine Waddoups Voting in the negative were: Senators Davis Goodfellow Greiner Hillyard Jones Mayne McCoy Romero Stowell

Absent or not voting was: Senator

Buttars

**H.B. 406** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Killpack, the circle was removed from **H.B. 445**, NURSING HOME AMENDMENTS, and it was before the Senate. Senator Christensen commented.

On motion of Senator Killpack, under suspension of the rules, **H.B. 445**, NURSING HOME 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

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Buttars Jenkins

**H.B. 445** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2008 The House passed, **1st Sub. S.B. 299**, REVISION TO LOCAL GOVERNMENT, by Senator G. Bell, et al, which has been signed by the Speaker and it is transmitted for the signature of the President

Sandy D. Tenney, Chief Clerk 1st Sub. S.B. 299 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 5, 2008

The House concurred in the Senate amendments and passed **H.B. 66**, PARAEDUCATOR TO TEACHER SCHOLARSHIP PROGRAM, 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. 165**, SALES AND USE TAX EXEMPTIONS RELATING TO AIRCRAFT, by Representative B. Dee, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk **H.B. 66** and **H.B. 165** 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 5, 2008 The House refused to concur with the Senate Amendments to 1st Sub.
H.B. 109, SEX OFFENDER LAW AMENDMENTS, by Representative G. Hughes, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk Senator Dmitrich made the motion to recede to the Senate Amendments to **1st Sub. H.B. 109**, SEX OFFENDER LAW AMENDMENTS. Senator Greiner commented. The motion passed and the bill failed on the following roll call:

Yeas, 13; Nays, 16; Absent, 0.

Voting in the affirmative were: SenatorsBrambleDavisDmitrichFifeGoodfellowJonesKillpackMadsenMayneRomeroStephensonVan TassellWalkerVan TassellVan Tassell

#### Voting in the negative were: Senators

Bell	Buttars	Christensen	Dayton
Eastman	Greiner	Hickman	Hillyard
Jenkins	Knudson	McCoy	Niederhauser
Peterson	Stowell	Waddoups	Valentine

1st Sub. H.B. 109 was filed.

\* \* \*

On motion of Senator Bramble, and at 4:20 p.m., the Senate sauntered.

The Senate was called to order at 5:00 p.m., with President Valentine presiding.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2008 The House concurred in the Senate amendments and passed **H.B. 15**, CONTROL AND PREVENTION OF SEXUALLY TRANSMITTED DISEASES, by Representative P. Riesen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 106, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES, by Representative R. McGee, 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. 364**, PROMOTION OF HEALTH CARE COVERAGE, by Representative K. Holdaway, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk H.B. 15, 1st Sub. H.B. 106, and 2nd Sub. H.B. 364, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

The House passed, as amended, **1st Sub. S.B. 89**, MITIGATION OF INVASIVE SPECIES, by Senator D. Stowell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

March 5, 2008

The bill was placed on the Concurrence Calendar.

#### SECOND READING CALENDAR

**1st Sub. H.B. 203**, JUDICIAL REVIEW OF STATE ENGINEER'S DECISION, was read the second time. Senator Van Tassell explained the bill. Senator Hillyard commented.

On motion of Senator Van Tassell, the bill was circled.

\* \* \*

On motion of Senator Eastman, the Senate voted to recall **1st Sub. H.B. 109**, SEX OFFENDER LAW AMENDMENTS, from the House for reconsideration.

#### **CONCURRENCE CALENDAR**

6th Sub. S.B. 38, TRANSPARENCY IN GOVERNMENT, was before the Senate.

On motion of Senator Stephenson, the bill was circled.

\* \* \*

On motion of Senator Stephenson, the Senate voted to refuse to concur in the House amendments to **1st Sub. S.B. 2** and asks the House to recede from their amendments.

\* \* \*

On motion of Senator Stowell, the Senate voted to concur in the House amendments to **1st Sub. S.B. 89**, MITIGATION OF INVASIVE SPECIES. The bill, as amended, passed on the following roll call:

#### Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators			
Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			
Absent or not voting were: Senators			
Buttars	Dayton	Killpack	Niederhauser

1st Sub. S.B. 89 was returned to the House for the signature of the Speaker.

#### SECOND READING CALENDAR

On motion of Senator Stowell, under suspension of the rules, **H.B. 222**, WATER QUALITY BOARD AMENDMENTS, was considered read the second and third times. Senator Jenkins commented and the bill passed on the following roll call:

#### Yeas, 23; Nays, 4; Absent, 2.

Hickman

#### Voting in the affirmative were: Senators Bramble Buttars Christensen Davis Dmitrich Eastman Fife Goodfellow Greiner Jones Killpack Madsen Mavne McCov Niederhauser Peterson Romero Stephenson Stowell Van Tassell Walker Valentine Waddoups Voting in the negative were: Senators Bell Dayton Jenkins Knudson Absent or not voting were: Senators

Hillyard

**H.B. 222** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Dmitrich, the Senate voted to reconsider its action on **1st Sub. H.B. 109**, SEX OFFENDER LAW AMENDMENTS.

**1st Sub. H.B. 109,** SEX OFFENDER LAW AMENDMENTS, was before the Senate, explained by Senator Dmitrich, and passed on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators			
Bramble	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Walker
Valentine			
Voting in the nega	tive were: Senators		
Bell	Christensen	Hillyard	Jenkins
McCoy	Peterson	Waddoups	

Absent or not voting was: Senator Hickman

1st Sub. H.B. 109 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Greiner the Senate voted to include the following intent language to in the Senate Journal:

#### INTENT LANGUAGE FOR 1ST SUB. H.B. 109

I move that a report be made to the Interim Criminal Justice Subcommittee regarding the contracting process described in this bill.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2008 The House passed, **1st Sub. S.B. 47**, LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES 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. 108**, OFFSET OF WORKERS' COMPENSATION AND SOCIAL SECURITY, by Senator J. Hickman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 176**, UNEMPLOYMENT INSURANCE CONTRIBUTION RATES 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. 221**, CAPITAL DEVELOPMENT AND IMPROVEMENT 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. 228**, REGULATION OF WELLS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1st Sub. S.B. 47, S.B. 108, S.B. 176, S.B. 221, and S.B. 228 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

#### CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the circle was removed from **6th Sub. S.B. 38**, TRANSPARENCY IN GOVERNMENT, and it was before the Senate.

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **6th Sub. S.B. 38**, TRANSPARENCY IN GOVERNMENT. Senator Hickman commented.

On motion of Senator Niederhauser, under suspension of the rules, **6th Sub. S.B. 38**, TRANSPARENCY IN GOVERNMENT, was considered read the first, second and third times. The bill passed on the following roll call:

Yeas, 23; Nays, 4; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones

Killpack Peterson Van Tassell	Mayne Romero Waddoups	McCoy Stephenson Walker	Niederhauser Stowell
Voting in the negative were:SenatorsDavisDmitrichHillyardKnudson			
		Timyard	Kiluusoii

Absent or not voting were: Senators Madsen Valentine

6th Sub. S.B. 38 was returned to the House for the signature of the Speaker.

#### SECOND READING CALENDAR

On motion of Senator Van Tassell, the circle was removed from **1st Sub. H.B. 203**, JUDICIAL REVIEW OF STATE ENGINEER'S DECISION, and it was before the Senate.

Senator Van Tassell proposed the following amendment:

1. Page 2, Line 37 and 38: Delete lines 37 and 38

Senator Van Tassell's motion to amend passed on a voice vote.

On motion of Senator Van Tassell, under suspension of the rules, **1st Sub. H.B. 203**, JUDICIAL REVIEW OF STATE ENGINEER'S DECISION, 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

8			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	

Absent or not voting were: Senators Madsen Valentine

1st Sub. H.B. 203, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Peterson, under suspension of the rules, **H.B. 492**, SEX OFFENDER NOTIFICATION AND REGISTRATION, was considered read the second and third times and passed on the following roll call:

#### Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting was: Senator

Valentine

**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.

\* \* \*

On motion of Senator Bramble, the Senate voted to lift **S.J.R. 11**, MASTER STUDY RESOLUTION, from Rules and place it at the top of the Second Reading Calendar.

\* \* \*

S.J.R. 11, MASTER STUDY RESOLUTION, was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Eastman, under suspension of the rules, **1st Sub. H.B. 472**, CHARTER SCHOOL BUILDING AND ENROLLMENT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

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#### Voting in the affirmative were: Senators

Absent or not voting was: Senator

Valentine

Senator Killpack declared a conflict of interest.

1st Sub. H.B. 472 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Eastman, under suspension of the rules, **H.B. 347**, MOTOR VEHICLE BUSINESS REGULATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

#### Yeas, 29; Nays, 0; Absent, 0.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

**H.B. 347** 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 Christensen, Michael Castner, Senate Communication Specialist spoke in Committee of the Whole. Senator Walker commented.

On motion of Senator Bramble, the Committee of the Whole was dissolved.

#### SECOND READING CALENDAR

1st Sub. H.B. 464, ACCESS TO LANDLOCKED PARCELS, was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Knudson, under suspension of the rules, **H.B. 303**, PHOSPHORUS LIMIT IN DISHWASHING DETERGENT, was considered read the second and third times. Senators Dayton, Jenkins, Hickman, McCoy, Romero, and Jones commented and passed on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

#### Voting in the affirmative were: Senators Bell Christensen Davis Dmitrich Eastman Fife Goodfellow Greiner Knudson Hillyard Mayne Jones McCoy Niederhauser Romero Stowell Van Tassell Waddoups Walker Voting in the negative were: Senators Dayton Hickman Jenkins Madsen Peterson Valentine Stephenson Absent or not voting were: Senators Bramble Buttars Killpack

**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.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 5, 2008

The House refuses to recede from its amendments to **1st Sub. S.B. 2**, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Senator H. Stephenson, and has appointed a Conference Committee consisting of Representatives B. Last, R. Bigelow, and D. Litvack 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 **1st Sub. S.B. 2**. President Valentine appointed a conference

committee consisting of Senators Stephenson, Jenkins, and Mayne to meet with a like committee from the House.

\* \* \*

Mr. President: March 5, 2008 The House refused to concur with the Senate Amendments to **H.B. 2**, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by Representative R. Bigelow, and requests the Senate recede from its amendments.

On motion of Senator Hillyard, the Senate refused to recede from their amendments to **H.B. 2.** A conference committee composed of Senators Hillyard, Waddoups, and McCoy.

#### SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **H.B. 467**, MOTOR VEHICLE INSURANCE ARBITRATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

#### Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Madsen

**H.B. 467** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from **2nd Sub. H.B. 426**, GOVERNMENT PROCUREMENT – PRIVATE PROPOSALS, and it was before the Senate.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

#### 4th Sub. H.B. 426 Government Procurement – Private Proposals (K. Garn)

On motion of Senator Niederhauser, the bill was circled.

\* \* \*

On motion of Senator Bramble, and at 6:30 p.m., the Senate recessed.

## **EVENING SESSION**

The Senate reassembled at 8:20 p.m., with President Valentine presiding.

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President:

The Speaker of the House has appointed a Conference Committee consisting of Representatives R. Bigelow, G. Hughes, and P. Riesen to meet with a like committee from the Senate to consider or amend H.B. 2, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by Representative R. Bigelow.

Sandy D. Tenney, Chief Clerk

\* \* \*

Mr. President:

March 5, 2008

March 5, 2008

The House adopted the Joint Conference Committee Report dated March 5, 2008, and passed 1st Sub. S.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President:

March 5, 2008

The Joint Conference Committee comprised of Sens. Howard Stephenson, Scott Jenkins, and Karen Mayne, and Reps. Bradley Last, Ron Bigelow, and David Litvak, recommends 1st Sub. S.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Senator H. Stephenson, be replaced and favorably recommends 2nd Sub. S.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS.

> Sen. Howard Stephenson and Rep. Bradley Last, Chairs

On motion of Senator Stephenson, the Senate voted to adopt the Joint Conference Committee report to 2nd Sub. S.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS. Senator Killpack declared a conflict of interest. The bill, as amended, passed on the following roll call:

#### Yeas, 22; Nays, 3; Absent, 4.

Voting in the affirmative were: Senators				
Bell	Buttars	Christensen	Davis	
Dayton	Eastman	Fife	Greiner	
Hickman	Jenkins	Jones	Killpack	
Knudson	Madsen	Mayne	Niederhauser	
Peterson	Stephenson	Stowell	Van Tassell	
Walker	Valentine			
Voting in the nega	Voting in the negative were: Senators			
Dmitrich	Goodfellow	Romero		
Absent or not voting were: Senators			Waddoura	
Bramble	Hillyard	McCoy	Waddoups	

**2nd Sub. S.B. 2** was returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

March 5, 2008

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 22, EXPEDITED PARENT-TIME ENFORCEMENT, by Representative Julie Fisher, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 203, JUDICIAL REVIEW OF STATE ENGINEER'S DECISION, by Representative P. Painter, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 221**, AGRICULTURE AND INDUSTRIAL PROTECTION AREA AMENDMENTS. by Representative J. Mathis, and it is transmitted for the signature of the President.

2nd Sub. H.B. 22, 1st Sub. H.B. 203, and H.B. 221, 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 5, 2008 The Speaker of the House has signed 6th Sub. S.B. 38, TRANSPARENCY IN GOVERNMENT, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 71**, SCHOOL DISTRICT AMENDMENTS, by Senator C. Walker, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 89**, MITIGATION OF INVASIVE SPECIES, by Senator D. Stowell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **3rd Sub. S.B. 151**, TRADEMARK PROTECTION ACT AMENDMENTS, by Senator D. Eastman, and it is transmitted for the signature of the President; and

Sandy D. Tenney, Chief Clerk 6th Sub. S.B. 38, 2nd Sub. S.B. 71, 1st Sub. S.B. 89, and 3rd Sub. S.B. 151 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, the circle was removed from **4th Sub. H.B. 426**, GOVERNMENT PROCUREMENT – PRIVATE PROPOSALS, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

1. Page 23, Line 698:

698 (b) A detailed proposal that is to be {-<u>review</u>} <u>reviewed</u> by the committee shall be submitted to the

2. Page 26, Lines 786 through 792:

 786
 63M-1-2412.
 Private
 Proposal
 Restricted

 {-Account-}
 Special Revenue Fund
 -- Fees.

787 (1) There is created a restricted special revenue fund within the office called the Private

788 Proposal Restricted Special Revenue Fund.

789 (2) Monies collected from the payment of a fee required by this part shall be deposited

790 in the Private Proposal Restricted Special Revenue Fund.

791(3){-Subject to appropriation by the Legislature,the}Theboard or the committee may use the

792 monies	in	the	Private	Proposal	Restricted
{- <u>Account</u> }	S	pecial Re	venue Fund	to offset:	

Senator Niederhauser's motion to amend passed on a voice vote. Senator Niederhauser explained the bill. Senators Christensen, Stephenson, Bramble, Romero, and Killpack commented. Senator Christensen made the motion to send the bill to interim study. The motion failed on a voice vote.

On motion of Senator Niederhauser, under suspension of the rules, **4th Sub. H.B. 426**, GOVERNMENT PROCUREMENT – PRIVATE PROPOSALS, was considered read the second and third times and passed on the following roll call:

Yeas, 19; Nays, 10; Absent, 0.

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Dayton	
Eastman	Greiner	Hickman	Hillyard	
Jenkins	Killpack	Madsen	Niederhauser	
Peterson	Stephenson	Stowell	Van Tassell	
Waddoups	Walker	Valentine		
Voting in the negative were: Senators				
Christensen	Davis	Dmitrich	Fife	
Goodfellow	Jones	Knudson	Mayne	
McCoy	Romero			

4th Sub. H.B. 426, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 490**, LEGISLATIVE TASK FORCES AND STUDY PRIORITIES, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

#### 1st Sub. H.B. 490 Legislative Task forces and Study Priorities (D. Clark)

Senator Bramble explained the bill. Senator McCoy commented.

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 490**, LEGISLATIVE TASK FORCES AND STUDY PRIORITIES, was considered read the second and third times and passed on the following roll call:

#### Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Madsen Niederhauser

1st Sub. 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.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2008 The House passed, as amended, **S.B. 149**, MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS, by Senator S. Killpack, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

On motion of Senator Killpack, the Senate voted to concur in the House amendments to **S.B. 149**, MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

#### Voting in the affirmative were: Senators

Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman
Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack
Mayne	McCoy	Niederhauser
Stephenson	Stowell	Van Tassell
Valentine		
	Dayton Goodfellow Jenkins Mayne Stephenson	DaytonDmitrichGoodfellowGreinerJenkinsJonesMayneMcCoyStephensonStowell

**Voting in the negative was:** Senator Romero

Absent or not voting were: Senators

Madsen Waddoups

S.B. 149 was returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the Senate voted to lift **1st Sub. H.B. 348** from Rules and place it on the Second Reading Calendar.

\* \* \*

On motion of Senator Jenkins, the Senate voted to recall **H.B. 5**, REVENUE BOND, CAPITAL FACILITY, AND PROPERTY ACQUISITION AUTHORIZATIONS, from the House for the purpose of reconsidering their action.

\* \* \*

On motion of Senator Bramble, the Senate voted to lift **H.B. 282** to the top of the Second Reading Calendar.

\* \* \*

On motion of Senator Niederhauser, the circle was removed from 1st Sub. H.B. 464, ACCESS TO LANDLOCKED PARCELS, and it was before the Senate.

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub. H.B. 464**, ACCESS TO LANDLOCKED PARCELS, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Buttars Madsen 1st Sub. H.B. 464 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.J.R. 11**, MASTER STUDY RESOLUTION, and it was before the Senate.

On motion of Senator Bramble, under suspension of the rules, **S.J.R. 11**, MASTER STUDY 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

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were:SenatorsButtarsMadsen

S.J.R. 11 was transmitted to the House.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2008 The House substituted and passed, **5th Sub. S.B. 245**, FUNDING RELATING TO AIRPORTS, HIGHWAYS, AND PUBLIC TRANSIT, by Senator C. Bramble, and it is transmitted for further consideration

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **5th Sub. S.B. 245**, FUNDING RELATING TO AIRPORTS, HIGHWAYS, AND PUBLIC TRANSIT. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1. Voting in the affirmative were: Senators					
Bell	Bramble	Buttars	Christensen		
Davis	Dayton	Dmitrich	Eastman		
Fife	Goodfellow	Greiner	Hickman		
Hillyard	Jenkins	Jones	Killpack		
Knudson	Mayne	McCoy	Niederhauser		
Peterson	Romero	Stowell	Van Tassell		
Waddoups	Walker	Valentine			

**Voting in the negative was:** Senator Stephenson

Absent or not voting was: Senator Madsen

5th Sub. S.B. 245 was returned to the House for the signature of the Speaker.

\* \* \*

Mr. President: March 5, 2008 The House substituted and passed, **1st Sub. S.B. 281**, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar and circled.

#### SECOND READING CALENDAR

On motion of Senator Killpack, the circle was removed from **1st Sub. H.B. 223**, EXEMPTION FROM LICENSURE BY DIVISION OF REAL ESTATE, and it was before the Senate. Senator Killpack explained the bill.

On motion of Senator Killpack, under suspension of the rules, **1st Sub. H.B. 223**, EXEMPTION FROM LICENSURE BY DIVISION OF REAL ESTATE, was considered read the second and third times and passed on the following roll call:

Yeas, 17; Nays, 12; Absent, 0.

Voting in the affirmative were: Senators				
Bell	Bramble	Davis	Dmitrich	
Eastman	Goodfellow	Hickman	Jones	

Killpack Niederhauser Walker	Knudson Romero	Mayne Stowell	McCoy Van Tassell	
Voting in the negative were: Senators				
Buttars	Christensen	Dayton	Fife	
Greiner	Hillyard	Jenkins	Madsen	
Peterson	Stephenson	Waddoups	Valentine	

1st Sub. H.B. 223 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Greiner, the circle was removed from **H.B. 150**, AUTHORIZATION FOR COUNTIES TO PROVIDE SUPPLEMENTAL LAW ENFORCEMENT SERVICES, and it was before the Senate. Senator Greiner explained the bill.

Senator Dayton proposed the following amendment:

1. Page 2, Lines 50 through 51:

50 (ii) employed by the county sheriff on an average of at least 40 hours per week; {-and }

51 (b) set forth peace officer rates of pay {-\_\_\_} ; and (c) require the individual, entity, or agency receiving supplemental law enforcement service under the contract to provide adequate liability insurance for the county and for the officer providing supplemental law enforcement service under the contract.

Senator Dayton's motion to amend failed on a voice vote. Senators Jenkins, McCoy, Hickman, Eastman, and Stowell commented.

On motion of Senator Stowell, the bill was circled.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 5, 2008

The Joint Conference Committee comprised of Sens. Hillyard, Waddoups, and McCoy, and Reps. Bigelow, Hughes, and Riesen, recommends **H.B. 2**, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by Representative R. Bigelow, with the following amendments:

1045

- Page 4, Line 138, Goldenrod 03–05–2008: Delete "3,500,000" insert "2,000,000"
- 2. Page 4, Line 140, Goldenrod 03–05–2008: Delete "3,500,000" insert "<u>2,000,000</u>" and after Line 140, insert: <u>"The Legislature intends that the Department of Corrections spend up</u> to 3,000,000 in nonlapsing balances for jail contracting in addition to the 2,000,000 appropriated in this item."
- Page 4, Line 142, Goldenrod 03–05–2008: Delete "3,500,000" insert "2,000,000"
- 4. Page 4, Line 144, Goldenrod 03–05–2008: Delete "3,500,000" insert "2,000,000"; and

Sen. Lyle Hillyard and Rep. Ron Bigelow, Chairs

On motion of Senator Waddoups, the Senate voted to adopt the conference committee report to **H.B. 2**, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Greiner Madsen

H.B. 2, as amended, was returned to the House for further consideration.

\* \* \*

Mr. President:

March 5, 2008 The House passed, as amended, S.B. 198, CHILD SUPPORT TECHNICAL AMENDMENTS, by Senator G. Bell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

On motion of Senator Bell, the Senate voted to concur in the House amendments to S.B. 198. CHILD SUPPORT TECHNICAL AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Davis Greiner

**S.B. 198** was returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

March 5, 2008

The House substituted and passed, 2nd Sub. S.B. 278, TECHNICAL AMENDMENTS TO TITLES 78A AND 78B, by Senator G. Bell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

On motion of Senator Bell, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 278, TECHNICAL AMENDMENTS TO TITLES 78A AND 78B. The bill, as amended, passed on the following roll call:

#### Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Greiner

2nd Sub. S.B. 278 was returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

March 5, 2008 The House substituted and passed, 2nd Sub. S.B. 298, STATE LAND ACQUISITION, by Senator J. Hickman, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

On motion of Senator Hickman, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 298, STATE LAND ACQUISITION. Senator Hickman commented. The bill, as amended, passed on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

#### Voting in the affirmative were: Senators

8					
Bell	Bramble	Buttars	Davis		
Dayton	Dmitrich	Eastman	Goodfellow		
Greiner	Hickman	Jones	Killpack		
Knudson	Madsen	Mayne	Niederhauser		
Peterson	Stowell	Walker	Valentine		
Voting in the negative were: Senators					
Fife	Hillyard	Jenkins	McCoy		
Romero	Stephenson	Van Tassell	Waddoups		

Absent or not voting was: Senator Christensen

2nd Sub. S.B. 298 was returned to the House for the signature of the Speaker.

#### SECOND READING CALENDAR

**H.B. 282**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, was read the second time.

On motion of Senator Greiner, the bill was circled.

\* \* \*

On motion of Senator Bramble, the Senate voted to lift **H.B. 369** and **H.B. 208** from Rules and place them on the Second Reading Calendar below **H.B. 466**.

#### CONCURRENCE CALENDAR

On motion of Senator Stephenson, the circle was removed from **1st Sub. S.B. 281**, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, and it was before the Senate.

On motion of Senator Stephenson, the Senate refused to concur in the House amendments. **1st Sub. S.B. 281** was returned to the House.

#### COMMUNICATIONS FROM THE HOUSE

The House transmits **H.B. 5**, REVENUE BOND, CAPITAL FACILITY, AND PROPERTY ACQUISITION AUTHORIZATIONS, by Representative K. Garn, for further consideration.

Sandy D. Tenney, Chief Clerk

On motion of Senator Jenkins, the Senate voted to reconsider its action on **H.B. 5**.

Senator Jenkins made the motion to remove the Senate Floor Amendments. Senator Romero commented. The motion passed on a voice vote. The bill passed on the following roll call vote:

Yeas, 23; Nays, 5; Absent, 1.

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Dayton	Dmitrich	Eastman	

Fife	Greiner	Hickman	Hillyard	
Jenkins	Killpack	Knudson	Niederhauser	
Peterson	Romero	Stephenson	Stowell	
Van Tassell	Walker	Valentine		
Voting in the negative were: Senators				
Goodfellow	Jones	Mayne	McCoy	
Waddoups				

#### Absent or not voting was: Senator

Madsen

**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.

#### SECOND READING CALENDAR

On motion of Senator Walker, under suspension of the rules, **H.B. 210**, IDENTITY THEFT AND OTHER CRIMES, was considered read the second and third times. Senator Greiner commented and the bill passed on the following roll call:

#### Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

0			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Madsen

**H.B. 210** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Knudson, under suspension of the rules, **1st Sub. H.B. 370**, CHILDREN'S HEALTH INSURANCE PROGRAM AMENDMENTS, was considered read the second and third times and passed on the following roll call: Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators				
Bell	Bramble	Buttars	Christensen	
Davis	Eastman	Fife	Greiner	
Hickman	Jenkins	Jones	Killpack	
Knudson	Mayne	McCoy	Niederhauser	
Peterson	Romero	Stowell	Van Tassell	
Waddoups	Walker	Valentine		
Voting in the nega	tive were: Senators			
Dayton	Stephenson			
Absent or not voting were: Senators				
Dmitrich	Goodfellow	Hillyard	Madsen	

1st Sub. H.B. 370 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, STALKING AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

1st Sub. H.B. 58, SEVERANCE TAX AMENDMENTS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 493**, STALKING AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

On motion of Senator Bramble, under suspension of the rules, **H.B. 493**, STALKING AMENDMENTS, 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
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Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Hillyard	Jenkins	Jones		
Killpack	Knudson	Madsen	Mayne		
McCoy	Niederhauser	Romero	Stephenson		
Stowell	Van Tassell	Waddoups	Walker		
Voting in the negative were: Senators					
Hickman	Peterson	Valentine			

Absent or not voting were: Senators Buttars Greiner

H.B. 493 was returned to the House for further consideration.

\* \* \*

On motion of Senator Killpack, under suspension of the rules, **1st Sub. H.B. 366**, MEDICAID LONG TERM CARE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Buttars Greiner Hickman

**1st Sub. H.B. 366** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the Senate voted to move **H.B. 305** on the Second Reading Calendar and place it below **1st Sub. H.B. 208.** 

#### COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 5, 2008

The Speaker of the House has signed **1st Sub. S.B. 81**, ILLEGAL IMMIGRATION, by Senator J. Hickman, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 157**, RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY, 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. 238**, AQUATIC INVASIVE SPECIES INTERDICTION ACT, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 242**, LAW ENFORCEMENT TRACKING OF DOMESTIC VIOLENCE STATISTICS, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 6**, CONCURRENT RESOLUTION ON THE RECONSTRUCTION OF INTERSTATE 15, 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 1st Sub. S.B. 81, 1st Sub. S.B. 157, 1st Sub. S.B. 238, S.B. 242, and S.C.R. 6 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

On motion of Senator Bramble, and at 10:15 p.m., the Senate sauntered.

The Senate was called to order at 10:25 p.m., with President Valentine presiding.

#### SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **H.B. 356**, TAXATION OF MOIST SNUFF, was considered read the second and third times. Senator Waddoups commented and the bill passed on the following roll call:

#### Yeas, 15; Nays, 12; Absent, 2.

#### Voting in the affirmative were: Senators

Bramble	Dayton	Eastman	Fife			
Killpack	Knudson	Madsen	Mayne			
Niederhauser	Peterson	Peterson Stephenson				
Van Tassell	Walker	Valentine				
Voting in the negative were: Senators						
voung in the neg	gauve were: Senat	018				
Bell	Buttars	Christensen	Davis			
0 0	2		Davis Jenkins			
Bell	Buttars	Christensen				

#### Absent or not voting were: Senators

Goodfellow Hillyard

**H.B. 356** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Eastman, under suspension of the rules, **H.B. 466**, TITLE INSURANCE RECOVERY, EDUCATION, AND RESEARCH FUND ACT, was considered read the second and third times and passed on the following roll call:

#### Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

#### Absent or not voting were: Senators Goodfellow Hickman Madsen

**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 Niederhauser, the circle was removed from **1st Sub. H.B. 58**, SEVERANCE TAX AMENDMENTS, and it was before the Senate.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

#### 3rd Sub. H.B. 58 Severance Tax Amendments (J. Dougall)

On motion of Senator Niederhauser, under suspension of the rules, **3rd Sub. H.B. 58**, SEVERANCE TAX AMENDMENTS, was considered read the second and third times. Senators Van Tassell, Jenkins, Valentine, and Hillyard commented and the bill passed on the following roll call: Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators					
Bell	Bramble	Buttars	Dayton		
Dmitrich	Eastman	Fife	Goodfellow		
Hickman	Hillyard	Jones	Killpack		
Knudson	Mayne	McCoy	Niederhauser		
Peterson	Romero	Stephenson	Stowell		
Van Tassell	Waddoups	Walker	Valentine		
Voting in the negative was: Senator Christensen					
Absent or not voting were: Senators					
Davis	Greiner	Jenkins	Madsen		

**3rd Sub. H.B. 58**, as amended, was returned to the House for further consideration.

\* \* \*

On motion of Senator Stephenson, the Senate voted to recall **1st Sub. S.B. 281** from the House for the purpose of concurring with the House amendments.

\* \* \*

H.B. 369, MUNICIPAL RENTAL FEES AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

\* \* \*

On motion of Senator Stowell, under suspension of the rules, **1st Sub. H.B. 208**, LIVESTOCK WATERING RIGHTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson

Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Waddoups
Walker	Valentine		
Absent or not voti	ng were: Senators		
Greiner	Madsen	Van Tassell	

Senator Hickman declared a conflict of interest.

1st Sub. H.B. 208 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. 369, MUNICIPAL RENTAL FEES AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill.

On motion of Senator Niederhauser, under suspension of the rules, H.B. 369, MUNICIPAL RENTAL FEES AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators					
Bell	Bramble	Buttars	Christensen		
Davis	Dayton	Dmitrich	Eastman		
Fife	Goodfellow	Hickman	Hillyard		
Jenkins	Jones	Killpack	Knudson		
Mayne	McCoy	Niederhauser	Peterson		
Romero	Stephenson	Stowell	Waddoups		
Walker	Valentine				
Absent or not voting were: Senators					
Greiner	Madsen	Van Tassell			

**H.B. 369** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Jenkins, under suspension of the rules, H.B. 305, COUNTY SHERIFF OUALIFICATION AMENDMENTS, was considered read the second and third times. Senators McCoy, Bell, Buttars, Valentine, and Waddoups commented and the bill passed on the following roll call:

Voting in the affirmative were: Senators						
Bell	Bramble	Christensen	Davis			
Dmitrich	Eastman	Fife	Goodfellow			
Hickman	Jenkins	Jones	Knudson			
Madsen	Mayne	McCoy	Niederhauser			
Peterson	Romero	Stowell	Van Tassell			
Walker						
Voting in the negative were: Senators						
Buttars	Dayton	Greiner	Hillyard			
Killpack	Waddoups	Valentine				

Yeas, 21; Nays, 7; Absent, 1.

Absent or not voting was: Senator Stephenson

**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 Senate voted to lift **H.B. 148**, AQUACULTURE REVITALIZATION ACT, from Rules and place it on the Second Reading Calendar.

\* \* \*

On motion of Senator Stowell, under suspension of the rules, **1st Sub. H.B. 348**, ZION NATIONAL PARK SPECIAL GROUP LICENSE PLATE, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were:SenatorsMadsenStephenson

1st Sub. H.B. 348 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the Senate voted to lift **1st Sub. H.B. 354**, APPRAISALS FOR STATE LAND PURCHASES, and **1st Sub. H.B. 343**, EXEMPTION OF UNIVERSITY HOUSING FROM EVICTION LAWS, from Rules and place them on the Second Reading Calendar.

On motion of Senator Bramble, the Senate voted to place **H.B. 479** above **1st Sub. H.B. 400** on the Second Reading Calendar.

\* \* \*

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 187**, DEATH CAUSED BY ILLEGAL DRUGS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were:SenatorsGoodfellowMadsenStephenson

**1st Sub. 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.

\* \* \*

**H.B. 486**, WRONGFUL LIENS AND WRONGFUL JUDGEMENT LIENS, was read the second time.

On motion of Senator Eastman, the bill was circled.

\* \* \*

On motion of Senator Peterson, under suspension of the rules, **2nd Sub. H.B. 148**, AQUACULTURE REVITALIZATION ACT, was considered read the second and third times and passed on the following roll call:

Yeas,	27;	Nays,	0;	Absent,	2.
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#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Goodfellow Madsen

2nd Sub. H.B. 148 was returned to the House for further consideration.

\* \* \*

On motion of Senator Bramble, the circle was removed from **H.B. 486**, WRONGFUL LIENS AND WRONGFUL JUDGEMENT LIENS, and it was before the Senate.

Senator Bramble proposed the following amendment:

 Page 3, Lines 60 through 64 House Committee Amendments 2–26–2008

60 (1) (a) The provisions of Sections 38-9-1, 38-9-3, 38-9-4, and 38-9-6 apply to any

- 61 recording or filing or any rejected recording or filing of a lien {-<u>or notice of interest</u> } pursuant to
- 62 this chapter on or after May 5,  $\hat{H} \rightarrow \{--\}$  1997  $\{--\}$  $\{-2008\} \rightarrow \hat{H}$ .

63 (b) The provisions of Sections 38–9–1 and 38–9–7 apply to all liens of record regardless

64 of the date the lien  $\{-\underline{\text{or notice of interest}}\}$  was recorded or filed.

(c) Notwithstanding Subsections (1)(a) and (b), the provisions of this chapter applicable to the filing of a notice of interest do not apply to a notice of interest filed before May 5, 2008.

Senator Bramble's motion to amend passed on a voice vote. Senator Bramble explained the bill. Senator Jenkins commented.

On motion of Senator Bramble, under suspension of the rules, **H.B. 486**, WRONGFUL LIENS AND WRONGFUL JUDGEMENT LIENS, was considered read the second and third times and passed on the following roll call:

#### Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

#### Absent or not voting were: Senators

Goodfellow Madsen

Senator Christensen declared a conflict of interest.

H.B. 486 was returned to the House for further consideration.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2008 The House passed, as amended, **H.B. 3**, APPROPRIATIONS ADJUSTMENTS, by Representative R. Bigelow, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk Communications filed. **H.B. 3** was read the first time and referred to the Rules Committee.

On motion of Senator Hillyard, the Senate voted to lift **H.B. 3**, APPROPRIATIONS ADJUSTMENTS, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 3**, APPROPRIATIONS ADJUSTMENTS, was considered read the second and third times. Senator Hickman commented and the bill passed on the following roll call:

Voting in the aff	irmative were: Ser	nators	
Bell	Bramble	Buttars	Davis
Dmitrich	Fife	Greiner	Hillyard
Jones	Killpack	Knudson	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			
Voting in the neg	gative were: Senate	ors	
Christensen	Dayton	Eastman	Hickman
Jenkins	Madsen	McCoy	
Abcont on not vo	ting was Constar		

Absent or not voting was: Senator Goodfellow

Yeas, 21; Nays, 7; Absent, 1.

**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.

#### COMMUNICATIONS FROM THE HOUSE

The House passed, as amended, **S.B. 237**, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar and circled.

\* \* \*

Mr. President:

March 5, 2008

The House adopted the Joint Conference Committee Report dated March 5, 2008, and passed **H.B. 2**, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by Representative R. Bigelow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **4th Sub. H.B. 426**, GOVERNMENT PROCUREMENT – PRIVATE PROPOSALS, by Representative K. Garn, and it is transmitted for the signature of the President

Sandy D. Tenney, Chief Clerk

**H.B. 2** and **4th Sub. H.B. 426**, 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 Greiner, the circle was removed from **H.B. 282**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, and it was before the Senate. On motion of Senator Greiner, under suspension of the rules, **H.B. 282**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, was considered read the second and third times.

Senator Knudson proposed the following amendment:

1. Page 1, Lines 15 through 16:

15  $\blacktriangleright$  modifies the formula for calculating the final state daily incarceration rate; {-and-}

16 <u>reduces the percentage of the final state daily incarceration rate</u> that is paid to a county as reimbursement for housing a state probationary inmate or a state parole inmate; and

2. Page 4, Lines 102 through 104:

102 (2) Within funds appropriated by the Legislature for this purpose, the department shall

103 reimburse a county that houses a state probationary inmate or a state parole inmate at a rate of

104  $\{-50-\}$  <u>42.1</u> % of the <u>final</u> state daily incarceration rate.

Senator Knudson's motion to amend passed on a voice vote. Senators Bramble and Waddoups commented and the bill passed on the following roll call:

#### Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Goodfellow Killpack

H.B. 282 was returned to the House for further consideration.

#### COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2008 The House transmits **1st Sub. S.B. 281**, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, by Senator H. Stephenson, for further consideration

Sandy D. Tenney, Chief Clerk On motion of Senator Stephenson, the Senate voted to concur in the House amendments to **1st Sub. S.B. 281**, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, on the following roll call vote:

Yeas, 25; Nays, 2; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson Valentine	Van Tassell	Waddoups	Walker
valentine			

Voting in the negative were:SenatorsDmitrichMadsen

Absent or not voting were: Senators Killpack Stowell

1st Sub. S.B. 281 was returned to the House for the signature of the Speaker.

\* \* \*

Mr. President:

March 5, 2008

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 58**, SEVERANCE TAX AMENDMENTS, by Representative J. Dougall, and it is transmitted for the signature of the President.

**3rd Sub. H.B. 58**, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

#### SECOND READING CALENDAR

On motion of Senator Romero, under suspension of the rules, **H.B. 226**, DISRUPTION OF SCHOOL ACTIVITIES, was considered read the second and

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third times. Senators Valentine, Hillyard, and McCoy commented and the bill failed on the following roll call:

#### Yeas, 10; Nays, 19; Absent, 0.

Voting in the affirmative were: Senators			
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Jones	Mayne
McCoy	Romero		
Voting in the nega	tive were: Senators		
Bell	Bramble	Buttars	Christensen
Eastman	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Niederhauser
Peterson	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

H.B. 226 was filed.

#### CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the circle was removed from **S.B. 237**, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS, and it was before the Senate.

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **S.B. 237**, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS. Senator Hillyard commented.

On motion of Senator Niederhauser, the bill was circled.

#### SECOND READING CALENDAR

On motion of Senator Peterson, under suspension of the rules, **H.B. 427**, HUNTER EDUCATION REQUIREMENT EXEMPTION FOR MILITARY PERSONNEL, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman

Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

#### Absent or not voting was: Senator Madsen

**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 Waddoups, under suspension of the rules, **1st Sub. H.B. 354**, APPRAISALS FOR STATE LAND PURCHASES, was considered read the second and third times and passed on the following roll call:

#### Yeas, 27; Nays, 0; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

### Absent or not voting were: Senators

Greiner Peterson

**1st Sub. H.B. 354** 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 5, 2008

The House passed, as amended, **S.B. 93**, LICENSED DIRECT ENTRY MIDWIFE AMENDMENTS, by Senator M. Dayton, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

On motion of Senator Dayton, the Senate voted to concur in the House amendments to **S.B. 93**, LICENSED DIRECT ENTRY MIDWIFE AMENDMENTS. The bill, as amended, passed on the following roll call:

#### Yeas, 22; Nays, 4; Absent, 3.

#### Voting in the affirmative were: Senators Bell Bramble Christensen Davis Fife Goodfellow Dayton Eastman Hickman Hillyard Jenkins Jones Killpack Knudson Madsen Mavne Niederhauser Romero Stephenson Stowell Valentine Walker Voting in the negative were: Senators Dmitrich McCov Van Tassell Waddoups Absent or not voting were: Senators Greiner Buttars Peterson

S.B. 93 was returned to the House for the signature of the Speaker.

#### CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the circle was removed from **S.B. 237**, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS. The Senate voted to concur in the House amendments to **S.B. 237**, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS. The bill, as amended, passed on the following roll call:

#### Yeas, 25; Nays, 2; Absent, 2.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

## Voting in the negative were: Senators

McCoy Romero

Absent or not voting were: Senators Greiner Peterson

S.B. 237 was returned to the House for the signature of the Speaker.

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 5, 2008 The House substituted and passed, 1st Sub. S.B. 41, INTERNATIONAL EDUCATION INITIATIVE - CRITICAL LANGUAGES PROGRAM, by Senator STEPHENSON, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to 1st Sub. S.B. 41. INTERNATIONAL EDUCATION INITIATIVE - CRITICAL LANGUAGES PROGRAM. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators Hickman McCoy

Absent or not voting were: Senators Christensen Greiner Peterson

**1st Sub. S.B. 41** was returned to the House for the signature of the Speaker.

#### **COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 5, 2008 The Speaker of the House has signed 2nd Sub. S.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 36, CHARTER AND ONLINE SCHOOLS – PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, by Senator M. Madsen, 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. 149**, MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 168**, HIGHWAY FUNDING AMENDMENTS, by Senator D. Stowell, 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. 198**, CHILD SUPPORT TECHNICAL AMENDMENTS, by Senator G. Bell, and it is transmitted for the signature of the President; and

The House passed, **S.B. 244**, DIVISION OF PARKS AND RECREATION TO SUPPORT NONPROFIT CORPORATION OR FOUNDATION, by Senator B. Goodfellow, 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. 245**, FUNDING RELATING TO AIRPORTS, HIGHWAYS, AND PUBLIC TRANSIT, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The House passed, **S.B. 253**, COUNTY LAW ENFORCEMENT DUTIES, by Senator M. Waddoups, 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. 278**, TECHNICAL AMENDMENTS TO TITLES 78A AND 78B, by Senator G. Bell, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. S.B. 281**, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 298**, STATE LAND ACQUISITION, by Senator J. Hickman, and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 11**, MASTER STUDY 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 2nd Sub. S.B. 2, 1st Sub. S.B. 36, S.B. 149, S.B. 168, S.B. 198, S.B. 244, 5th Sub. S.B. 245, S.B. 253, 2nd Sub. S.B. 278, 1st Sub. S.B. 281, 2nd Sub. **S.B. 298**, and **S.J.R. 11** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

Mr. President:

March 5, 2008

March 5, 2008

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 148**, AQUACULTURE REVITALIZATION ACT, 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. 282**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, by Representative M. Noel, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 486**, WRONGFUL LIENS AND WRONGFUL JUDGEMENT LIENS, by Representative J. Gowans, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 148, H.B. 282, and H.B. 486 were signed by the President in open session and returned to the House.

\* \* \*

Mr. Speaker:

The Speaker of the House has signed **1st Sub. S.B. 41**, INTERNATIONAL EDUCATION INITIATIVE – CRITICAL LANGUAGES PROGRAM by Senator H. Stephenson and it has been transmitted for the signature of the President; and

The Speaker of the House has signed **7th Sub. S.B. 93**, LICENSED DIRECT ENTRY MIDWIFE AMENDMENTS by Senator M. Dayton and it has been transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 237**, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS by Senator W. Niederhauser and it has been transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1st Sub. S.B. 41, 7th Sub. S.B. 93, and S.B. 237 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

On motion of Senator Bramble, the Senate struck the enacting clause on all House bills and resolutions remaining on the Senate calendar and with the Rules Committee. On motion of Senator Bramble, the Senate struck the enacting clause on all Senate bills and resolutions remaining on the calendar and with the Rules Committee and ordered them filed.

President John Valentine 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 2008 General Session of the Fifty–Seventh Legislature.

President Valentine appointed Senators Michael Waddoups, Mark Madsen, and Pat Jones to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Valentine appointed Senators Carlene Walker, Scott Jenkins, and Karen Mayne to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Curtis Bramble and Senator Mike Dmitrich expressed appreciation to the opposite party.

Senator Greg Bell, Chairman of the Employee Committee, asked that all Senate employees stand and receive appreaciation from 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 Bell also expressed appreciation to the Senate interns for the exceptional work they have done throughout the session.

On motion of Senator Bell, the Senate voted to give each member of the Senate staff an additional 16 hours compensation at the rates established for each employee.

President Valentine expressed appreciation to Senator Bramble, Senator Eastman, Senator Hickman, and Senator Lyle Hillyard.

Senator Walker reported the House has been notified that the business of the Senate has concluded and the Senate is ready to adjourn sine die.

Senator Waddoups reported that his committee, with a like committee from the House of Representatives had notified the Governor. The Governor asked that the committee convey to each house that he has no further business to bring before the legislature but that he would like to speak before each house prior to their adjournment sine die.

Governor Jon M. Huntsman, Jr. made closing remarks and expressed appreciation to the Senate.

On motion of Senator Bramble and at 12:00 a.m., the Senate adjourned sine die.

# SENATE STRUCK ENACTING CLAUSE (HOUSE BILLS AND RESOLUTIONS

I am directed to inform the House of Representatives that the Senate on this day struck the enacting clause on the following House Bills and Resolutions:

H.B. 17	Cancer Screening and Mortality Reduction Program
	(Rep. P. Ray)
H.B. 39	Divestment of Certain Retirement Fund Investments
	(Rep. Julie Fisher)
H.B. 41	Campaign Report Amendments (Rep. S. Allen)
H.B. 65	Crime of Strangulation or Smothering (Rep. J. Seelig)
H.B. 67	Extended Year for Special Educators (Rep. R. Menlove)
1st Sub. H.B. 69	Repeal of Board Leeway for Reading Improvement
	(Rep. J. Dougall)
H.B. 81	Task Force to Study Performance Incentives for Teachers
	(Rep. B. Last)
H.B. 83	Securities Amendments (Rep. J. Bird)
H.B. 85	Teacher Loan Program (Rep. L. Hemingway)
1st Sub. H.B. 94	Public Employees' Retirement – Spousal Election
	(Rep. L. Shurtliff)
1st Sub. H.B. 95	Document Fraud (Rep. K. Morgan)
H.B. 96	Retired Teachers – Return to Work (Rep. D. Bowman)
H.B. 98	Utah Employment Verification Act (Rep. G. Donnelson)
H.B. 116	Fluorine in a Privately Owned Water Syste
	(Rep. S. Andersen)
H.B. 123	Accelerated Learning Programs Amendments
	(Rep. B. Ferry)
1st Sub. H.B. 135	Grants from Department of Community and Culture
	(Rep. S. Allen)
2nd Sub. H.B. 136	Illegal Drug Activity Reporting System (Rep. C. Herrod)
H.B. 137	State Facility Water Conservation Program
	(Rep. L. Wiley)
H.B. 142	Absentee Ballot Amendments (Rep. J. Mathis)
H.B. 145	Additional State Retirement Benefit (Rep. K. Holdaway)
H.B. 150	Authorization for Counties to Provide Supplemental Law
	Enforcement Services (Rep. J. Biskupski)
1st Sub. H.B. 156	DNA Sample – Felony and Certain Misdemeanor
	Convictions (Rep. K. Gibson)
H.B. 158	Tax Credit for Military Retired Pay (Rep. S. Mascaro)

H.B. 161	Sex Offenders' Contact with Children
	(Rep. R. Greenwood)
2nd Sub. H.B. 166	Minutes of Open and Public Meetings (Rep. M. Brown)
2nd Sub. H.B. 168	Health Insurance Market Choices (Rep. J. Dunnigan)
1st Sub. H.B. 169	Custody Evaluation and Parent Coordination
	(Rep. T. Cosgrove)
H.B. 181	Disposition of Potential Evidence (Rep. T. Cosgrove)
1st Sub. H.B. 183	Sales and Use Tax Amendments (Rep. W. Harper)
H.B. 194	Class Size Reduction in Kindergarten Through Grade
	Three (Rep. K. Morgan)
H.B. 195	Concealed Firearm Permit Amendments
	(Rep. M. Newbold)
H.B. 201	Tax Credit for Solar Projects (Rep. B. Last)
2nd Sub. H.B. 212	Educator Salary Adjustments (Rep. J. Dougall)
H.B. 226	Disruption of School Activities (Rep. C. Moss)
H.B. 227	Revoking Federal Authority to Use State Lands as a Bird
	Refuge (Rep. B. Ferry)
1st Sub. H.B. 229	Protections for Agricultural Practices (Rep. M. Morley)
H.B. 237	Illegal Immigration Enforcement Act
	(Rep. G. Donnelson)
H.B. 239	Driver License Qualification Amendments
	(Rep. G. Donnelson)
H.B. 241	Repeal of Exemptions from Nonresident Tuition
	(Rep. G. Donnelson)
H.B. 253	Higher Education Information Technology Appropriation
	(Rep. S. Clark)
H.B. 257	Employee Verification (Rep. C. Herrod)
H.B. 264	Prohibition of Citation Quotas (Rep. N. Hansen)
H.B. 266	Accelerated Learning Program Revisions (Rep. C. Moss)
H.B. 270	Utah Science Technology and Research Initiative Centers
	(Rep. R. Bigelow)
1st Sub. H.B. 274	Utah K–8 Online Virtual School (Rep. B. Ferry)
2nd Sub. H.B. 276	Health Professional Authority – Death and Disability
	(Rep. B. Last)
H.B. 279	Tax Incentives for Military Members (Rep. W. Harper)
H.B. 280	School Finance Amendments (Rep. Julie Fisher)
H.B. 292	Legislative Task Force to Study Radio Communication
	System in Utah (Rep. B. Dee)
2nd Sub. H.B. 293	Private Building Inspector Authorized (Rep. D. Aagard)
H.B. 307	Cancer Screening and Mortality Reduction Special Group
	License Plate (Rep. C. Moss)

H.B. 311	Higher Education Distance Learning Partnerships
	(Rep. B. Last)
H.B. 315	Child and Vulnerable Adult Endangerment Provisions
	(Rep. M. Morley)
H.B. 320	Vehicle Impound Yard Requirements (Rep. C. Oda)
H.B. 324	Not-a-drop Drivers Program Amendments
	(Rep. R. Greenwood)
H.B. 329	High-ability Student Initiative Program (Rep. B. Last)
2nd Sub. H.B. 333	Senior Citizen's Homeowner's Credit (Rep. G. Froerer)
1st Sub. H.B. 343	Exemption of University Housing from Eviction Laws
	(Rep. P. Neuenschwander)
H.B. 345	Minimum Age for Public Education Enrollment
	Amendments (Rep. E. Hutchings)
1st Sub. H.B. 351	Individual Income Tax – Health Insurance
	(Rep. J. Dunnigan)
H.B. 353	Department of Environmental Quality Amendments
	(Rep. C. Johnson)
H.B. 357	Public Associations Subject to Government Records
	Access and Management Act (Rep. M. Noel)
H.B. 360	Individual Income Tax – Long-term Care Insurance
	Premiums (Rep. B. Last)
H.B. 362	Motor Fuel Tax – Off-highway Vehicle Refund
	Amendments (Rep. B. Ferry)
H.B. 363	Public Education – Arts Enhanced Learning Program
	(Rep. G. Hughes)
1st Sub. H.B. 385	Road and Rights-of-way Amendments (Rep. M. Noel)
1st Sub. H.B. 395	Deportation of Eligible Undocumented Immigrant
	Prisoners (Rep. G. Donnelson)
1st Sub. H.B. 400	Condominium and Community Association Provisions
	(Rep. R. C. Webb)
H.B. 402	Vehicle to Pull off Highway (Rep. F. Hunsaker)
H.B. 409	Powersport Vehicle Franchise Act Revisions
	(Rep. J. Gowans)
1st Sub. H.B. 415	Joint Custody Modifications (Rep. L. Fowlke)
1st Sub. H.B. 425	Exemption for Alcoholic Beverage Manufacturing
	License (Rep. C. Johnson)
H.B. 436	English Language Learner Family Literacy Centers
	Program (Rep. G. Hughes)
H.B. 440	Modifications to Government Law (Rep. L. Fowlke)
H.B. 452	Handling of Minor Traffic Accidents (Rep. E. Hutchings)
H.B. 456	Fair Campaign Pledge Amendments (Rep. E. Hutchings)

1st Sub. H.B. 470	Amendments to Animal Cruelty Provisions
1st Sub. <b>n.b.</b> 4/0	•
	(Rep. S. Allen)
H.B. 473	Firearms Amendments (Rep. C. Oda)
H.B. 479	Health Care Patient Identity Protections
	(Rep. S. Sandstrom)
H.B. 481	Subdivision Approval Amendments (Rep. M. Noel)
H.B. 494	Amendments to the Utah Medical Service System Act
	(Rep. J. Dougall)
H.B. 497	Revenue Bond Authorization for State Fair Park
	(Rep. N. Hendrickson)
H.C.R. 8	Concurrent Resolution Supporting the Narrows Water
	Project in CentralUtah (Rep. B. Winn)
H.J.R. 8	Joint Resolution Urging Congress to Eliminate
	Transportation Earmarking That Overrides State
	Transportation Priorities (Rep. Julie Fisher)
H.J.R. 11	Joint Resolution Supporting Statewide Government 211
	System Information Directory (Rep. E. Hutchings)

Annette Moore, Secretary of the Senate

# HOUSE STRUCK ENACTING CLAUSE (SENATE BILLS AND RESOLUTIONS)

#### Mr. President: March 5, 2008 I am directed to inform the Utah State Senate that the House Committee on Rules has struck the enacting clause on the following Senate Bills and Resolutions:

S.B. 14	Smoking Ban in Motor Vehicle (S. McCoy)
S.B. 18	Public Safety Retirement Death Benefit Modifications
	(J. Greiner)
5th Sub. S.B. 25	Municipal Incorporation Amendments (D. Stowell)
S.B. 28	Apportionment of Business Income, Attributing Sales to
	the State and Deduction of Net Losses by a Unitary
	Group (H. Stephenson)
S.B. 31	Income Tax Amendments (W. Niederhauser)
S.B. 33	Department of Community and Culture-State-Owned Art
	Inventory (M. Madsen)
S.B. 35	Differentiated Pay for Teachers (H. Stephenson)
S.B. 37	Home School and Extra Curricular Activities
	Amendments (M. Madsen)

S.B. 39	Mathematics, Science, and Technology Education Task
	Force (H. Stephenson)
S.B. 40	State Trade Database (M. Madsen)
S.B. 50	Medical Benefits Recovery Amendments (A. Christensen)
S.B. 61	Financial and Economic Literacy Education (P. Jones)
S.B. 64	Income Tax – Capital Gain Transactions
	(W. Niederhauser)
S.B. 67	Protection of Constitutionally Guaranteed Activities in
	Certain Private Venues (M. Madsen)
1st Sub. S.B. 70	Emotional Support Animals (S. McCoy)
S.B. 75	Prohibiting Gang Activity (J. Greiner)
1st Sub. S.B. 79	Small Business Access Amendments (R. Romero)
S.B. 80	Ski and Snowboard Education, Development, and
	Promotion Special Group License Plate (K. VanTassell)
S.B. 85	Water Rights Board (D. Stowell)
S.B. 91	Benefits to American Board Certified Teachers
	(M. Madsen)
1st Sub. S.B. 96	Multi-Channel Video or Audio Service Tax Act
	Amendments (W. Niederhauser)
S.B. 97	Immigration Task Force (S. Jenkins)
S.B. 117	Animal Cruelty Amendments (A. Christensen)
S.B. 118	Education Transportation Amendments (D. Peterson)
S.B. 126	Filing Fee for Write–In Candidates (P. Knudson)
S.B. 160	Candidate Replacement Deadline for General Election
	(P. Knudson)
1st Sub. S.B. 166	Nondiscrimination Amendments (S. McCoy)
S.B. 172	Funding for Medicaid Vision Care (A. Christensen)
1st Sub. S.B. 182	Survival Action Upon Injury or Death (M. Waddoups)
S.B. 183	Child Pornography Amendment (D. Buttars)
S.B. 188	Pilot Program for Summer School and After School
	Programs for Children With a Disability (G. Bell)
S.B. 190	Public Classroom Displays (A. Christensen)
1st Sub. S.B. 197	Preferred Drug List Revisions (A. Christensen)
2nd Sub. S.B. 204	Income Tax Amendments (W. Niederhauser)
S.B. 234	Minimum School Program Amendments-Counseling and
	Guidance Programs (M. Dmitrich)
S.B. 241	Local Governmental Cooperation in Education Matters
	(P. Jones)
S.B. 243	This is the Place Foundation–Procurement Code
-	Exemption (B. Goodfellow)
	1

S.B. 251	Task Force Studying Funding for Fighting Forest Fires
	(D. Stowell)
1st Sub. S.B. 256	Good Samaritan Act for Engineers (M. Waddoups)
3rd Sub. S.B. 269	Water Rights – Ombudsman (D. Stowell)
S.B. 287	Appropriation for the Swanson Tactical Training Center
	(S. Jenkins)
1st Sub. S.J.R. 7	Joint Rules Resolution – Authorizing Electronic
	Committee Meetings (L. Hillyard)
1st Sub. S.J.R. 8	Joint Rules Resolution – Base Budget Amendments
	(W. Niederhauser)
	Sandy D. Tenney, Chief Clerk

To the Members of the Senate:

March 5, 2008

The Rules Committee recommends the enacting clause be stricken on the following Senate Bills and Resolutions and they be filed:

S.B. 42	Utah College of Applied Technology – Governance and
	Operations (Sen. G. Bell)
S.B. 49	New School District Amendments (Sen. D. C. Buttars)
S.B. 51	Impact Fees – Public Safety Facility (Sen. G. Bell)
S.B. 73	Wrongful Death Amendments (Sen. S. McCoy)
S.B. 74	Health Care Provider Access (Sen. D. C. Buttars)
S.B. 82	Ambulatory Surgical Centers Amendments
	(Sen. A. Christensen)
S.B. 86	Economic Analysis and Reporting of Cost of Land Use
	Regulation (Sen. M. Madsen)
S.B. 90	Payment in Lieu of Property Taxes Act (Sen. G. Davis)
S.B. 101	Utah Comprehensive Health Insurance Pool Funding
	(Sen. G. Davis)
S.B. 102	Animal Torture Offense (Sen. G. Davis)
S.B. 104	State Capital Facility Board – Creation and Oversight
	(Sen. D. C. Buttars)
S.B. 106	Juvenile Custody Maintenance Amendments
	(Sen. D. Peterson)
S.B. 107	State Retirement Benefit Additions (Sen. B. Goodfellow)
S.B. 109	Poll Worker Neutrality (Sen. S. McCoy)
S.B. 121	Access to Qualified Health Care Providers
	(Sen. D. C. Buttars)
S.B. 123	Filling Vacancies in the Senate (Sen. J. Hickman)
S.B. 127	Underground Utilities Facilities Amendments
	(Sen. J. Greiner)
S.B. 129	Changes to County Surveyor (Sen. K. VanTassell)

S.B. 133	Medical Assistance and Managed Care (Sen. G. Bell)
S.B. 140	Education Advisory Councils (Sen. P. Jones)
S.B. 141	Water Conservancy District – Selection of Board of
	Trustees (Sen. W. Niederhauser)
S.B. 142	High School Graduation Requirements (Sen. M. Madsen)
S.B. 145	State Family Day Holiday (Sen. J. Hickman)
S.B. 153	Revision to County Elected Offices (Sen. G. Bell)
S.B. 154	Protective Order – Crime of Inducing Breach
	(Sen. S. McCoy)
S.B. 169	Renewable Energy Zone Task Force (Sen. D. Stowell)
1st Sub. S.B. 173	Renewable Energy Provisions (Sen. S. McCoy)
S.B. 175	Death Certificate Procedure Amendments
	(Sen. J. Greiner)
S.B. 178	Senior Citizen Property Tax Safe Harbor
	(Sen. D. C. Buttars)
S.B. 194	Metal Theft Amendments and Penalties (Sen. J. Greiner)
1st Sub. S.B. 195	Use of Campaign Contributions (Sen. G. Bell)
S.B. 203	Highway Abandonment Amendments (Sen. D. Peterson)
1st Sub. S.B. 210	Proof of Citizenship Required to Vote (Sen. M. Madsen)
S.B. 212	Funeral Processions (Sen. B. Goodfellow)
S.B. 213	State Contract – False Claims Act (Sen. A. Christensen)
S.B. 216	Deferred Deposit Lending Information and Reporting
	(Sen. G. Bell)
S.B. 217	Property Tax Deferrals, Abatements, and Relief
	Limitations (Sen. D. Stowell)
S.B. 218	Amendments to Tourism, Recreation, Cultural, and
	Convention Facilities Tax (Sen. W. Niederhauser)
1st Sub. S.B. 219	School District Division Funding (Sen. M. Waddoups)
S.B. 222	Division of Real Estate Licensing and Presence in the
	United States (Sen. M. Dayton)
1st Sub. S.B. 223	School Transfers – Participation in Extracurricular
	Activities (Sen. M. Madsen)
S.B. 255	Hospital Lien (Sen. D. Peterson)
S.B. 258	Property Tax Committee (Sen. W. Niederhauser)
1st Sub. S.B. 260	Disclosure of Public Employee Disciplinary Actions
	Amendments (Sen. D. C. Buttars)
S.B. 266	Process Servers – Age Restrictions (Sen. J. Greiner)
S.B. 267	Local Government Authority Amendments
	(Sen. D. C. Buttars)
S.B. 273	Regulation of Gifts (Sen. G. Bell)
S.B. 279	Water and Land Use Development (Sen. D. Peterson)

S.B. 292	Voiding Transactions Against Public Policy
	(Sen. M. Dayton)
S.J.R. 9	Joint Resolution Amending Rules of Evidence Relating to
	Information Contained in the Management Information
	System (Sen. G. Davis)
S.J.R. 10	Joint Resolution Amending Constitution Regarding Taxes
	of the Elderly (Sen. G. Davis)
S.R. 5	Senate Resolution Encouraging Congressional Action
	Related to the Navajo Nation's Ability to Collect Child
	Support (Sen. M. Dmitrich)
	Bill Hickman,
	Senate Rules Committee Chair

## SUMMARY OF LEGISLATION 2008 GENERAL SESSION

	House	Senate	Total
Bills Introduced	435	259	694
Bills Passed	231	169	400
Bills Vetoed	0	1	1
Line Items Vetoed	0	0	0
Total Bills Enacted	231	168	399
Joint Resolutions Introduced	14	12	26
Concurrent Resolutions Introduced	8	6	14
House & Senate Resolutions Introduced	5	5	10
Total Resolutions Introduced	27	23	50
Joint Resolutions Passed	8	8	16
Concurrent Resolutions Passed	7	6	13
House & Senate Resolutions Passed	3	4	7
Total Resolutions Passed	18	18	36

# STATISTICAL SUMMARY OF GENERAL SESSIONS 2001-2007

	2001	2002	2003	2004	2005	2006	2007
Bills Introduced	664	664	706	673	670	663	685
Bills Passed	380	380	392	419	370	371	392
Bills Vetoed	3	3	4	6	2	4	0
Vetos Overridden	0	1	0	0	0	0	0
Joint Resolutions							
Introduced	31	31	40	36	41	38	29
Joint Resolutions Passed	23	23	21	18	32	17	15
Concurrent Resolutions							
Introduced	17	17	22	21	24	11	12
Concurrent Resolutions							
Passed	11	11	11	16	20	5	12
House & Senate							
Resolutions Introduced	14	14	17	14	13	7	5
House & Senate							
<b>Resolutions Passed</b>	10	10	13	10	9	6	4

# SUBJECT INDEX

## ALL SENATE AND HOUSE BILLS

### AND RESOLUTIONS

(P) - Passed & (F) - Failed

# 2008 GENERAL SESSION FIFTY–SEVENTH LEGISLATURE January 21 through March 5, 2008

#### ABUSE

Child Abuse and Neglect Prevention and Treatment	
Amendments, Ray, P	HB 374 (P)
Child Abuse and Neglect Registry – Management and Licensing	
Information Systems Amendments, Davis, G	. SB 17 (P)
Child Abuse Homicide Amendments, Wimmer, C	HB 102 (P)
Domestic Violence and Dating Violence Amendments, Litvack, D.	HB 247 (F)

# ADMINISTRATIVE RULES AND PROCEDURES

Administrative Rule Penalty Amendments, Ferry, B HB 80 (P)
Administrative Rules Reauthorization, Stephenson, H SB 43 (P)
Impact of Administrative Rules on Small Businesses, Clark, S HB 53 (P)
Judicial Review of State Engineer's Decision, Painter, P
Labor Commission – Review of Administrative
Decisions, Hansen, N HB 334 (F)
Securities Amendments, Bird, J HB 83 (F)
Transportation Administrative Rules – Criminal and Civil
Penalty Amendments, Kiser, T HB 57 (P)
Water Rights Board, Stowell, D SB 85 (F)
Workers' Compensation Related Amendments, Dmitrich, M SB 58 (P)

# ADMINISTRATIVE SERVICES

Access to Information	on State Services,	Hutchings, E	HB 388 (F)
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## ADOPTION

Adoption – Investigation and Release of Information, Sumsion, K.	HB 289 (F)
Adoption and Termination of Parental Rights, Allen, S	HB 46 (P)
Utah Adoption Amendments, Chavez-Houck, R.	. HB 318 (F)

## ADVANCE HEALTH CARE DIRECTIVE

Advance Health Care Directive Amendments, Christensen, A	SB	161 (P)
Amendment to Uniform Anatomical Gift Act, Hillyard, L	SB	146 (P)

# AERONAUTICS

Aviation Amendments, Harper, W.	HB 365 (P)
Joint Resolution Honoring Hill Air Force Base's 388th and	
419th Fighter Wings, Killpack, S	SJR 12 (P)
Planning and Financing of Light Rail Providing Accessibility	
to Airports, Bramble, C	SB 246 (F)

#### AGRICULTURE

Affirmative Defense for Agri-tourism Activity, Morley, M HB 32 (P)
Agriculture and Industrial Protection Area
Amendments, Mathis, J HB 221 (P)
Aquaculture Revitalization Act, Noel, M HB 148 (P)
Department of Agriculture and Food Amendments, Gibson, K HB 125 (P)
Mitigation of Invasive Species, Stowell, D SB 89 (P)
Property Tax Amendments on Agricultural Land, Winn, B HB 211 (F)
Protections for Agricultural Practices, Morley, M HB 229 (F)
Subdivision Approval Amendments, Noel, M HB 481 (F)
Uniform Limited Cooperative Association Act, Hillyard, L SB 69 (P)

#### AIR

Clean Air and Efficient Vehicle Tax Incentives, McGee, R. ..... HB 106 (P)

# ALCOHOLIC BEVERAGE CONTROL

Alcoholic Beverage Control Amendments, Bramble, C	SB 211	(P)
Alcoholic Beverage Control Violations Amendments, Oda, C	HB 157	(P)
Alcoholic Beverage Enforcement Provisions, Oda, C	HB 344	(F)
Alcoholic Beverage Single Event Permits, McCoy, S	SB 165	(P)
Alcoholic Beverages on Election Day, McCoy, S	SB 167	(P)
Exemption for Alcoholic Beverage Manufacturing		
License, Johnson, C.	HB 425	(F)
Markup on Alcoholic Beverages, Dmitrich, M	. SB 95	(P)
Recycling Fee for Malt Beverages, Sandstrom, S	HB 469	(F)
Social Host Liability Act, Hutchings, E	HB 487	(F)

# ALCOHOLIC BEVERAGE CONTROL COMMISSION

Alcoholic Beverage Control Amendments, Bramble, C	SB 211 (P)
Alcoholic Beverage Control Violations Amendments, Oda, C	HB 157 (P)
Alcoholic Beverage Enforcement Provisions, Oda, C	HB 344 (F)
Alcoholic Beverage Single Event Permits, McCoy, S	SB 165 (P)
Exemption for Alcoholic Beverage Manufacturing	
License, Johnson, C.	HB 425 (F)
Recycling Fee for Malt Beverages, Sandstrom, S	HB 469 (F)

# ALCOHOLIC BEVERAGES

Alcoholic Beverage Control Amendments, Bramble, C	SB 211 (P)
Alcoholic Beverage Control Violations Amendments, Oda, C.	HB 157 (P)
Alcoholic Beverage Enforcement Provisions, Oda, C	HB 344 (F)

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SB 167 (P)
HB 425 (F)
. SB 95 (P)
HB 469 (F)
HB 487 (F)

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Animal Torture and Cruelty Amendments, Christensen, A	SB 2	297	(P)

### ANNEXATION

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Changes to Municipal Annexation Provisions, Shurtliff, L	. HB 124 (F)
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# ANTIDISCRIMINATION

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Nondiscrimination Amendments, McCoy, S	SB 166 (F)

#### ANTITRUST LAW

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# APPLIED TECHNOLOGY EDUCATION

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and Operations, Bell, G SB 42 (F)	)
Utah College of Applied Technology Amendments, Bigelow, R HB 204 (F)	)
Utah College of Applied Technology Revisions, Holdaway, K HB 284 (F)	)

## APPROPRIATIONS

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Cancer Screening and Mortality Reduction Program, Ray, P HB 17 (F)
Charter School Building and Enrollment Amendments, Garn, K HB 472 (P)
Community Based Self Sufficiency Program, Seelig, J HB 131 (P)
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Early Childhood Learning and Evaluation, Last, B HB 200 (F)
Educator Compensation Modifications, Hughes, G HB 471 (F)
Educator Salary Adjustments, Dougall, J HB 212 (F)
English Language Learner Family Literacy Centers
Program, Hughes, G HB 436 (F)
Grants from Department of Community and Culture, Allen, S HB 135 (F)
High-ability Student Initiative Program, Last, B HB 329 (F)
Higher Education Access Enhancement Program, Bigelow, R HB 381 (F)
Higher Education Distance Learning Partnerships, Last, B HB 311 (F)
Higher Education Enhancements, Stowell, D SB 103 (P)
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Niederhauser, W SJR008 (F)
Legislative Task Forces and Study Priorities, Clark, D HB 490 (F)
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New Fiscal Year Supplemental Appropriations Act, Bigelow, R HB 2 (P)
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Regents' Scholarship Program, Hillyard, L SB 180 (P)
Renewable Energy Zone Task Force, Stowell, D SB 169 (F)
Restricted Accounts Amendments, Bigelow, R HB 410 (P)
Review and Approval of Grants, Clark, D HB 319 (P)
School Bus Amendments, Johnson, C HB 146 (P)
School Fee Amendments, Frank, C HB 163 (F)
School Fee Waiver Amendments, Draxler, J HB 368 (F)
School Testing Specialists, Sandstrom, S HB 214 (F)
State Agency and Higher Education Base Budget Appropriations, Hillyard, L
Appropriations, Hillyard, L SB 1 (P)
State Agency and Higher Education Compensation
Amendments, Bigelow, R HB 4 (P)
State Agency Energy Efficiency, Hunsaker, F HB 198 (P)
State Facility Water Conservation Program, Wiley, L
State Supplemental Funding for Head Start, Shurtliff, L HB 330 (P)
Transportation Funding Amendments, Killpack, S SB 283 (P)
Urban Trails Appropriation, Holdaway, K HB 104 (P)

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Balances, Stephenson, H.	SB 281 (P)
Veterans Procurement Provisions, Fife, F.	SB 247 (P)

### AQUACULTURE

Aquaculture Revitalization Act, Noel, M.	HB 148 (P)
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#### **ARBITRATION\MEDIATION**

Health Care Arbitration Agreement Amendments, Valentine, J. ... SB 249 (F) Motor Vehicle Insurance Arbitration Amendments, Urquhart, S. ... HB 467 (P)

#### ARTS

Grants from Department of Community and Culture, Allen, S. .... HB 135 (F)

#### ATTORNEYS

Attorney's Lien Amendments, Webb, R. C. ..... HB 306 (F)

## **BOARD OF PARDONS AND PAROLE**

Expungement Law Amendments, Fowlke, L	HB 70 (P)
Parole Amendments, Oda, C.	HB 11 (P)

#### BOATING

Aquatic Invasive Species Interdiction Act, Greiner, J.	SB 238 (P)
Motorboat Education Requirements, Dunnigan, J.	HB 154 (F)
State Parks and Recreation Amendments, Goodfellow, B	. SB 76 (P)

#### BONDS

Construction Bonding Amendments, Hughes, G	. HB 489 (F)
General Obligation Bond Authorization, Jenkins, S	SB 4 (P)
Local Government Bonding Act, Jenkins, S	SB 32 (P)
Revenue Bond Authorization for State Fair Park, Hendrickson, N.	. HB 497 (F)
Revenue Bond, Capital Facility, and Property Acquisition	
Authorizations, Garn, K	HB 5 (P)
State Land Acquisition, Hickman, J.	. SB 298 (P)

### **BOXCAR LEGISLATION**

Assistance for Victims of Sexual Assault, Wiley, L	HB 417 (F)
Education Revisions, Dee, B.	HB 461 (F)
Income Tax Revisions, Valentine, J.	SB 272 (F)

Motor Vehicle Amendments, Painter, P.	HB 218 (F)
Sales Tax Amendments, Valentine, J	SB 270 (F)
Tax Amendments, Harper, W	HB 206 (P)
Transient Room Tax Revisions, Niederhauser, W	SB 254 (F)
Transportations Revisions, Lockhart, R	HB 460 (F)

# BUDGETING

Capital Development and Improvement Amendments, Hillyard, L. SB 22	21 (P)
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Amendments, Niederhauser, W SJR	8 (F)
Modifications to Government Law, Fowlke, L	40 (F)
Restricted Accounts Amendments, Bigelow, R	10 (P)
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Amendments, Bigelow, R	78 (P)

# **BUILDING CODES**

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Facility, Lockhart, R.	. HB 22	24 (F)
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Buildings, Wiley, L	. HJR	7 (P)

# BUSINESS

Age Restrictions on Boxing, Hughes, G HB 393 (F)
Alcoholic Beverage Control Amendments, Bramble, C SB 211 (P)
Alcoholic Beverage Control Violations Amendments, Oda, C HB 157 (P)
Alcoholic Beverage Enforcement Provisions, Oda, C HB 344 (F)
Alcoholic Beverage Single Event Permits, McCoy, S SB 165 (P)
Alcoholic Beverages on Election Day, McCoy, S SB 167 (P)
Antidiscrimination Act Amendments, Johnson, C HB 89 (F)
Attorney's Lien Amendments, Webb, R. C HB 306 (F)
Below Cost Sales, Urquhart, S HB 412 (P)
Boundary Line Agreements and Adjustments, Morley, M HB 462 (F)
Business Registration – Optional Inclusion of
Ownership Data, Wheatley, M HB 99 (P)
Captive Insurance Company Amendments, Dunnigan, J HB 55 (P)
Cause of Action for Defective Construction, Bramble, C SB 220 (P)
Certified Public Accountant Licensing Act
Amendments, Bramble, C
Charitable Solicitation Act Amendments, Gowans, J HB 111 (F)
Charitable Solicitations Act Amendments, Harper, W HB 252 (P)
Check Cashing and Deferred Deposit Lending
Registration Act, Mayne, K SB 83 (P)

Coal Mine Safety Act, Dmitrich, M.	SB 224	(P)
Community Conscious Internet Provider, Morley, M	HB 407	(F)
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Condominium Ownership Act Amendments, Waddoups, M	SB 288	(P)
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Construction Bonding Amendments, Hughes, G	HB 489	(F)
Construction Standards for Type II Assisted Living		
Facility, Lockhart, R.	HB 224	(F)
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Controlled Substances Amendments - Suda Controls, Hansen, N	HB 267	(F)
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Workforce Services, Neuenschwander, P.	. HB 64	(P)
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United States, Dayton, M.	SB 222	(F)
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Compensation, Morley, M	HB 384	(P)
Exemption for Alcoholic Beverage Manufacturing		
License, Johnson, C.	HB 425	(F)
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This Is the Place Foundation – Procurement Code Exemption,	
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Three, Morgan, K HB 194	(F)
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Concurrent Resolution Calling for Congress to Pass Balanced
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Concurrent Resolution Declaring February 6, 2008 Ronald
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Concurrent Resolution Honoring the Life and Contributions of
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Concurrent Resolution on the Reconstruction of
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Concurrent Resolution Recognizing Utah's Nobel Prize
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Concurrent Resolution Supporting the Narrows Water Project
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	Fransmitted to the House
	Signed by the President and transmitted to the Governor
	EALING LABOR COMMISSION RESPONSIBILITIES TO OVERSEE EMPLOYMENT AGENCIES (R. Romero)
	Read the first time by short title and referred to the Rules Committee
F	Assigned to standing committee
(	Committee report adopted and placed on calendar
	Read the second time
	Read the third time         173
1	Fransmitted to the House
S	Signed by the President and transmitted to the Governor
<b>S.B. 61</b> FINA	NCIAL AND ECONOMIC LITERACY EDUCATION (P. Jones)
F	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Circled
	Jncircled
	Read the first, second and third time
	Fransmitted to the House
	Enacting Clause Stricken 1074
	LTH INSURANCE – MEDICAL COMPLICATION EXCLUSIONS (P. Knudson)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
F	Read the second time
F	Read the third time
1	Fransmitted to the House
F	Placed on Concurrence Calendar
(	Concurrence
F	Returned to the House
	Signed by the President and transmitted to the Governor
SP 63 ADU	LT PROTECTIVE SERVICES AMENDMENTS (K. VanTassell)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
( -	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
1	Fransmitted to the House
S	Signed by the President and transmitted to the Governor

<b>S.B. 64</b> — INC	COME TAX – CAPITAL GAIN TRANSACTIONS (W. Niederhauser)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         111         Committee report adopted and placed on calendar         156         Read the second and third time         251         Transmitted to the House         252         Enacting Clause Stricken
<b>S.B. 65</b> — SOI	JCITING GANG MEMBERS PROHIBITED (J. Greiner)         Read the first time by short title and referred to the Rules Committee.       .74         Assigned to standing committee       .111         Amendments       .181         Committee report adopted and placed on calendar       .181         Read the second time       .286         Read the third time       .317         Circled       .317         Uncircled       .338         Transmitted to the House       .339         Signed by the President and transmitted to the Governor       .628
<b>S.B. 66</b> UN	IFORM EMERGENCY VOLUNTEER HEALTH         PRACTITIONERS ACT (L. Hillyard)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         111         Committee report adopted and placed on calendar         141         Read the second time         231         Read the third time         245         Substituted         245         Signed by the President and transmitted to the Governor
<b>S.B. 67</b> — PRO	DTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN         CERTAIN PRIVATE VENUES (M. Madsen)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         125         Committee report adopted and placed on calendar         196         Read the second time         288         Read the third time         322         Amendments         323         Transmitted to the House         324         Enacting Clause Stricken
<b>S.B. 68</b> WO	RKERS' COMPENSATION – DEATH BENEFITS (K. Mayne)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         110         Committee report adopted and placed on calendar         141         Read the second time         229         Read the third time         243         Transmitted to the House         243         Signed by the President and transmitted to the Governor
<b>S.B. 69</b> UN	IFORM LIMITED COOPERATIVE ASSOCIATION ACT (L. Hillyard)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         110         Amendments         237         Committee report adopted and placed on calendar         241         Read the second time         397         Read the third time         441         Transmitted to the House         441         Signed by the President and transmitted to the Governor

S.B. 70 EMOTIONAL SUPPORT ANIMALS (S. McCoy)	
Read the first time by short title and referred to the Rules Committe	e
Assigned to standing committee	
Amendments	
Committee report adopted and placed on calendar	
Read the second time	
Substituted	
Read the third time	
Circled	
Uncircled	
Transmitted to the House	
Enacting Clause Stricken	
<b>S.B. 71</b> — SCHOOL DISTRICT AMENDMENTS (C. Walker)	
Read the first time by short title and referred to the Rules Committe	e 95
Assigned to standing committee	
Amendments	
Committee report adopted and placed on calendar	
Substituted	
Read the second time	
Circled	
Uncircled	746 1000

1	1	89

]	Read the first time by short title and referred to the Rules Committee.	
	Assigned to standing committee	
	Amendments	
	Read the second time	
	Substituted	
	Read the third time	
	Circled	
	Uncircled	
	Enacting Clause Stricken	
	OOL DISTRICT AMENDMENTS (C. Walker)	
	Read the first time by short title and referred to the Rules Committee.	95
	Assigned to standing committee	
	Amendments	
	Committee report adopted and placed on calendar	
	Substituted	
	Read the second time	
	Circled Uncircled	,
	Read the second and third time	
	Transmitted to the House	
]	Placed on Concurrence Calendar	1001
	Before the Senate	
	Concurrence	
	Returned to the House	
	FICE COURT AMENDMENTS (L. Hillyard)	05
	Read the first time by short title and referred to the Rules Committee Assigned to standing committee	
	Substituted	
	Committee report adopted and placed on calendar	
	Read the second time	
	Amendments	,
	Read the third time	
	Transmitted to the House	
	Concurrence	
]	Returned to the House	
	Signed by the President and transmitted to the Governor	958
<b>S.B.</b> 73 WRO	ONGFUL DEATH AMENDMENTS (S. McCoy)	
	Read the first time by short title and referred to the Rules Committee	115
	Assigned to standing committee	
	Committee report adopted and placed on calendar	
	Read the second time	
	Returned to the Rules Committee	
	Enacting Clause Stricken	
	LTH CARE PROVIDER ACCESS (D. C. Buttars)	
	Read the first time by short title and referred to the Rules Committee.	132
	Assigned to standing committee	
	Committee report adopted and placed on calendar	
	Read the second time	
	Circled	
	Returned to the Rules Committee	
1		

<b>S.B. 75</b> PRC	DHIBITING GANG ACTIVITY (J. Greiner)           Read the first time by short title and referred to the Rules Committee.	120
	Assigned to standing committee	
	Committee report adopted and placed on calendar	
	Read the second time	
	Read the third time	
	Transmitted to the House	
	Before the Senate	
	Enacting Clause Stricken	
S D 76 STA	TE PARKS AND RECREATION AMENDMENTS (B. Goodfellow)	071
<b>5.D.</b> 70 51A	Read the first time by short title and referred to the Rules Committee	148
	Assigned to standing committee	
	Amendments	194
	Committee report adopted and placed on calendar	
	Read the second time	
	Read the third time	
	Amendments	
	Signed by the President and transmitted to the Governor	
SB 77 REV	ISIONS TO GOVERNMENT RECORDS ACCESS	
<b>5.D.</b> <i>H</i> == KL (	MANAGEMENT ACT (M. Dayton)	
	Read the first time by short title and referred to the Rules Committee	156
	Assigned to standing committee	167
	Amendments	
	Read the second time and placed on Consent Calendar	
	Read the third time	260
	Placed on Concurrence Calendar	
	Before the Senate	
	Circled	
	Uncircled	
	Concurrence	
	Returned to the House	630
<b>S.B.</b> 78 COU	JNTY PERSONNEL MANAGEMENT ACT AMENDMENTS ( <i>W. Niederhauser</i> , Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	167
	Amendments	391
	Committee report adopted and placed on calendar	
	Read the second time	
	Read the third time	
	Transmitted to the House	
	Concurrence	
	Returned to the House	
	Signed by the President and transmitted to the Governor	
<b>S.B. 79</b> SMA	ALL BUSINESS ACCESS AMENDMENTS (R. Romero)	
	Read the first time by short title and referred to the Rules Committee	172
	Assigned to standing committee	189
	Committee report adopted and placed on calendar	
	Read the second time	
	Read the third time	
	Transmitted to the House	
	Enacting Clause Stricken	

	ND SNOWBOARD EDUCATION, DEVELOPMENT, AND PROMOTION PECIAL GROUP LICENSE PLATE (K. VanTassell)
Re	ead the first time by short title and referred to the Rules Committee
Aı	mendments
	ommittee report adopted and placed on calendar
	ead the second time
	ead the third time
	ansinited to the House
S.B. 81 ILLEG	GAL IMMIGRATION ( <i>J. Hickman</i> ) ead the first time by short title and referred to the Rules Committee
	ssigned to standing committee
Ai	mendments
Co	ommittee report adopted and placed on calendar
	aced on Time Certain Calendar
	ibstituted
	ead the second time
	ncircled
Re	ead the third time
	ansmitted to the House
	aced on Concurrence Calendar
	oncurrence
	eturned to the House
24 Si	h-hour hold placed on bill
	JLATORY SURGICAL CENTERS AMENDMENTS (A. Christensen) ead the first time by short title and referred to the Rules Committee
	ssigned to standing committee
	eturned to the Rules Committee
En	nacting Clause Stricken
	K CASHING AND DEFERRED DEPOSIT LENDING REGISTRATION
	CT (K. Mayne)
	ead the first time by short title and referred to the Rules Committee
As Co	ommittee report adopted and placed on calendar
	ead the second time
	ead the third time
	ansmitted to the House
Sig	gned by the President and transmitted to the Governor
	METERING PROGRAMS (K. VanTassell)
	ead the first time by short title and referred to the Rules Committee
	ssigned to standing committee
	ommittee report adopted and placed on calendar
Re	ead the second time
	ibstituted
	ead the third time
Tr	ansmitted to the House
Si	gned by the President and transmitted to the Governor

S.B. 85 — WA	FER RIGHTS BOARD (D. Stowell)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Substituted
	Read the third time
	Circled
	Uncircled
	Amendments
	Transmitted to the House
	Enacting Clause Stricken
SB86 ECO	DNOMIC ANALYSIS AND REPORTING OF COST OF LAND
5. <b>D</b> . 00 LCC	USE REGULATION ( <i>M. Madsen</i> )
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Returned to the Rules Committee
	Enacting Clause Stricken
S.B. 88 UN	IFORM MODEL REGISTERED AGENT ACT (L. Hillyard)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar
	Read the third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
S.B. 89 PRE	EVENTING CATASTROPHIC WILDLAND FIRES (D. Stowell)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Substituted
	Read for the first time
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Transmitted to the House
	Placed on Concurrence Calendar
	Concurrence
	Returned to the House
	Signed by the President and transmitted to the Governor
S.B. 90 PAY	MENT IN LIEU OF PROPERTY TAXES ACT (G. Davis)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Committee report adopted and placed on calendar
	Read the second time
	Circled
	Returned to the Rules Committee
	Enacting Clause Stricken
	c
S.B. 91 BEN	VEFITS TO AMERICAN BOARD CERTIFIED TEACHERS (M. Madsen)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Transmitted to the House
	Enacting Clause Stricken
	Zintering Charles Dureken

S.B. 92 RE	AL PROPERTY RECORDING AMENDMENTS (D. Stowell)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar
	Transmitted to the House
	Placed on Concurrence Calendar
	Concurrence
	Returned to the House
	Signed by the President and transmitted to the Governor
S.B. 93 LIC	CENSED DIRECT ENTRY MIDWIFE AMENDMENTS (M. Dayton)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Read the second time
	Substituted
	Read the third time
	Transmitted to the House
	Placed on Concurrence Calendar
	Concurrence
	Returned to the House
	Signed by the President and transmitted to the Governor 1068
<b>S.B. 94</b> BU	RGLARY OF A RAILROAD CAR (D. Peterson)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Read the second time
	Read the third time
	Circled
	Uncircled
	Amendments
	Transmitted to the House
	Signed by the President and transmitted to the Governor
<b>S.B. 95</b> MA	ARKUP ON ALCOHOLIC BEVERAGES (M. Dmitrich)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Read the second time
	Read the third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
S.B. 96 MU	JLTI-CHANNEL VIDEO OR AUDIO SERVICE TAX ACT
	AMENDMENTS (W. Niederhauser)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Transmitted to the House
	Enacting Clause Stricken
	-

S.B. 97 IMN	MIGRATION TASK FORCE (S. Jenkins)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Transmitted to the House
	Enacting Clause Stricken 1074
S B 98 LIC	ENSING OF SECURITY SERVICES (D. Eastman)
5. <b>D</b> . 70 EIC	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
<b>S.B. 99</b> AM	ENDMENTS TO SALES AND USE TAX EXEMPTION FOR PROSTHETIC
	DEVICES ( <i>W. Niederhauser</i> ) Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Committee report adopted and placed on calendar
	Read the second and third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
<b>S.B. 100</b> — M	OTOR VEHICLE DEALER DISCLOSURE REQUIREMENTS
	AMENDMENTS (D. Eastman)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second and third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
S.B. 101 UT	TAH COMPREHENSIVE HEALTH INSURANCE POOL FUNDING (G. Davis)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Committee report adopted and placed on calendar115
	Read the second time
	Circled
	Returned to the Rules Committee
	Enacting Clause Stricken
S.B. 102 Al	NIMAL TORTURE OFFENSE (G. Davis)
II	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Returned to the Rules Committee
	Enacting Clause Stricken

S.B. 103 — HIGHER EDUCATION ENHANCEMENTS (D. Stowell)
Read the first time by short title and referred to the Rules Committee
Assigned to standing committee
Committee report adopted and placed on calendar
Read the second time
Read the third time
Transmitted to the House
Placed on Concurrence Calendar
Concurrence
Returned to the House
Signed by the President and transmitted to the Governor
S.B. 104 — STATE CAPITAL FACILITY BOARD – CREATION AND
OVERSIGHT (D. C. Buttars)
Read the first time by short title and referred to the Rules Committee
Enacting Clause Stricken
S.B. 105 — JUDICIAL PERFORMANCE EVALUATION COMMISSION (D. C. Buttars)
Read the first time by short title and referred to the Rules Committee
Assigned to standing committee
Committee report adopted and placed on calendar
Read the second time
Amendments
Read the third time
Transmitted to the House
Placed on Concurrence Calendar
Concurrence
Returned to the House
Signed by the President and transmitted to the Governor
S.B. 106 JUVENILE CUSTODY MAINTENANCE AMENDMENTS (D. Peterson)
Read the first time by short title and referred to the Rules Committee
Assigned to standing committee
Returned to the Rules Committee
Enacting Clause Stricken
S.B. 107 — STATE RETIREMENT BENEFIT ADDITIONS (B. Goodfellow)
Read the first time by short title and referred to the Rules Committee
Assigned to standing committee
Returned to the Rules Committee
Enacting Clause Stricken
S.B. 108 — OFFSET OF WORKERS' COMPENSATION AND SOCIAL SECURITY (J. Hickman)
Read the first time by short title and referred to the Rules Committee
Assigned to standing committee
Committee report adopted and placed on calendar
Read the second time
Circled
Uncircled
Read the third time
Transmitted to the House
Signed by the President and transmitted to the Governor
S.B. 109 — POLL WORKER NEUTRALITY (S. McCoy)
Read the first time by short title and referred to the Rules Committee
Enacting Clause Stricken
-

S.B. 110 FC	OREIGN BUSINESS ENTITIES AND TRIBAL LAW (K. VanTassell)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Circled
	Uncircled
	Substituted
	Transmitted to the House
	Signed by the President and transmitted to the Governor
S.B. 111 RE	VISOR'S STATUTE (J. Hickman)
	Read the first time by short title and referred to the Rules Committee
	Placed on calendar
	Read the second and third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
S.B. 112 LE	GISLATIVE SPACE IN THE CAPITOL (C. Bramble)
	Read the first time by short title and referred to the Rules Committee
	Placed on calendar
	Read the second and third time
	Amendments
	Transmitted to the House
	Signed by the President and transmitted to the Governor
<b>S.B. 113</b> AG	CCESS TO RESEARCH WORKERS' PERSONAL INFORMATION (G. Bell)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Transmitted to the House
	Placed on Concurrence Calendar
	Concurrence
	Returned to the House
	Signed by the President and transmitted to the Governor
S.B. 114 NO	OTARY PUBLIC REVISION (G. Bell)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Committee report adopted and placed on calendar
	Read the second time
	Read the second time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
S.B. 115 M	OTOR VEHICLE SAFETY INSPECTION ADVISORY COUNCIL AMENDMENTS
	(D. Eastman)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second and third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor

<b>S.B. 116</b> — RI	ETIREMENT OFFICE AMENDMENTS (C. Walker)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Committee report adopted and placed on calendar         Read the second time         559         Read the third time         Stansmitted to the House         581         Signed by the President and transmitted to the Governor
<b>S.B. 117</b> — Al	VIMAL CRUELTY AMENDMENTS (A. Christensen)         Read the first time by short title and referred to the Rules Committee.       .77         Assigned to standing committee       .206         Amendments       .388         Committee report adopted and placed on calendar       .389         Placed on Time Certain Calendar       .480         Read the second time       .488         Amendments       .488         Read the second and third time       .488         Transmitted to the House       .489         Enacting Clause Stricken       .1074
<b>S.B. 118</b> — EI	DUCATION TRANSPORTATION AMENDMENTS (D. Peterson)         Read the first time by short title and referred to the Rules Committee         Assigned to standing committee         Committee report adopted and placed on calendar         Read the second time         Read the third time         261         Transmitted to the House         262         Enacting Clause Stricken
<b>S.B. 119</b> DF	EPARTMENT OF CORRECTIONS AMENDMENTS (D. Peterson)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Read the second time and placed on Consent Calendar         132         Read the third time         Transmitted to the House         173         Signed by the President and transmitted to the Governor         329
<b>S.B. 120</b> DI	EPARTMENT OF CORRECTIONS EMPLOYEE VEHICLE USE (D. Peterson)         Read the first time by short title and referred to the Rules Committee         Assigned to standing committee         Committee report adopted and placed on calendar         131         Read the second time         216         Read the third time         227         Transmitted to the House         228         Signed by the President and transmitted to the Governor
<b>S.B. 121</b> — A0	CCESS TO QUALIFIED HEALTH CARE PROVIDERS (D. C. Buttars)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         83         Committee report adopted and placed on calendar         283         Read the second time         552         Circled         Returned to the Rules Committee         819         Enacting Clause Stricken

S.B. 122 UN	NIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS         JURISDICTION ACT (L. Hillyard)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         83         Committee report adopted and placed on calendar         131         Read the third time         228         Transmitted to the House         228         Signed by the President and transmitted to the Governor
S.B. 123 — FI	LING VACANCIES IN THE SENATE (J. Hickman)         Read the first time by short title and referred to the Rules Committee.       .77         Assigned to standing committee       .82         Committee report adopted and placed on calendar       .131         Read the second time       .210         Amendments       .210         Read the third time       .223         Amendments       .223         Transmitted to the House       .224         Filed
<b>S.B. 124</b> — SA	LES AND USE TAX – DEFINITIONS OF PERMANENTLY ATTACHED TO REAL         PROPERTY AND TANGIBLE PERSONAL PROPERTY (H. Stephenson)         Read the first time by short title and referred to the Rules Committee.         77         Assigned to standing committee         84         Committee report adopted and placed on calendar         131         Read the second time         213         Uncircled         Read the third time         227         Transmitted to the House         227         Signed by the President and transmitted to the Governor
<b>S.B. 125</b> — HI	GH SCHOOL VOTER REGISTRATION (K. VanTassell)         Read the first time by short title and referred to the Rules Committee.         77         Assigned to standing committee         Committee report adopted and placed on calendar         181         Read the second time         285         Read the third time         316         Transmitted to the House         317         Signed by the President and transmitted to the Governor
<b>S.B. 126</b> FI	LING FEE FOR WRITE–IN CANDIDATES (P. Knudson)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Read the second time and placed on Consent Calendar         132         Read the third time         172         Transmitted to the House         172         Enacting Clause Stricken
<b>S.B. 127</b> UI	NDERGROUND UTILITIES FACILITIES AMENDMENTS (J. Greiner)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Substituted         Returned to the Rules Committee         806         Returned to the Rules Committee         807         Enacting Clause Stricken

	ENDMENTS TO THE VETERAN'S PROPERTY TAX EXEMPTION (B. Goodfellow)
I	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar       132         Read the third time       172
	Fransmitted to the House
	Signed by the President and transmitted to the Governor
]  ]	ANGES TO COUNTY SURVEYOR (K. VanTassell)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Returned to the Rules Committee         800         Returned to the Rules Committee
	Enacting Clause Stricken
I	ILITY IMPROVEMENT DISTRICT REVISIONS (K. VanTassell) Read the first time by short title and referred to the Rules Committee
( ] ]	Assigned to standing committee       84         Committee report adopted and placed on calendar       115         Read the second time       203         Read the third time       222         Fransmitted to the House       222
	Signed by the President and transmitted to the Governor
<b>S.B. 131</b> WA	GE WITHHOLDING FOR EMPLOYEE CONTRIBUTIONS (W. Niederhauser)         Read the first time by short title and referred to the Rules Committee.       .78         Assigned to standing committee       .81         Committee report adopted and placed on calendar       .115         Read the second time       .63         Read the third time       .175         Fransmitted to the House       .175         Signed by the President and transmitted to the Governor       .329
	NSUMER CREDIT PROTECTION ACT – ATTORNEY GENERAL
I	POWERS (C. Walker)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         100 </td
	Amendments
, I	Read the second time
l	Read the third time
	Fransmitted to the House
	Placed on Concurrence Calendar         799           Concurrence         834
	Returned to the House
	Signed by the President and transmitted to the Governor
	DICAL ASSISTANCE AND MANAGED CARE (G. Bell) Read the first time by short title and referred to the Rules Committee
1	Assigned to standing committee
	Returned to the Rules Committee         574           Enacting Clause Stricken         1076

S.B. 134 MORTGAG	E FRAUD ACT (S. Killpack)	
	first time by short title and referred to the Rules Committee	
	1 to standing committee	
	ted	
	tee report adopted and placed on calendar	
	e second time	
Circled .		7, 324
	d	,
	third time	
	nents	
	first, second and third time	
	tted to the House	
	n Concurrence Calendar	
	ence	
	to the House	
υ.	by the President and transmitted to the Governor	958
	IG THE SALES AND USE TAX EXEMPTION FOR POLLUTION	
	OL FACILITIES (W. Niederhauser)	-
	first time by short title and referred to the Rules Committee	
Assigned	to standing committee	84
Committe	tee report adopted and placed on calendar	131
	second and third time	
	tted to the House	
υ.	-	
<b>S.B. 136</b> — APPORTION	NMENT OF BUSINESS INCOME AND DEDUCTION OF NET LOS	SSES
BY AN A	ACQUIRED CORPORATION (W. Niederhauser)	-
Read the	first time by short title and referred to the Rules Committee	/8
	to standing committee	
	ed to Rev. and Tax Committee	
Amendm	hents	
Committe Bood the	e second time	
	third time	
	tited to the House	
	n Concurrence Calendar	
	ence	
	1 to the House	
	by the President and transmitted to the Governor	
e .	PRODUCTION TAX WITHHOLDING AMENDMENTS (W. Niederh	
	first time by short title and referred to the Rules Committee.	
	to standing committee	
	tee report adopted and placed on calendar	
Read the	e second time	214
	214	
	d	
	ted	- / -
	second and third time	
	tted to the House	
	by the President and transmitted to the Governor	

C F A C F F F T	AH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING         COUNCIL AMENDMENTS (D. C. Buttars)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         111         Committee report adopted and placed on calendar         156         Read the second time         271         Read the third time         314         Gransmitted to the House         314         Signed by the President and transmitted to the Governor
F # F T 7	AH ANTITRUST ACT AMENDMENTS (L. Hillyard)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         111         Read the second time and placed on Consent Calendar         242         Read the third time         336         Gransmitted to the House         336         Signed by the President and transmitted to the Governor
F / F	JCATION ADVISORY COUNCILS ( <i>P. Jones</i> ) Read the first time by short title and referred to the Rules Committee
ר ק ק	TER CONSERVANCY DISTRICT – SELECTION OF BOARD OF         CRUSTEES (W. Niederhauser)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Assigned to the Rules Committee         Returned to the Rules Committee         Born Clause Stricken         1076
F / F	H SCHOOL GRADUATION REQUIREMENTS (M. Madsen)         Read the first time by short title and referred to the Rules Committee         Assigned to standing committee         Assigned to the Rules Committee         Returned to the Rules Committee         806         Enacting Clause Stricken
F 2 7 7 7	URANCE FINANCIAL REQUIREMENTS (K. VanTassell)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         110         Committee report adopted and placed on calendar         241         Read the second time         398         Read the third time         441         Gransmitted to the House         442         Signed by the President and transmitted to the Governor
F F S C F F F F F F F F F F F F	AMETERS ON GOVERNOR'S ABILITY TO ENTER AGREEMENTS BINDING THE STATE (S. Jenkins) ead the first time by short title and referred to the Rules Committee

	TATE FAMILY DAY HOLIDAY (J. Hickman)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Committee report adopted and placed on calendar         Read the second time         Read the third time         Enacting Clause Stricken	111 196 289 324
<b>S.B. 146</b> — A	MENDMENT TO UNIFORM ANATOMICAL GIFT ACT (L. Hillyard)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Committee report adopted and placed on calendar         Read the second time         Read the third time         Transmitted to the House         Signed by the President and transmitted to the Governor	111 141 232 247 247
<b>S.B. 147</b> C	CANDIDATE FILING REQUIREMENTS (P. Knudson)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Committee report adopted and placed on calendar         Read the second time         Circled         Uncircled         Read the third time         Transmitted to the House         Signed by the President and transmitted to the Governor	110 289 290 379 395 395
<b>S.B. 148</b> — E	ENFORCEMENT OF FRONT LICENSE PLATE DISPLAY REQUIREMENT AMENDMENTS (S. Killpack)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Committee report adopted and placed on calendar         Read the second time         Transmitted to the House         Signed by the President and transmitted to the Governor	111 241 404 443 443
<b>S.B. 149</b> — M	MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS (S. Killpack)         Read the first time by short tile and referred to the Rules Committee.         Assigned to standing committee         Committee report adopted and placed on calendar         Read the second time         Circled         Uncircled         Transmitted to the House         Placed on Concurrence Calendar         Concurrence         Returned to the House         Signed by the President and transmitted to the Governor	115 125 171 283 83, 466 51, 497 466 498 1040 1040 1041
<b>S.B. 150</b> C	CRIMINAL PENALTIES REVISIONS (S. Jenkins)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the third time         Transmitted to the House         Signed by the President and transmitted to the Governor	126 152 156 271 314 315

S.B. 151 — TRADEMARK PROTECTION ACT AMENDMENTS (D. Eastman)			
Read the first time by short title and referred to the Rules Committee			
Assigned to standing committee			
Committee report adopted and placed on calendar			
Read the second time			
Read the third time			
Transmitted to the House			
Placed on Concurrence Calendar			
Refuse to Concur			
Refuse to Recede			
Substituted			
Joint Conference Committee Report			
Returned to the House			
Signed by the President and transmitted to the Governor			
S.B. 152 — PRESUMPTIVE PERSONAL REPRESENTATIVE (G. Bell)			
Read the first time by short title and referred to the Rules Committee			
Assigned to standing committee			
Committee report adopted and placed on calendar			
Amendments			
Read the second time			
Read the third time			
Transmitted to the House			
Placed on Concurrence Calendar			
Refuse to Concur			
Refuse to Recede			
Substituted			
Joint Conference Committee Report			
Joint Conference Committee Report adopted			
Signed by the President and transmitted to the Governor			
S.B. 153 REVISION TO COUNTY ELECTED OFFICES (G. Bell)			
Read the first time by short title and referred to the Rules Committee			
Assigned to standing committee			
Returned to the Rules Committee			
Enacting Clause Stricken 1076			
S.B. 154 — PROTECTIVE ORDER – CRIME OF INDUCING BREACH (S. McCoy)			
Read the first time by short title and referred to the Rules Committee			
Assigned to standing committee			
Amendments			
Returned to the Rules Committee			
Enacting Clause Stricken 1076			
S.B. 155 — PUNITIVE DAMAGES AMENDMENTS (L. Hillyard)			
Read the first time by short title and referred to the Rules Committee			
Assigned to standing committee			
Amendments			
Read the second time and placed on Consent Calendar			
Read the third time			
Transmitted to the House			
Placed on Concurrence Calendar			
Concurrence			
Returned to the House			
Signed by the President and transmitted to the Governor			

<b>S.B. 156</b> — UT	AH RELOCATION ASSISTANCE ACT AMENDMENTS (L. Hillyard) Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Read the second and third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
<b>S.B. 157</b> — RI	GHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY (M. Madsen)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Substituted
	Read the second time
	Circled
	Uncircled
	Read the second and third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
<b>S.B. 158</b> GO	OVERNOR'S RURAL PARTNERSHIP BOARD AND RURAL COORDINATING COMMITTEE AMENDMENTS (D. Stowell)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing commutee         138           Substituted         208
	Read the second time and placed on Consent Calendar
	Read the first, second and third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
S.B. 159 W	ORKERS' COMPENSATION AMENDMENTS (D. Eastman)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Read the second time
	Read the third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
<b>S.B. 160</b> CA	ANDIDATE REPLACEMENT DEADLINE FOR GENERAL ELECTION (P. Knudson)
	Read the first time by short title and referred to the Rules Committee141
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Transmitted to the House
	Enacting Clause Stricken
S B 161 AT	DVANCE HEALTH CARE DIRECTIVE AMENDMENTS (A. Christensen)
5.5.101 /11	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar
	Read the third time
	Transmitted to the House
	Placed on Concurrence Calendar
	Returned to the House
	Signed by the President and transmitted to the Governor

S.B. 162 FEDERAL EDUCATION AGREEMENT REQUIREMENTS (M. Dayton)         Read the first time by short title and referred to the Rules Committee.         157         Assigned to standing committee         166         Committee report adopted and placed on calendar         163         Read the second time         158         Read the third time         159         Transmitted to the House         159         Signed by the President and transmitted to the Governor	
S.B. 163 — CERTIFIED PUBLIC ACCOUNTANT LICENSING ACT AMENDMENTS (C. Bramble) Read the first time by short title and referred to the Rules Committee	
S.B. 164 — COMPUTER ASSISTED REMOTE HUNTING PROHIBITED ( <i>M. Waddoups</i> ) Read the first time by short title and referred to the Rules Committee	
S.B. 165 — ALCOHOLIC BEVERAGE SINGLE EVENT PERMITS (S. McCoy)         Read the first time by short title and referred to the Rules Committee.         166         Committee report adopted and placed on calendar         241         Read the second time         401         Read the third time         42         Transmitted to the House         43         Signed by the President and transmitted to the Governor	
S.B. 166 — NONDISCRIMINATION AMENDMENTS (S. McCoy)         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Substituted         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the third time         Read the third time         Gouge Stricken	
S.B. 167 — ALCOHOLIC BEVERAGES ON ELECTION DAY (S. McCoy) Read the first time by short title and referred to the Rules Committee	

S.B. 168 HIG	HWAY FUNDING AMENDMENTS (D. Stowell)
F	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Amendments
(	Circled
τ	Jncircled
	Substituted
	Read the third time
	Fransmitted to the House
S	Signed by the President and transmitted to the Governor
S B 169 REN	VEWABLE ENERGY ZONE TASK FORCE (D. Stowell)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Amendments
(	Committee report adopted and placed on calendar
F	Read the second time
	Amendments
	Read the third time
	Circled
Ŀ	Enacting Clause Stricken
S B 170 BOA	ARD OF WATER RESOURCES AMENDMENTS (D. Stowell)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
F	Read the second time and placed on Consent Calendar
F	Read the third time
Т	ransmitted to the House
S	Signed by the President and transmitted to the Governor
	EAL OF CERTAIN REPORTING BY FINANCIAL
Ι	NSTITUTIONS (K. VanTassell)
F	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Substituted
	Read the third time
	Transmitted to the House
S	Signed by the President and transmitted to the Governor
<b>S.B.</b> 172 – FUN	NDING FOR MEDICAID VISION CARE (A. Christensen)
	Read the first time by short title and referred to the Rules Committee
P	Placed on calendar
F	Read the second and third time
	Fransmitted to the House
	Enacting Clause Stricken
L	
S.B. 173 REN	VEWABLE ENERGY PROVISIONS (S. McCoy)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Substituted
	Returned to the Rules Committee
E	Enacting Clause Stricken

<b>S.B. 174</b> DH	ENTIST AND DENTAL HYGIENIST PRACTICE ACT
	AMENDMENTS ( <i>P. Knudson</i> ) Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Read the second time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
S.B. 175 DE	EATH CERTIFICATE PROCEDURE AMENDMENTS (J. Greiner)
~~~~~	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Committee report adopted and placed on calendar
	Returned to the Rules Committee
	Read the second time
	Circled
	Placed on calendar
	Enacting Clause Stricken
<b>S.B. 176</b> UN	VEMPLOYMENT INSURANCE CONTRIBUTION RATES
	AMENDMENTS (H. Stephenson)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Circled
	Uncircled
	Read the third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
<b>S.B. 177</b> LC	CAL GOVERNMENT DISPOSAL OF REAL PROPERTY ACQUIRED BY
	EXACTION (W. Niederhauser)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Committee report adopted and placed on calendar
	Read the second time
	Amendments
	Read the third time
	Transmitted to the House
	Placed on Concurrence Calendar
	Concurrence
	Returned to the House
	Signed by the President and transmitted to the Governor
<b>S.B. 178</b> SE	NIOR CITIZEN PROPERTY TAX SAFE HARBOR (D. C. Buttars)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Returned to the Rules Committee
	Enacting Clause Stricken

S.B. 179	SALVAGE VEHICLE AMENDMENTS (C. Walker)		
	Read the first time by short title and referred to the Rules Committee		. 196
	Assigned to standing committee		
	Amendments		. 240
	Committee report adopted and placed on calendar		
	Read the second time		
	Read the third time Transmitted to the House		
	Signed by the President and transmitted to the Governor		
G D 100			. 045
S.B. 180	REGENTS' SCHOLARSHIP PROGRAM (L. Hillyard)		100
	Read the first time by short title and referred to the Rules Committee Assigned to standing committee		
	Committee report adopted and placed on calendar	••••	333
	Read the second time		555
	Substituted		
	Read the third time		. 580
	Transmitted to the House		
	Placed on Concurrence Calendar		
	Concurrence		
	Returned to the House		
	Signed by the President and transmitted to the Governor	••••	1005
S.B. 181	OFF-HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS (S. Jenkins)		
	Read the first time by short title and referred to the Rules Committee		
	Assigned to standing committee		
	Amendments	240, 450,	, 464
	Committee report adopted and placed on calendar		
	Circled		
	Uncircled		
	Substituted		
	Read the third time		. 463
	Transmitted to the House		
	Placed on Concurrence Calendar		
	Concurrence		
	Returned to the House		
	Signed by the President and transmitted to the Governor	• • • • • • •	. 871
S.B. 182	SURVIVAL ACTION UPON INJURY OR DEATH (M. Waddoups)		
	Read the first time by short title and referred to the Rules Committee		
	Assigned to standing committee		
	Committee report adopted and placed on calendar Read the second time	••••	. 333
	Substituted		
	Read the third time		
	Transmitted to the House		
	Enacting Clause Stricken		
SR 183	CHILD PORNOGRAPHY AMENDMENT (D. C. Buttars)		
5.0. 105	Read the first time by short title and referred to the Rules Committee.		. 197
	Assigned to standing committee		
	Committee report adopted and placed on calendar		. 389
	Read the second time		. 590
	Read the third time		. 601
	Transmitted to the House		
	Enacting Clause Stricken		1074

S.B. 184 CH	IILD CARE LICENSING EXEMPTIONS (J. Greiner)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Committee report adopted and placed on calendar
	Read the second time
	Substituted
	Read the third time
	Transmitted to the House
	Placed on Concurrence Calendar
	Concurrence
	Returned to the House
	Signed by the President and transmitted to the Governor
S.B. 185 EC	CONOMIC INCENTIVE REVISIONS (L. Hillyard)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Substituted
	Circled
	Uncircled
	Read the third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
S.B. 186 CU	STODY AND PARENT-TIME FOR NON-PARENTS (L. Hillyard)
0.21100 00	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Amendments
	Read the third time
	Circled
	Uncircled
	Amendments
	Transmitted to the House
	Signed by the President and transmitted to the Governor
<b>S.B. 187</b> BA	AIL IN CAPITAL OFFENSE CASES (J. Greiner)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar
	Read the third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
S B 188 PII	LOT PROGRAM FOR SUMMER SCHOOL AND AFTER SCHOOL PROGRAMS
5.5.100	FOR CHILDREN WITH A DISABILITY (G. Bell)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Amendments
	Read the third time
	Transmitted to the House
	Enacting Clause Stricken

S.B. 189 INDEPENDENT CONTRACTOR DATABA	
	red to the Rules Committee
Committee report adopted and placed on	calendar
	to the Governor
0,	
S.B. 190 PUBLIC CLASSROOM DISPLAYS (A. Chr	
	red to the Rules Committee
Assigned to standing committee	
	calendar
0	
S.B. 191 JUDICIAL CONDUCT COMMISSION AM	
	red to the Rules Committee
Assigned to standing committee	
	calendar
	to the Governor
S.B. 192 SEX OFFENSE AMENDMENTS (J. Greine	
	red to the Rules Committee
Amendments	
	calendar
Signed by the President and transmitted t	to the Governor
S.B. 193 ELECTION LAW CHANGES (P. Knudson)	
	red to the Rules Committee
Assigned to standing committee	
	calendar
	to the Governor
S.B. 194 — METAL THEFT AMENDMENTS AND PE	NALTIES (J. Greiner)
	red to the Rules Committee
Amendments	
Committee report adopted and placed on	calendar

	E OF CAMPAIGN CONTRIBUTIONS (G. Bell)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	8
	Substituted	
	Returned to the Rules Committee	)7
	Enacting Clause Stricken	6
S B 106 CO	UNTY AND MUNICIPAL LAND USE AMENDMENTS (W. Niederhauser)	
	Read the first time by short title and referred to the Rules Committee	3
	Assigned to standing committee	
	Committee report adopted and placed on calendar	
	Read the second time	
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	6
S.B. 197 PR	EFERRED DRUG LIST REVISIONS (A. Christensen)	
	Read the first time by short title and referred to the Rules Committee	3
	Assigned to standing committee	
	Committee report adopted and placed on calendar	3
	Read the second time	
	Substituted	
	Read the third time	
	Transmitted to the House	
	Enacting Clause Stricken	
		4
	ILD SUPPORT TECHNICAL AMENDMENTS (G. Bell)	
	Read the first time by short title and referred to the Rules Committee40	
	Assigned to standing committee	
	Amendments	5
	Read the second time and placed on Consent Calendar	
	Read the third time	
	Transmitted to the House	7
	Placed on Concurrence Calendar 104	6
	Concurrence	
	Returned to the House	-6
	Signed by the President and transmitted to the Governor	
	OFESSIONAL ENGINEERS LICENSING AMENDMENTS (F. Fife) Read the first time by short title and referred to the Rules Committee	2
	Assigned to standing committee	
	Amendments	
	Committee report adopted and placed on calendar	
	Read the second time	
	Amendments	
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	,1
S.B. 202 EN	ERGY RESOURCE AND CARBON EMISSION REDUCTION	
	INITIATIVE (C. Bramble)	
	Read the first time by short title and referred to the Rules Committee	3
	Assigned to standing committee	7
	Amendments	
	Committee report adopted and placed on calendar	3
	Read the second time	
	Circled	
	Uncircled	
	Substituted	
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	
		4

<b>S.B. 203</b> — HIGHWAY ABANDONMENT AMENDMENTS ( <i>D. Peterson</i> )	
Read the first time by short title and referred to the Rules Committee.	
Assigned to standing committee	
Committee report adopted and placed on calendar	
Read the second time	
Read the third time	
Circled	
Enacting Clause Stricken	
•	
S.B. 204 INCOME TAXATION AMENDMENTS (W. Niederhauser)	
Read the first time by short title and referred to the Rules Committee.	
Assigned to standing committee	402
Committee report adopted and placed on calendar	461
Read the second time	
Substituted	
Circled	701
Uncircled	746
Read the second and third time	746
Transmitted to the House	746
Enacting Clause Stricken	1074
S.B. 205 UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT (L. F	Jillyand)
Read the first time by short title and referred to the Rules Committee.	
Assigned to standing committee	
Committee report adopted and placed on calendar	
Read the second time	
Circled	
	,
Uncircled	
Read the third time	
Substituted	
Transmitted to the House	
Signed by the President and transmitted to the Governor	
S.B. 208 TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS (S	. Killpack)
Read the first time by short title and referred to the Rules Committee.	
Assigned to standing committee	
Committee report adopted and placed on calendar	
Read the second time	
Circled	
Uncircled	,
Amendments	
Read the third time	
Amendments	
Transmitted to the House	
Placed on Concurrence Calendar	
Before the Senate	
Returned to the House	
Signed by the President and transmitted to the Governor	
Signed by the resident and transmitted to the Governor	

S.B. 209 MI	ETHAMPHETAMINE DECONTAMINATION STANDARDS		
	AND FUNDING (D. C. Buttars)		
	Read the first time by short title and referred to the Rules Committee		
	Assigned to standing committee		
	Committee report adopted and placed on calendar		
	Read the second time		
	Amendments		
	Read the third time		
	Transmitted to the House		
	Placed on Concurrence Calendar		
	Concurrence		
	Returned to the House		
	Signed by the President and transmitted to the Governor		
S.B. 210 PR	OOF OF CITIZENSHIP REQUIRED TO VOTE (M. Madsen)		
	Read the first time by short title and referred to the Rules Committee		
	Assigned to standing committee		
	Committee report adopted and placed on calendar		
	Read the second time		
	Read the third time		
	Circled		
	Uncircled		
	Substituted		
	Circled		
	Enacting Clause Stricken		
S.B. 211 AL	COHOLIC BEVERAGE CONTROL AMENDMENTS (C. Bramble)		
	Read the first time by short title and referred to the Rules Committee		
	Assigned to standing committee		
	Substituted		
	Committee report adopted and placed on calendar		
	Read the second time		
	Substituted		
	Circled		
	Uncircled		
	Read the third time		
	Transmitted to the House		
	Signed by the President and transmitted to the Governor		
S.B. 212 FU	S.B. 212 — FUNERAL PROCESSIONS (B. Goodfellow)		
	Read the first time by short title and referred to the Rules Committee		
	Assigned to standing committee		
	Returned to the Rules Committee		
	Enacting Clause Stricken		
S.B. 213 ST	ATE CONTRACT – FALSE CLAIMS ACT (A. Christensen)		
	Read the first time by short title and referred to the Rules Committee		
	Assigned to standing committee		
	Returned to the Rules Committee		
	Enacting Clause Stricken		
S B 216 DE	EFERRED DEPOSIT LENDING INFORMATION AND REPORTING (G. Bell)		
5. <b>D</b> . <b>2</b> 10 DI	Read the first time by short title and referred to the Rules Committee		
	Assigned to standing committee		
	Returned to the Rules Committee		
	Enacting Clause Stricken		

S.B. 217 PROPERTY TAX DEFERRALS, ABATEMENTS, AND	
RELIEF LIMITATIONS (D. Stowell)	
Read the first time by short title and referred to the Rules Committee.	
Assigned to standing committee	
Returned to the Rules Committee	
Enacting Clause Stricken	1076
S.B. 218 AMENDMENTS TO TOURISM, RECREATION, CULTURAL, AND	
CONVENTION FACILITIES TAX (W. Niederhauser)	470
Read the first time by short title and referred to the Rules Committee.	
Assigned to standing committee	
Committee report adopted and placed on calendar	
Read the second time	
Circled	
Returned to the Rules Committee	
Placed on calendar	
Before the Senate	
Returned to the Rules Committee	
Enacting Clause Stricken	
S.B. 219 USE OF SEVERANCE TAX REVENUES WHEN A SCHOOL DISTRIC DIVISION OCCURS (M. Waddoups)	T
Read the first time by short title and referred to the Rules Committee.	
Assigned to standing committee	401
Substituted	
Returned to the Rules Committee	806
Enacting Clause Stricken	1076
<b>S B 220</b> CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION (C. Bramhl	2)
<b>S.B. 220</b> — CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION (C. Bramble Read the first time by short title and referred to the Rules Committee	
Read the first time by short title and referred to the Rules Committee.	
Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	
Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	
Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Amendments Committee report adopted and placed on calendar	
Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	
Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the third time	
Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the third time         Transmitted to the House	
Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the third time         Transmitted to the House         Placed on Concurrence Calendar	
Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the third time         Transmitted to the House         Placed on Concurrence Calendar         Before the Senate	259 275 431 437 593 602 602 602 930 934
Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the third time         Transmitted to the House         Placed on Concurrence Calendar         Before the Senate         Circled	259 275 431 437 593 602 602 930 934 934
Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the third time         Transmitted to the House         Placed on Concurrence Calendar         Before the Senate         Circled         Uncircled	259 275 431 437 593 602 930 934 934 934
Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the third time         Transmitted to the House         Placed on Concurrence Calendar         Before the Senate         Circled         Uncircled         Concurrence	259 275 431 593 602 602 930 934 934 934 937
Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the third time         Transmitted to the House         Placed on Concurrence Calendar         Before the Senate         Circled         Concurrence         Returned to the House	259 275 431 593 602 930 934 934 934 937 937 938
Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the third time         Transmitted to the House         Placed on Concurrence Calendar         Before the Senate         Circled         Uncircled         Concurrence         Returned to the House         Signed by the President and transmitted to the Governor	259 275 431 593 602 602 930 934 934 934 937 937 938 938
Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the third time         Transmitted to the House         Placed on Concurrence Calendar         Before the Senate         Circled         Concurrence         Returned to the House         Signed by the President and transmitted to the Governor	259 275 431 593 602 930 934 934 934 937 937 938 938 958 <i>L. Hillyard</i>
Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the third time         Transmitted to the House         Placed on Concurrence Calendar         Before the Senate         Circled         Concurrence         Returned to the House         Signed by the President and transmitted to the Governor         Signed by the President and transmitted to the Governor         Kead the first time by short title and referred to the Rules Committee.	259 275 431 593 602 930 934 934 934 937 937 937 937 938 938 514
Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the second time         Transmitted to the House         Placed on Concurrence Calendar         Before the Senate         Circled         Uncircled         Returned to the House         Signed by the President and transmitted to the Governor         Signed by the President and transmitted to the Rules Committee.         Assigned to standing committee	259 275 431 437 593 602 930 934 934 934 937 937 937 938 2058 <i>L. Hillyard</i> ) 557
Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the short title         Read the third time         Transmitted to the House         Placed on Concurrence Calendar         Before the Senate         Circled         Uncircled         Concurrence         Returned to the House         Signed by the President and transmitted to the Governor         Signed to standing committee         Assigned to standing committee         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Read the second time and placed on Consent Calendar	259 275 431 437 593 602 602 930 934 934 937 937 937 938 2938 L. Hillyard) 557 660
Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the third time         Transmitted to the House         Placed on Concurrence Calendar         Before the Senate         Circled         Uncircled         Signed by the President and transmitted to the Governor         Signed by the President and transmitted to the Rules Committee.         Assigned to standing committee         Read the first time by short title and referred to the Rules Committee.         Read the second time and placed on Consent Calendar	259 275 431 593 602 602 930 934 934 937 937 938 
Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Read the second time         Read the third time         Transmitted to the House         Placed on Concurrence Calendar         Before the Senate         Circled         Uncircled         Signed by the President and transmitted to the Governor         Signed by the President and transmitted to the Rules Committee.         Assigned to standing committee         Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee         Read the second time and placed on Consent Calendar	259 275 431 593 602 602 930 934 934 934 937 937 938 958 <i>L. Hillyard</i> ) 514 557 660 759

	DIVISION OF REAL ESTATE LICENSING AND PRESENCE IN THE UNITED
	STATES (M. Dayton)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Circled
	Returned to the Rules Committee
	Placed on calendar
	Before the Senate
	Returned to the Rules Committee
	Enacting Clause Stricken
S.B. 223 -	STANDARDS FOR ACCEPTANCE OF SCHOOL TRANSFER
5121	APPLICATIONS (M. Madsen)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Circled
	Uncircled
	Substituted
	Failed
	Filed
	Enacting Clause Stricken
CD 224	COAL MINE SAFETY ACT (M. Dmitrich)
<b>5.B.</b> 224	- COAL MINE SAFETY ACT (M. DMITTICN)
	Dead the first time by short title and referred to the Dulas Committee 490
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Assigned to standing committee
	Assigned to standing committee
	Assigned to standing committee
	Assigned to standing committee       532         Substituted       714         Amendments       714         Committee report adopted and placed on calendar       716         Read the second time       792
	Assigned to standing committee       532         Substituted       714         Amendments       714         Committee report adopted and placed on calendar       716         Read the second time       792         Read the third time       834
	Assigned to standing committee532Substituted714Amendments714Committee report adopted and placed on calendar716Read the second time792Read the third time834Transmitted to the House835
	Assigned to standing committee532Substituted714Amendments714Committee report adopted and placed on calendar716Read the second time792Read the third time834Transmitted to the House835Signed by the President and transmitted to the Governor890
S.B. 225	Assigned to standing committee       532         Substituted       714         Amendments       714         Committee report adopted and placed on calendar       716         Read the second time       792         Read the third time       834         Transmitted to the House       835         Signed by the President and transmitted to the Governor       890         GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL (C. Bramble)
S.B. 225	Assigned to standing committee       532         Substituted       714         Amendments       714         Committee report adopted and placed on calendar       716         Read the second time       792         Read the third time       834         Transmitted to the House       835         Signed by the President and transmitted to the Governor       890         GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL (C. Bramble)       841         Read the first time by short title and referred to the Rules Committee       381
S.B. 225	Assigned to standing committee       532         Substituted       714         Amendments       714         Committee report adopted and placed on calendar       716         Read the second time       792         Read the third time       834         Transmitted to the House       835         Signed by the President and transmitted to the Governor       890         GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL (C. Bramble)       881         Read the first time by short title and referred to the Rules Committee       381         Assigned to standing committee       382
S.B. 225	Assigned to standing committee       532         Substituted       714         Amendments       714         Committee report adopted and placed on calendar       716         Read the second time       792         Read the third time       834         Transmitted to the House       835         Signed by the President and transmitted to the Governor       890         GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL (C. Bramble)       881         Read the first time by short title and referred to the Rules Committee       381         Assigned to standing committee       382         Committee report adopted and placed on calendar       437
S.B. 225	Assigned to standing committee       532         Substituted       714         Amendments       714         Committee report adopted and placed on calendar       716         Read the second time       792         Read the third time       834         Transmitted to the House       835         Signed by the President and transmitted to the Governor       890         GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL (C. Bramble)       881         Read the first time by short title and referred to the Rules Committee       381         Assigned to standing committee       382         Committee report adopted and placed on calendar       437         Read the second and third time       445
S.B. 225	Assigned to standing committee       532         Substituted       714         Amendments       714         Committee report adopted and placed on calendar       716         Read the second time       792         Read the third time       834         Transmitted to the House       835         Signed by the President and transmitted to the Governor       890         GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL (C. Bramble)       881         Read the first time by short title and referred to the Rules Committee       381         Assigned to standing committee       382         Committee report adopted and placed on calendar       437         Read the second and third time       445
S.B. 225	Assigned to standing committee       532         Substituted       714         Amendments       714         Committee report adopted and placed on calendar       716         Read the second time       792         Read the third time       834         Transmitted to the House       835         Signed by the President and transmitted to the Governor       890         GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL (C. Bramble)       881         Read the first time by short title and referred to the Rules Committee       381         Assigned to standing committee       382         Committee report adopted and placed on calendar       437         Read the second and third time       445
	Assigned to standing committee       532         Substituted       714         Amendments       714         Committee report adopted and placed on calendar       716         Read the second time       792         Read the third time       834         Transmitted to the House       835         Signed by the President and transmitted to the Governor       890         GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL (C. Bramble)       881         Read the first time by short title and referred to the Rules Committee.       381         Assigned to standing committee       382         Committee report adopted and placed on calendar       437         Read the second and third time       445         Transmitted to the House       445         Signed by the President and transmitted to the Governor       539
	Assigned to standing committee       532         Substituted       714         Amendments       714         Committee report adopted and placed on calendar       716         Read the second time       792         Read the third time       834         Transmitted to the House       835         Signed by the President and transmitted to the Governor       890         GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL (C. Bramble)       882         Read the first time by short title and referred to the Rules Committee       381         Assigned to standing committee       382         Committee report adopted and placed on calendar       437         Read the second and third time       445         Signed by the President and transmitted to the Governor       539         REGULATION OF WELLS (M. Dayton)       539
	Assigned to standing committee       532         Substituted       714         Amendments       714         Committee report adopted and placed on calendar       716         Read the second time       792         Read the third time       792         Read the third time       834         Transmitted to the House       835         Signed by the President and transmitted to the Governor       890         GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL (C. Bramble)       882         Read the first time by short title and referred to the Rules Committee       381         Assigned to standing committee       382         Committee report adopted and placed on calendar       437         Read the second and third time       445         Transmitted to the House       445         Signed by the President and transmitted to the Governor       539         REGULATION OF WELLS (M. Dayton)       539         Read the first time by short title and referred to the Rules Committee       514
	Assigned to standing committee       532         Substituted       714         Amendments       714         Committee report adopted and placed on calendar       716         Read the second time       792         Read the third time       792         Read the third time       834         Transmitted to the House       835         Signed by the President and transmitted to the Governor       890         GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL (C. Bramble)       844         Read the first time by short title and referred to the Rules Committee       381         Assigned to standing committee       382         Committee report adopted and placed on calendar       437         Read the second and third time       445         Transmitted to the House       445         Signed by the President and transmitted to the Governor       539         REGULATION OF WELLS (M. Dayton)       Read the first time by short title and referred to the Rules Committee       514         Assigned to standing committee       558
	Assigned to standing committee       532         Substituted       714         Amendments       714         Committee report adopted and placed on calendar       716         Read the second time       792         Read the third time       834         Transmitted to the House       835         Signed by the President and transmitted to the Governor       890         GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL (C. Bramble)       881         Read the first time by short title and referred to the Rules Committee       381         Assigned to standing committee       382         Committee report adopted and placed on calendar       437         Read the second and third time       445         Transmitted to the House       445         Signed by the President and transmitted to the Governor       539         REGULATION OF WELLS (M. Dayton)       539         Read the first time by short title and referred to the Rules Committee       514
	Assigned to standing committee       532         Substituted       714         Amendments       714         Committee report adopted and placed on calendar       716         Read the second time       792         Read the third time       792         Read the third time       834         Transmitted to the House       835         Signed by the President and transmitted to the Governor       890         GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL (C. Bramble)       Read the first time by short title and referred to the Rules Committee         Read the first time by short title and referred to the Rules Committee       381         Assigned to standing committee       382         Committee report adopted and placed on calendar       437         Read the second and third time       445         Transmitted to the House       445         Signed by the President and transmitted to the Governor       539         REGULATION OF WELLS (M. Dayton)       Read the first time by short title and referred to the Rules Committee       514         Assigned to standing committee       558       558         Read the second time and placed on Consent Calendar       633

S.B. 231 TR	RANSPORTATION GOVERNANCE (S. Killpack)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	491
	Committee report adopted and placed on calendar	573
	Read the second time	
	Read the third time	
	Circled	
	Uncircled	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	
S.B. 234 M	INIMUM SCHOOL PROGRAM AMENDMENTS – COUNSELING AND	
	GUIDANCE PROGRAMS (M. Dmitrich)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	
	Committee report adopted and placed on calendar	
	Read the second time	730
	Read the third time	
	Transmitted to the House	
	Enacting Clause Stricken	. 10/4
S.B. 235 HU	UMAN REMAINS RELATED AMENDMENTS (K. VanTassell)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	
	Read the second time and placed on Consent Calendar	
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	856
S.B. 236 JU	DICIARY AMENDMENTS (L. Hillyard)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	
	Substituted	
	Read the second time and placed on Consent Calendar	
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	856
S.B. 237 CC	OMMERCIAL AIRLINE AND AIRPORT TAXATION	
	AMENDMENTS (W. Niederhauser)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	
	Amendments	11, 882
	Read the second time	
	Circled	
	Returned to the Rules Committee	
	Placed on calendar	
	Read the third time	
	Transmitted to the House	
	Placed on Concurrence Calendar	
	Uncircled	
	Concurrence	
	Returned to the House	
	Signed by the President and transmitted to the Governor	

<b>S.B. 238</b> AG	QUATIC INVASIVE SPECIES INTERDICTION ACT (J. Greiner)	14
	Read the first time by short title and referred to the Rules Committee	
	Amendments	
	Committee report adopted and placed on calendar	32
	Read the second time	73
	Substituted	
	Read the third time	
	Transmitted to the House	
6 <b>B 330</b> OI	FICE OF THE ATTORNEY GENERAL – SAFETY NET INITIATIVE (C. Brambl	
<b>5.B.</b> 239 Of	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	
	Read the second time and placed on Consent Calendar	
	Read the third time	
	Circled	
	Uncircled	
	Signed by the President and transmitted to the Governor	
SR 241 10	OCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS (P. Jone.	
<b>5.D. 241</b> LC	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	48
	Committee report adopted and placed on calendar	47
	Read the second time	
	Read the third time   7     Transmitted to the House   7	
	Enacting Clause Stricken	
SR 242 IA	W ENFORCEMENT TRACKING OF DOMESTIC VIOLENCE	
5.D. 242 LF	STATISTICS (J. Greiner)	
	Read the first time by short title and referred to the Rules Committee	90
	Assigned to standing committee	48
	Read the second time and placed on Consent Calendar	
	Read the third time    6      Transmitted to the House    6	
	Signed by the President and transmitted to the Governor	52
SR 243 TH	HIS IS THE PLACE FOUNDATION – PROCUREMENT CODE	
5.D. 245 11	EXEMPTION (B. Goodfellow)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee7	08
	Read the second time and placed on Consent Calendar	
	Read the second and third time	
	Enacting Clause Stricken	
S B 244 DI	VISION OF PARKS AND RECREATION TO SUPPORT NONPROFIT	
5. <b>D</b> . <b>277</b> DI	CORPORATION OR FOUNDATION (B. Goodfellow)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee7	
	Read the second time and placed on Consent Calendar	
	Read the first, second and third time	
	Signed by the President and transmitted to the Governor	

S.B. 245 FU	NDING RELATING TO AIRPORTS, HIGHWAYS, AND
	PUBLIC TRANSIT (C. Bramble)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Substituted
	Committee report adopted and placed on calendar743
	Read the second time
	Circled
	Read the first and second time
	Read the third time
	Circled
	Uncircled
	Read the first, second and third time
	Transmitted to the House
	Placed on Concurrence Calendar
	Concurrence
	Returned to the House
	Signed by the President and transmitted to the Governor
S.B. 247 VI	ETERANS PROCUREMENT PROVISIONS (F. Fife)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Transmitted to the House
	Placed on Concurrence Calendar
	Concurrence
	Returned to the House
	Signed by the President and transmitted to the Governor
S.B. 251 TA	SK FORCE STUDYING FUNDING FOR FIGHTING FOREST FIRES (D. Stowell)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Transmitted to the House
	Enacting Clause Stricken
S B 253 CO	DUNTY LAW ENFORCEMENT DUTIES (M. Waddoups)
<b>5.D.</b> 235 CC	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Amendments
	Read the third time
	Amendments
	Transmitted to the House
	Intent Language
	Signed by the President and transmitted to the Governor
CD 255 110	SPITAL LIEN (D. Peterson)
5. <b>D</b> . 235 HC	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Returned to the Rules Committee
	Enacting Clause Stricken

<b>S.B. 256</b> GO	OOD SAMARITAN ACT FOR ENGINEERS (M. Waddoups)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	
	Amendments	493
	Read the second time	
	Amendments	
	Read the third time .	
	Substituted	
	Transmitted to the House	729
	Enacting Clause Stricken 1	075
S.B. 258 PR	OPERTY TAX COMMITTEE (W. Niederhauser)	
	Read the first time by short title and referred to the Rules Committee	364
	Assigned to standing committee	402
	Committee report adopted and placed on calendar	
	Returned to the Rules Committee	
	Read the second time	
	Placed on calendar	
	Uncircled	
	Returned to the Rules Committee	
	Enacting Clause Stricken	
S B 260 DI	SCLOSURE OF PUBLIC EMPLOYEE DISCIPLINARY ACTIONS	
5. <b>D</b> . 200 DI	AMENDMENTS (D. C. Buttars)	
	Read the first time by short title and referred to the Rules Committee.	364
	Assigned to standing committee	402
	Substituted	805
	Returned to the Rules Committee	
	Enacting Clause Stricken 1	076
S.B. 261 PC	DLITICAL SUBDIVISION ANNEXATION AMENDMENTS (M. Waddoups)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	585
	Substituted	
	Committee report adopted and placed on calendar	
	Read the second time	
	Circled	
	Uncircled	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor 1	
S.B. 263 SE	LF AUTHENTICATION OF DOCUMENTS (S. McCoy)	
	Read the first time by short title and referred to the Rules Committee	449
	Assigned to standing committee	
	Read the second time and placed on Consent Calendar	
	Read the third time	755
	Transmitted to the House	
	Placed on Concurrence Calendar	
	Concurrence	
	Signed by the President and transmitted to the Governor	
	Signed by the President and transmitted to the Obvernor	.005

Assigned to standing committee       532         Committee report adopted and placed on calendar       573         Read the second time       736         Read the second time       736         Read the basecond time       736         Read the third time       761         Substituted       762         Signed by the President and transmitted to the Governor       998         S.B. 265       UNLAWFUL DETAINER AMENDMENTS ( <i>M. Waddoups</i> )       8         Read the first time by short title and referred to the Rules Committee       449         Assigned to standing committee       477         Read the second time and placed on Consent Calendar       574         Read the third time       680         Signed by the President and transmitted to the Governor       998         S.B. 266       PROCESS SERVERS – AGE RESTRICTIONS ( <i>J. Greiner</i> )       8         Read the first time by short title and referred to the Rules Committee       451         Assigned to standing committee       477         Returned to the Rules Committee       313         Assigned to standing committee       313
Read the second time       736         Read the third time       761         Substituted       762         Transmitted to the House       762         Signed by the President and transmitted to the Governor       998         S.B. 265       UNLAWFUL DETAINER AMENDMENTS (M. Waddoups)       Read the first time by short title and referred to the Rules Committee.       449         Assigned to standing committee       477       Read the first time by short title and referred to the Rules Committee.       474         Read the second time and placed on Consent Calendar       .574       Read the hird time       680         Transmitted to the House       .680       Signed by the President and transmitted to the Governor       .998         S.B. 266       PROCESS SERVERS – AGE RESTRICTIONS (J. Greiner)       Read the first time by short title and referred to the Rules Committee       .451         Assigned to standing committee       .477       Returned to the Rules Committee       .451         Assigned to standing committee       .471       Returned to the Rules Committee       .451         Assigned to standing committee       .471       Returned to the Rules Committee       .313         Assigned to standing committee       .313       .330       Substituted       .342         Committee report adopted and placed on calendar       .438
Read the third time       761         Substituted       762         Transmitted to the House       762         Signed by the President and transmitted to the Governor       998         S.B. 265       UNLAWFUL DETAINER AMENDMENTS (M. Waddoups)       449         Read the first time by short title and referred to the Rules Committee       449         Assigned to standing committee       477         Read the second time and placed on Consent Calendar       574         Read the third time       680         Transmitted to the House       680         Signed by the President and transmitted to the Governor       998         S.B. 266       PROCESS SERVERS – AGE RESTRICTIONS (J. Greiner)       82         Read the first time by short title and referred to the Rules Committee       451         Assigned to standing committee       477         Read the first time by short title and referred to the Rules Committee       812         Enacting Clause Stricken       1076         S.B. 267       LOCAL GOVERNMENT AUTHORITY AMENDMENTS (D. C. Buttars)         Read the first time by short title and referred to the Rules Committee       313         Assigned to standing committee       320         Substituted       432         Committee report adopted and placed on calendar       438     <
Substituted       762         Transmitted to the House       762         Signed by the President and transmitted to the Governor       998         S.B. 265       UNLAWFUL DETAINER AMENDMENTS (M. Waddoups)       Read the first time by short title and referred to the Rules Committee       449         Assigned to standing committee       477       Read the second time and placed on Consent Calendar       574         Read the third time       680       580       680         Transmitted to the House       680       680         Signed by the President and transmitted to the Governor       998         S.B. 266       PROCESS SERVERS – AGE RESTRICTIONS (J. Greiner)       Read the first time by short title and referred to the Rules Committee       451         Assigned to standing committee       812       Enacting Clause Stricken       1076         S.B. 267       LOCAL GOVERNMENT AUTHORITY AMENDMENTS (D. C. Buttars)       Read the first time by short title and referred to the Rules Committee       313         Assigned to standing committee       330       330       Substituted       432         Amendments       432       Amendments       432         Committee report adopted and placed on calendar       794       Read the first time by short title and referred to the Rules Committee       594         Circled       594
Transmitted to the House       762         Signed by the President and transmitted to the Governor       998         S.B. 265 — UNLAWFUL DETAINER AMENDMENTS ( <i>M. Waddoups</i> )       Read the first time by short tile and referred to the Rules Committee.       449         Assigned to standing committee       477         Read the first time by short tile and referred to the Rules Committee.       477         Read the third time       680         Transmitted to the House       680         Signed by the President and transmitted to the Governor       998         S.B. 266 — PROCESS SERVERS – AGE RESTRICTIONS ( <i>J. Greiner</i> )       Read the first time by short tile and referred to the Rules Committee         Assigned to standing committee       477         Read the first time by short tile and referred to the Rules Committee       417         Returned to the Rules Committee       812         Enacting Clause Stricken       1076         S.B. 267 — LOCAL GOVERNMENT AUTHORITY AMENDMENTS ( <i>D. C. Buttars</i> )       Read the first time by short tile and referred to the Rules Committee         Mead the first time by short tile and referred to the Rules Committee       313         Assigned to standing committee       432         Amendments       432         Committee report adopted and placed on calendar       438         Read the first time by short tile and referred to the Ru
Signed by the President and transmitted to the Governor       998         S.B. 265 — UNLAWFUL DETAINER AMENDMENTS (M. Waddoups)       Read the first time by short title and referred to the Rules Committee.       449         Assigned to standing committee       477         Read the second time and placed on Consent Calendar       574         Read the third time       680         Transmitted to the House       680         Signed by the President and transmitted to the Governor       998         S.B. 266 — PROCESS SERVERS – AGE RESTRICTIONS (J. Greiner)       Read the first time by short title and referred to the Rules Committee.       451         Assigned to standing committee       477       Returned to the Rules Committee       812         Enacting Clause Stricken       1076       S.B. 267 — LOCAL GOVERNMENT AUTHORITY AMENDMENTS (D. C. Buttars)       Read the first time by short title and referred to the Rules Committee.       313         Assigned to standing committee       330       330       Substituted       432         Amendments       432       432       432       432         Amendments       432       432       432       432         Circled       594       Feturned to the Rules Committee       594         Read the first time by short title and referred to the Rules Committee       432         Amendme
S.B. 265 — UNLAWFUL DETAINER AMENDMENTS (M. Waddoups)         Read the first time by short title and referred to the Rules Committee.         449         Assigned to standing committee         477         Read the second time and placed on Consent Calendar         478         Read the third time         479         Read the third time         470         Read the third time         471         Read the third time         472         Read the third time         473         Read the third time         474         Read the first time by short title and referred to the Rules Committee.         451         Assigned to standing committee         451         Assigned to the Rules Committee         452         Enacting Clause Stricken         1076         S.B. 267         LOCAL GOVERNMENT AUTHORITY AMENDMENTS (D. C. Buttars)         Read the first time by short title and referred to the Rules Committee         313         Assigned to standing committee         320         Substituted         3313         Assigned to the Rules Committee         330
Read the first time by short title and referred to the Rules Committee.       449         Assigned to standing committee       477         Read the second time and placed on Consent Calendar       574         Read the third time       680         Transmitted to the House       680         Signed by the President and transmitted to the Governor       998         S.B. 266       PROCESS SERVERS – AGE RESTRICTIONS (J. Greiner)       Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee       417         Returned to the Rules Committee       812         Enacting Clause Stricken       1076         S.B. 267       LOCAL GOVERNMENT AUTHORITY AMENDMENTS (D. C. Buttars)         Read the first time by short title and referred to the Rules Committee       313         Assigned to standing committee       330         Substituted       432         Amendments       432         Committee report adopted and placed on calendar       438         Read the second time       594         Returned to the Rules Committee
Assigned to standing committee       477         Read the second time and placed on Consent Calendar       574         Read the third time       680         Transmitted to the House       680         Signed by the President and transmitted to the Governor       998         S.B. 266       — PROCESS SERVERS – AGE RESTRICTIONS (J. Greiner)       823         Read the first time by short title and referred to the Rules Committee       451         Assigned to standing committee       477         Returned to the Rules Committee       812         Enacting Clause Stricken       1076         S.B. 267       — LOCAL GOVERNMENT AUTHORITY AMENDMENTS (D. C. Buttars)         Read the first time by short title and referred to the Rules Committee       313         Assigned to standing committee       330         Substituted       432         Amendments       432         Committee report adopted and placed on calendar       438         Read the second time       594         Circled       594         Returned to the Rules Committee       532         Substituted       718         Read the first time by short title and referred to the Rules Committee       534         Read the second time       532         Substituted       714 </td
Read the second time and placed on Consent Calendar       574         Read the third time       680         Transmitted to the House       680         Signed by the President and transmitted to the Governor       998         S.B. 266 PROCESS SERVERS - AGE RESTRICTIONS (J. Greiner)       Read the first time by short title and referred to the Rules Committee       451         Assigned to standing committee       477       Returned to the Rules Committee       812         Enacting Clause Stricken       1076       S.B. 267
Read the third time       680         Transmitted to the House       680         Signed by the President and transmitted to the Governor       998         S.B. 266       PROCESS SERVERS – AGE RESTRICTIONS (J. Greiner)         Read the first time by short title and referred to the Rules Committee       451         Assigned to standing committee       477         Returned to the Rules Committee       812         Enacting Clause Stricken       1076         S.B. 267       LOCAL GOVERNMENT AUTHORITY AMENDMENTS (D. C. Buttars)         Read the first time by short title and referred to the Rules Committee       313         Assigned to standing committee       330         Substituted       432         Amendments       432         Committee report adopted and placed on calendar       438         Read the second time       594         Circled       594         Returned to the Rules Committee       708         Enacting Clause Stricken       1076         S.B. 269       WATER RIGHTS – OMBUDSMAN (D. Stowell)         Read the first time by short title and referred to the Rules Committee       532         Substituted       714         Committee report adopted and placed on calendar       716         Read the first time by short title and ref
Transmitted to the House       680         Signed by the President and transmitted to the Governor       998         S.B. 266 PROCESS SERVERS - AGE RESTRICTIONS (J. Greiner)       Read the first time by short tile and referred to the Rules Committee.         Assigned to standing committee       451         Assigned to standing committee       812         Enacting Clause Stricken       1076         S.B. 267 LOCAL GOVERNMENT AUTHORITY AMENDMENTS (D. C. Buttars)       Read the first time by short tile and referred to the Rules Committee.         Substituted       432         Amendments       432         Committee report adopted and placed on calendar       438         Read the first time by short tile and referred to the Rules Committee.       594         Circled       594         Returned to the Rules Committee       708         Enacting Clause Stricken       1076         S.B. 269
S.B. 266 PROCESS SERVERS - AGE RESTRICTIONS (J. Greiner)         Read the first time by short title and referred to the Rules Committee.         451         Assigned to standing committee         8.B. 267 LOCAL GOVERNMENT AUTHORITY AMENDMENTS (D. C. Buttars)         Read the first time by short title and referred to the Rules Committee.         8.B. 267 LOCAL GOVERNMENT AUTHORITY AMENDMENTS (D. C. Buttars)         Read the first time by short title and referred to the Rules Committee.         300         Substituted         Assigned to standing committee         330         Substituted         432         Amendments         432         Committee report adopted and placed on calendar         438         Read the second time         594         Circled         Circled         Matter RIGHTS - OMBUDSMAN (D. Stowell)         Read the first time by short title and referred to the Rules Committee.         4352         Substituted         4354         4355         435         350         Substituted         435         435         435         436         437
Read the first time by short title and referred to the Rules Committee.       451         Assigned to standing committee       477         Returned to the Rules Committee       812         Enacting Clause Stricken       1076         S.B. 267 — LOCAL GOVERNMENT AUTHORITY AMENDMENTS (D. C. Buttars)       82         Read the first time by short title and referred to the Rules Committee.       313         Assigned to standing committee       330         Substituted       432         Amendments       432         Committee report adopted and placed on calendar       438         Read the second time       594         Circled       594         Returned to the Rules Committee       708         Enacting Clause Stricken       1076         S.B. 269 — WATER RIGHTS – OMBUDSMAN (D. Stowell)       82         Read the first time by short title and referred to the Rules Committee       532         Substituted       714         Committee report adopted and placed on calendar       716         Read the first time by short title and referred to the Rules Committee       532         Substituted       714         Committee report adopted and placed on calendar       716         Read the first time by short title and referred to the Rules Committee       793
Read the first time by short title and referred to the Rules Committee.       451         Assigned to standing committee       477         Returned to the Rules Committee       812         Enacting Clause Stricken       1076         S.B. 267 — LOCAL GOVERNMENT AUTHORITY AMENDMENTS (D. C. Buttars)       82         Read the first time by short title and referred to the Rules Committee.       313         Assigned to standing committee       330         Substituted       432         Amendments       432         Committee report adopted and placed on calendar       438         Read the second time       594         Circled       594         Returned to the Rules Committee       708         Enacting Clause Stricken       1076         S.B. 269 — WATER RIGHTS – OMBUDSMAN (D. Stowell)       82         Read the first time by short title and referred to the Rules Committee       532         Substituted       714         Committee report adopted and placed on calendar       716         Read the first time by short title and referred to the Rules Committee       532         Substituted       714         Committee report adopted and placed on calendar       716         Read the first time by short title and referred to the Rules Committee       793
Returned to the Rules Committee       812         Enacting Clause Stricken       1076         S.B. 267 — LOCAL GOVERNMENT AUTHORITY AMENDMENTS (D. C. Buttars)       Read the first time by short title and referred to the Rules Committee         Substituted       313         Assigned to standing committee       330         Substituted       432         Amendments       432         Committee report adopted and placed on calendar       438         Read the second time       594         Circled       594         Returned to the Rules Committee       708         Enacting Clause Stricken       1076         S.B. 269 — WATER RIGHTS – OMBUDSMAN (D. Stowell)       Read the first time by short title and referred to the Rules Committee.       480         Assigned to standing committee       532       532       532         Substituted       714       714       714         Committee report adopted and placed on calendar       716       793         Read the second time       793       793         Read the third time       835       714
Returned to the Rules Committee       812         Enacting Clause Stricken       1076         S.B. 267 — LOCAL GOVERNMENT AUTHORITY AMENDMENTS (D. C. Buttars)       Read the first time by short title and referred to the Rules Committee         Substituted       313         Assigned to standing committee       330         Substituted       432         Amendments       432         Committee report adopted and placed on calendar       438         Read the second time       594         Circled       594         Returned to the Rules Committee       708         Enacting Clause Stricken       1076         S.B. 269 — WATER RIGHTS – OMBUDSMAN (D. Stowell)       Read the first time by short title and referred to the Rules Committee.       480         Assigned to standing committee       532       532       532         Substituted       714       714       714         Committee report adopted and placed on calendar       716       793         Read the second time       793       793         Read the third time       835       714
S.B. 267 — LOCAL GOVERNMENT AUTHORITY AMENDMENTS (D. C. Buttars)         Read the first time by short title and referred to the Rules Committee.         313         Assigned to standing committee         320         Substituted         432         Amendments         432         Committee report adopted and placed on calendar         438         Read the second time         594         Circled         Circled         594         Returned to the Rules Committee         608         Enacting Clause Stricken         1076         S.B. 269 — WATER RIGHTS – OMBUDSMAN (D. Stowell)         Read the first time by short title and referred to the Rules Committee.         480         Assigned to standing committee         532         Substituted         714         Committee report adopted and placed on calendar         714         Committee report adopted and placed on calendar         793         Substituted       793         Read the second time       793         Read the third time       835         Circled       835
Read the first time by short title and referred to the Rules Committee.       313         Assigned to standing committee       330         Substituted       432         Amendments       432         Committee report adopted and placed on calendar       438         Read the second time       594         Circled       594         Returned to the Rules Committee       708         Enacting Clause Stricken       1076         S.B. 269 WATER RIGHTS - OMBUDSMAN (D. Stowell)       Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee       532         Substituted       714         Committee report adopted and placed on calendar       716         Read the second time       793         Substituted       793         Substituted       793         Read the third time       835
Assigned to standing committee       330         Substituted       432         Amendments       432         Committee report adopted and placed on calendar       438         Read the second time       594         Circled       594         Returned to the Rules Committee       708         Enacting Clause Stricken       1076         S.B. 269 — WATER RIGHTS – OMBUDSMAN (D. Stowell)       Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee       532         Substituted       714         Committee report adopted and placed on calendar       716         Read the second time       793         Substituted       793         Read the third time       835
Substituted       432         Amendments       432         Committee report adopted and placed on calendar       438         Read the second time       594         Circled       594         Returned to the Rules Committee       708         Enacting Clause Stricken       1076         S.B. 269 — WATER RIGHTS – OMBUDSMAN (D. Stowell)       Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee       532         Substituted       714         Committee report adopted and placed on calendar       716         Read the second time       793         Substituted       793         Read the third time       835
Amendments       432         Committee report adopted and placed on calendar       438         Read the second time       594         Circled       594         Returned to the Rules Committee       708         Enacting Clause Stricken       1076         S.B. 269       WATER RIGHTS - OMBUDSMAN (D. Stowell)         Read the first time by short title and referred to the Rules Committee       480         Assigned to standing committee       532         Substituted       714         Committee report adopted and placed on calendar       716         Read the second time       793         Substituted       793         Read the third time       835
Committee report adopted and placed on calendar       438         Read the second time       594         Circled       594         Returned to the Rules Committee       708         Enacting Clause Stricken       1076         S.B. 269       — WATER RIGHTS – OMBUDSMAN (D. Stowell)         Read the first time by short title and referred to the Rules Committee       480         Assigned to standing committee       532         Substituted       714         Committee report adopted and placed on calendar       716         Read the second time       793         Substituted       793         Read the third time       835
Read the second time       594         Circled       594         Returned to the Rules Committee       708         Enacting Clause Stricken       1076         S.B. 269 — WATER RIGHTS – OMBUDSMAN (D. Stowell)       Read the first time by short title and referred to the Rules Committee.       480         Assigned to standing committee       532         Substituted       714         Committee report adopted and placed on calendar       716         Read the second time       793         Substituted       793         Read the third time       835
Circled       594         Returned to the Rules Committee       708         Enacting Clause Stricken       1076         S.B. 269 — WATER RIGHTS – OMBUDSMAN (D. Stowell)       1076         Read the first time by short title and referred to the Rules Committee.       480         Assigned to standing committee       532         Substituted       714         Committee report adopted and placed on calendar       716         Read the second time       793         Substituted       793         Read the third time       835         Circled       835
Returned to the Rules Committee       708         Enacting Clause Stricken       1076         S.B. 269 WATER RIGHTS - OMBUDSMAN (D. Stowell)       Read the first time by short title and referred to the Rules Committee.         Assigned to standing committee       532         Substituted       714         Committee report adopted and placed on calendar       716         Read the second time       793         Substituted       793         Read the third time       835
Enacting Clause Stricken       1076         S.B. 269 — WATER RIGHTS – OMBUDSMAN (D. Stowell)       Read the first time by short title and referred to the Rules Committee.       480         Assigned to standing committee       532         Substituted       714         Committee report adopted and placed on calendar       716         Read the second time       793         Substituted       793         Read the third time       835
S.B. 269 — WATER RIGHTS – OMBUDSMAN ( <i>D. Stowell</i> ) Read the first time by short title and referred to the Rules Committee
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Read the second time
Read the third time         835           Circled         835
Circled
Lincircled 8/3
Transmitted to the House
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S.B. 273 — REGULATION OF GIFTS (G. Bell)
Read the first time by short title and referred to the Rules Committee
Enacting Clause Stricken 1076
S.B. 274 AMENDMENTS TO UTAH SERVICE MEMBERS' CIVIL RELIEF ACT (P. Knudson)
Read the first time by short title and referred to the Rules Committee
Assigned to standing committee
Read the second time and placed on Consent Calendar
Assigned to standing committee

S.B. 275 — MILITARY JUSTICE CODE AMENDMENTS (P. Knudson)	
Read the first time by short title and referred to the Rules Committee.	
Assigned to standing committee	
Committee report adopted and placed on calendar	
Read the second time	702
Read the third time	
Transmitted to the House	
Signed by the President and transmitted to the Governor	856
S.B. 277 POST-CONVICTION REMEDIES ACT REVISIONS (G. Bell)	
Read the first time by short title and referred to the Rules Committee.	538
Assigned to standing committee	
Amendments	
Committee report adopted and placed on calendar	
Read the second time	
Amendments	
Read the third time	
Transmitted to the House	
Signed by the President and transmitted to the Governor	
5 7	
S.B. 278 — TECHNICAL AMENDMENTS TO TITLES 78A AND 78B (G. Bell)	
Read the first time by short title and referred to the Rules Committee.	
Assigned to standing committee	
Substituted	
Read the second time and placed on Consent Calendar	
Read the third time	
Transmitted to the House	
Placed on Concurrence Calendar	
Concurrence	
Returned to the House	
Signed by the President and transmitted to the Governor	1067
S.B. 279 WATER AND LAND USE DEVELOPMENT (D. Peterson)	
Read the first time by short title and referred to the Rules Committee.	599
Assigned to standing committee	647
Returned to the Rules Committee	
Enacting Clause Stricken	1076
S.B. 281 USE OF MINIMUM SCHOOL PROGRAM NONLAPSING	
BALANCES (H. Stephenson)	
Read the first time by short title and referred to the Rules Committee.	930
Placed on calendar	
Read the second time	
Circled	
Uncircled	· · ·
Amendments	· · ·
Read the second and third time	
Transmitted to the House	
Placed on Concurrence Calendar	
Returned to the House	
Concurrence	· · ·
Signed by the President and transmitted to the Governor	

<b>S.B. 283</b> TR	ANSPORTATION FUNDING AMENDMENTS (S. Killpack)	
	Read the first time by short title and referred to the Rules Committee	334
	Assigned to standing committee	385
	Committee report adopted and placed on calendar	401
	Read the second time	
	Circled	
	Uncircled	
	Transmitted to the House	
	Placed on Concurrence Calendar	845
	Concurrence	
	Returned to the House	
	Signed by the President and transmitted to the Governor	871
S.B. 286 TR	ANSPORTATION AND TRANSIT AMENDMENTS (S. Killpack)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	764
	Committee report adopted and placed on calendar	
	Returned to the Rules Committee	
	Placed on calendar	
	Read the second time	
	Uncircled	
	Amendments	
	Read the second and third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	
<b>S.B. 287</b> — AF	PROPRIATION FOR THE SWANSON TACTICAL TRAINING CENTER (S. Jenkins)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	
	Committee report adopted and placed on calendar	
	Read the second time	
	Transmitted to the House	
	Enacting Clause Stricken	
S D 200 CC	DNDOMINIUM OWNERSHIP ACT AMENDMENTS (M. Waddoups)	
<b>5.D.</b> 200 CC	Read the first time by short title and referred to the Rules Committee	560
	Assigned to standing committee	703
	Read the second time and placed on Consent Calendar	744
	Read the third time	
	Transmitted to the House	808
	Signed by the President and transmitted to the Governor	944
<b>S.B. 290</b> — PR	IVATE INVESTIGATORS' ACCESS TO DRIVER LICENSURE INFORMATION (M. Dayton)	V
	Read the first time by short title and referred to the Rules Committee	313
	Assigned to standing committee	359
	Read the second time and placed on Consent Calendar	
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	/68
S.B. 292 VC	DIDING TRANSACTIONS AGAINST PUBLIC POLICY (M. Dayton)	
	Read the first time by short title and referred to the Rules Committee	334
	Enacting Clause Stricken 10	077

<b>S.B. 294</b> C	OMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS (C. Bi	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	662
	Read the second time and placed on Consent Calendar	
	Read the third time Circled	
	Uncircled	
	Transmitted to the House	
	Placed on Concurrence Calendar	
	Concurrence	
	Returned to the House	
	Signed by the President and transmitted to the Governor	1005
S.B. 295 SI	ECURITY ALARM BUSINESS LICENSING AMENDMENTS (M. Dayton	ı)
5121270 51	Read the first time by short title and referred to the Rules Committee.	
	Assigned to standing committee	490
	Committee report adopted and placed on calendar	597
	Read the second time	
	Circled	
	Uncircled	
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	944
S.B. 296 FI	NANCIAL INSTITUTIONS AMENDMENTS (C. Bramble)	
	Read the first time by short title and referred to the Rules Committee	633
	Assigned to standing committee	
	Committee report adopted and placed on calendar	
	Read the second time Circled	
	Uncircled	
	Substituted	
	Read the third time	
	Amendments	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	958
S.B. 297 A	NIMAL TORTURE AND CRUELTY AMENDMENTS (A. Christensen)	
	Read the first time by short title and referred to the Rules Committee	678
	Assigned to standing committee	703
	Committee report adopted and placed on calendar	743
	Read the second time	763
	Amendments	,
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	952
S.B. 298 ST	TATE LAND ACQUISITION (J. Hickman)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	
	Placed on calendar	
	Read the second and third time	
	Transmitted to the House	
	Placed on Concurrence Calendar	
	Returned to the House	
	Signed by the President and transmitted to the Governor	1048
	Signed by the resident and transmitted to the Obvernor	1000

S.B. 299 REVISION TO LOCAL GOVERNMENT (G. Bell)	
Read the first time by short title and referred to the Rules Committee.	807
Placed on calendar	833
Read the second time	
Substituted	834
Circled	. 834, 877, 879
Placed on Time Certain Calendar	
Uncircled	. 875, 878, 908
Amendments	875, 878, 908
Read the second and third time	
Transmitted to the House	
Intent Language	
Signed by the President and transmitted to the Governor	

1225

S.C.R. 1	- RESOLUTION SUPPORTING OBESITY AWARENESS (D. C. Buttars)         Read the first time by short title and referred to the Rules Committee.
	- RESOLUTION PROMOTING LEGISLATORS BACK TO SCHOOL PROGRAM ( <i>M. Dayton</i> ) Read the first time by short tile and referred to the Rules Committee
S.C.R. 3	RESOLUTION SUPPORTING OBSERVANCE OF PEACE OFFICERS MEMORIAL DAY (J. Greiner) Read the first time by short title and referred to the Rules Committee
S.C.R. 4	CONCURRENT RESOLUTION RECOGNIZING UTAH'S NOBEL     PRIZE WINNER MARIO CAPECCHI ( <i>J. Valentine</i> )     Read the first time by short title and referred to the Rules Committee
S.C.R. 5	- CONCURRENT RESOLUTION CALLING FOR CONGRESS TO PASS     BALANCED IMMIGRATION REFORM (H. Stephenson)     Read the first time by short title and referred to the Rules Committee
S.C.R. 6	CONCURRENT RESOLUTION ON THE RECONSTRUCTION OF     INTERSTATE 15 (J. Valentine)     Read the first time by short title and referred to the Rules Committee

RC Rea	LUTION ENCOURAGING THE ADVERTISEMENT OF ALTERNATIVE         DUTES TO TEACHING (M. Dayton)         ad the first time by short title and referred to the Rules Committee.         79         acd on calendar         81
Re: Re: Tra	ad the second time       147         ad the second time       160         unsmitted to the House       161         gned by the President and transmitted to the Governor       356
AN Re: Pla Re:	LUTION APPROVING THE APPOINTMENT OF LEGISLATIVE FISCAL         VALYST (C. Bramble)         ad the first time by short title and referred to the Rules Committee.       .79         iced on calendar
Sig S.J.R. 3 RESOL EM	and by the President and transmitted to the Governor
Pla Res Tra	ad the first time by short title and referred to the Rules Committee.
OF Re: As: Pla Re: Tra	RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF UTAH LEAGUE         CITIES AND TOWNS (P. Knudson)         ad the first time by short title and referred to the Rules Committee.       .79         signed to standing committee       .82         ccd on Time Certain Calendar       .92         ad the second and third time       .117         insmitted to the House       .118         end by the President and transmitted to the Governor       .124
Re: As: Co Re: Re: Tra	RESOLUTION AMENDING LEGISLATIVE APPORTIONMENT (C. Bramble)         ad the first time by short title and referred to the Rules Committee         signed to standing committee         111         mmittee report adopted and placed on calendar         208         ad the second time         395         ansmitted to the House         396         975         98         99         90         91         92         93         94         95         95         96         97         98         99         94         95         95         95         96         97         98         99         94         95         95         96         97         97         97         97         97         97         97         97         97         97         97         97         97
S.J.R. 6 JOINT AP Re: As: Co Re: Re: Re: Tra	RESOLUTION ENCOURAGING THE GOVERNOR'S BOARD         POINTMENTS TO REFLECT UTAH GEOGRAPHIC BALANCE (D. Stowell)         ad the first time by short title and referred to the Rules Committee       116         signed to standing committee       125         mmittee report adopted and placed on calendar       208         ad the second time       380         and the third time       396         unsmitted to the House       396         end by the President and transmitted to the Governor       696
MF Re: As: Co Re: Sul Re: Tra	RULES RESOLUTION – AUTHORIZING ELECTRONIC COMMITTEE         EETINGS (L. Hillyard)         ad the first time by short title and referred to the Rules Committee.       142         signed to standing committee       167         mmittee report adopted and placed on calendar       208         ad the second time       380         soluted       380         ad the third time       396         unsmitted to the House       397         acting Clause Stricken       1075

S.J.R. 8 JO	INT RULES RESOLUTION - BASE BUDGET AMENDMENTS (W. Niederham	user)
	Read the first time by short title and referred to the Rules Committee.	
	Assigned to standing committee	
	Read the second time	
	Read the third time	
	Circled	
	Uncircled	
	Transmitted to the House	
	Enacting Clause Stricken	1075
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	Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206         Committee report adopted and placed on calendar       363         Read the second time       504         Tabled on Third Reading Calendar       505         Read the third time       816         Amendments       816         Returned to the House       817         Signed by the President and returned to the House       869         VESTMENT OF CERTAIN RETIREMENT FUND INVESTMENTS (Julie Fisher)       Read for the first time and referred to the Rules Committee         Assigned to standing committee       741         Returned to the Rules Committee       847         Enacting Clause Stricken       1070         FE DRINKING WATER REVISIONS (S. Andersen)       1070         Read for the first time and referred to the Rules Committee       458         Assigned to standing committee       491         Committee report adopted and placed on calendar       573         Read the second time       809         Substituted       809         Substituted       809         Substituted       809         Substituted       813         Read the second and third time       814
	Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206         Committee report adopted and placed on calendar       363         Read the second time       504         Tabled on Third Reading Calendar       505         Read the third time       816         Amendments       816         Returned to the House       817         Signed by the President and returned to the House       869         VESTMENT OF CERTAIN RETIREMENT FUND INVESTMENTS (Julie Fisher)       Read for the first time and referred to the Rules Committee         Assigned to standing committee       741         Assigned to standing committee       847         Enacting Clause Stricken       1070         FE DRINKING WATER REVISIONS (S. Andersen)       Read for the first time and referred to the Rules Committee       458         Assigned to standing committee       491       206       458         Assigned to standing committee       809       491       206         Committee report adopted and placed on calendar       573       809       809         Uncircled       809       809       809

Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206         Committee report adopted and placed on calendar       333         Read the second time       502         Read the third time       525         Amendments       525         Amendments       525         Returned to the House       525         Signed by the President and returned to the House       629 <b>HB. 43</b> — ALLOWANCE OF POLLING PLACES FOR EARLY VOTING ( <i>G. Donnelson</i> )         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366         Signed to standing committee       275         Read the first time and referred to the Rules Committee       235         Assigned to standing committee       275         Read the third time       215         Assigned to standing committee       316         Signed by the President and returned to the Rules Committee       315         Signed to stan	Assigned to standing committee       275         Amendments       437         Committee report adopted and placed on calendar       438         Read the second time       605         Circled       605         Returned to the Rules Committee       819         Enacting Clause Stricken       1070         H.B. 42       WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE (G. Snow)         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206         Committee report adopted and placed on calendar       333         Read the second time       502         Read the second time       502         Amendments       525         Amendments       525         Returned to the House       525         Signed by the President and returned to the House       629         Signed by the President and returned to the Rules Committee       180         Assigned to standing committee       205         Read the third time       326         Read the third time and referred to the Rules Committee       336         Signed by the President and returned to the House       366         Signed by the President and returned to the House       357         Read the thi	Assigned to standing committee       275         Amendments       437         Committee report adopted and placed on calendar       438         Read the second time       605         Circled       605         Returned to the Rules Committee       819         Enacting Clause Stricken       1070         H.B. 42       WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE (G. Snow)         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206         Committee report adopted and placed on calendar       333         Read the second time       525         Amendments       525         Amendments       525         Signed by the President and returned to the House       525         Signed to standing committee       206         Assigned to standing committee       205         Read the third time       525         Asterned to the House       525         Signed by the President and returned to the House       525         Read to the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the third time       366         H.B. 43       DECLARATION OF CANDIDACY REVISIONS (G	11.D. 41 CA	MPAIGN REPORT AMENDMENTS (S. Allen)	
Amendments       437         Committee report adopted and placed on calendar       438         Read the second time       605         Circled       605         Returned to the Rules Committee       819         Enacting Clause Stricken       1070 <b>HB. 42</b> WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE ( <i>G. Snow</i> )         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206         Committee report adopted and placed on calendar       333         Read the second time       502         Read the second time       502         Read the third time       525         Amendments       525         Returned to the House       525         Signed by the President and returned to the House       629 <b>HB. 43</b> ALLOWANCE OF POLLING PLACES FOR EARLY VOTING ( <i>G. Donnelson</i> )         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the third time       326         Assigned to standing committee       275         Read the second time and referred to the Rules Committee       286	Amendments       437         Committee report adopted and placed on calendar       438         Read the second time       605         Circled       605         Returned to the Rules Committee       819         Enacting Clause Stricken       1070         H.B. 42       WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE (G. Snow)       Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206       Committee report adopted and placed on calendar       333         Read the second time       525       Amendments       525         Read the third time       525       Signed by the President and returned to the House       525         Returned to the House       525       Signed by the President and returned to the House       629         H.B. 43       ALLOWANCE OF POLLING PLACES FOR EARLY VOTING (G. Donnelson)       Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205       Read the third time       366         H.B. 44       DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)       Read for the first time and referred to the Rules Committee       355         Assigned to standing committee       275       Read the second time and referred to the Rules Committee       356         H.B. 44	Amendments       437         Committee report adopted and placed on calendar       438         Read the second time       605         Circled       605         Returned to the Rules Committee       819         Enacting Clause Stricken       1070 <b>H.B. 42</b> WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE ( <i>G. Snow</i> )         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206         Committee report adopted and placed on calendar       333         Read the second time       525         Amendments       525         Amendments       525         Returned to the House       525         Signed by the President and returned to the House       629 <b>H.B. 43</b> — ALLOWANCE OF POLLING PLACES FOR EARLY VOTING ( <i>G. Donnelson</i> )         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the third time       366         Signed by the President and returned to the House       366         Signed by the President and returned to the House       215         Read the third time and placed on Consent Calendar       225         Read the third time and returned to the House <td></td> <td>Read for the first time and referred to the Rules Committee</td> <td>. 254</td>		Read for the first time and referred to the Rules Committee	. 254
Committee report adopted and placed on calendar	Committee report adopted and placed on calendar       438         Read the second time       605         Circled       605         Returned to the Rules Committee       819         Enacting Clause Stricken       1070 <b>H.B. 42</b> WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE ( <i>G. Snow</i> )         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206         Committee report adopted and placed on calendar       333         Read the second time       522         Anendments       525         Attendents       525         Returned to the House       525         Signed by the President and returned to the House       629         H.B. 43       ALLOWANCE OF POLLING PLACES FOR EARLY VOTING ( <i>G. Donnelson</i> )         Read the second time and placed on Consent Calendar       205         Read the third time       366         Signed by the President and returned to the House       366         Signed by the President and returned to the Rules Committee       215         Read the third time       366         Signed by the President and returned to the House       366         Signed by the President and returned to the Rules Committee       215         Read the thir	Committee report adopted and placed on calendar			
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Circled       605         Returned to the Rules Committee       819         Enacting Clause Stricken       1070 <b>H.B. 42</b> — WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE (G. Snow)         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206         Committee report adopted and placed on calendar       333         Read the second time       502         Read the second time       525         Amendments       525         Signed by the President and returned to the House       629 <b>H.B. 43</b> — ALLOWANCE OF POLLING PLACES FOR EARLY VOTING (G. Donnelson)         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the third time       366         Signed by the President and returned to the House       366         Signed by the President and referred to the Rules Committee       235         Read the third time       366         Signed by the President and referred to the Rules Committee       235         Assigned to standing committee       275         Read the third time       516 <b>H.B. 44</b> DECLARATION OF CANDIDACY REVISIONS ( <i>G. Donnelson</i> )	Circled       605         Returned to the Rules Committee       819         Enacting Clause Stricken       1070 <b>H.B. 42</b> WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE ( <i>G. Snow</i> )         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206         Committee report adopted and placed on calendar       333         Read the second time       502         Read the thrid time       525         Amendments       525         Returned to the House       525         Signed by the President and returned to the House       629 <b>H.B. 43</b> ALLOWANCE OF POLLING PLACES FOR EARLY VOTING ( <i>G. Donnelson</i> )       Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205       Read the third time       366         Signed by the President and returned to the House       366       Signed by the President and returned to the Rules Committee       235         Assigned to standing committee       235       Assigned to standing committee       235         Read the third time       366       Signed by the President and returned to the House       366         H.B. 44       DECLARATION OF CANDIDACY REVISIONS ( <i>G. Donnelson</i> )       Read for the first time and referre	Circled       605         Returned to the Rules Committee       819         Enacting Clause Stricken       1070         H.B. 42       WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE (G. Snow)         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206         Committee report adopted and placed on calendar       333         Read the second time       502         Read the third time       525         Amendments       525         Returned to the House       525         Signed by the President and returned to the House       629         H.B. 43       ALLOWANCE OF POLLING PLACES FOR EARLY VOTING (G. Donnelson)         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366         Signed to standing committee       275         Read the third time and referred to the Rules Committee       366         Signed by the President and returned to the House       366         Signed by the President and returned to the House       515			
Returned to the Rules Committee       819         Enacting Clause Stricken       1070         H.B. 42       WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE (G. Snow)         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206         Committee report adopted and placed on calendar       333         Read the second time       502         Read the third time       525         Amendments       525         Returned to the House       525         Signed by the President and returned to the House       629         H.B. 43       ALLOWANCE OF POLLING PLACES FOR EARLY VOTING (G. 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Donnelson)         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366         Signed by the President and returned to the Rules Committee       235         Assigned to standing committee       235         Read for the first time and referred to the Rules Committee       366         Signed by the President and returned to the House       366         Signed to standing committee</td> <td></td> <td></td> <td></td>	Returned to the Rules Committee       819         Enacting Clause Stricken       1070         H.B. 42       — WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE (G. 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Donnelson)       Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275       Read the third time and referred to the House       366         H.B. 44       — DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)       Read for the first time and referred to the Rules Committe	Returned to the Rules Committee       819         Enacting Clause Stricken       1070         H.B. 42       WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE (G. Snow)         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206         Committee report adopted and placed on calendar       333         Read the second time       502         Read the third time       525         Amendments       525         Returned to the House       525         Signed by the President and returned to the House       629         H.B. 43       ALLOWANCE OF POLLING PLACES FOR EARLY VOTING (G. Donnelson)         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366         Signed by the President and returned to the Rules Committee       235         Assigned to standing committee       235         Read for the first time and referred to the Rules Committee       366         Signed by the President and returned to the House       366         Signed to standing committee			
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Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206         Committee report adopted and placed on calendar       333         Read the second time       502         Read the third time       525         Amendments       525         Amendments       525         Returned to the House       525         Signed by the President and returned to the House       629 <b>HB. 43</b> — ALLOWANCE OF POLLING PLACES FOR EARLY VOTING ( <i>G. Donnelson</i> )         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366 <b>HB. 44</b> — DECLARATION OF CANDIDACY REVISIONS ( <i>G. Donnelson</i> )       8         Read the second time and placed on Consent Calendar       275         Read the third time       215         Assigned to standing committee       275         Read the second time and placed on Consent Calendar       438         Read the third time       515	Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206         Committee report adopted and placed on calendar       333         Read the second time       502         Read the third time       525         Amendments       525         Signed by the President and returned to the House       629         H.B. 43 ALLOWANCE OF POLLING PLACES FOR EARLY VOTING ( <i>G. Donnelson</i> )       Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205       Read the second time and placed on Consent Calendar       259         Read the third time       366       Signed by the President and returned to the House       366         Signed to standing committee       205       Read the third time       366         Signed to standing committee       205       Read the third time       366         Signed to standing committee       275       Read the third time       366         Signed to standing committee       275       Read the second time and placed on Consent Calendar       438         Read the third time       515       Signed to standing committee       275         Read the second time and placed on Consent Calendar       438       8       8         Mead the third time	Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       206         Committee report adopted and placed on calendar       333         Read the second time       502         Read the second time       502         Read the third time       525         Amendments       525         Returned to the House       525         Signed by the President and returned to the House       629         H.B. 43       — ALLOWANCE OF POLLING PLACES FOR EARLY VOTING (G. Donnelson)         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366         H.B. 44       — DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)       Read the second time and placed on Consent Calendar       235         Assigned to standing committee       275       Read the second time and placed on Consent Calendar       438         Read the second time and placed on Consent Calendar       438       Read the second time and placed on Consent Calendar       438		Enacting Clause Stricken	1070
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Menlove</i> )       28         Read for the first time and referred to the Rules Committee       312       358         Committee report adopted and placed on calendar       495       495       495         Read to the third time       616 <td< td=""><td>Read the third time       525         Amendments       525         Returned to the House       525         Signed by the President and returned to the House       629         <b>H.B. 43</b> — ALLOWANCE OF POLLING PLACES FOR EARLY VOTING (<i>G. Donnelson</i>)       Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205       Read the second time and placed on Consent Calendar       259         Read the second time and placed on Consent Calendar       259       Read the third time       366         Signed by the President and returned to the House       366       366       366         H.B. 44 — DECLARATION OF CANDIDACY REVISIONS (<i>G. Donnelson</i>)       Read for the first time and referred to the Rules Committee       275         Read the second time and placed on Consent Calendar       438       Read the second time and placed on Consent Calendar       438         Read the third time       515       515       516       516         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       DISABILITY (<i>R. Menlove</i>)       378       378         Read for the first time and referred to the Rules Committee       312       378       378       378         Committee report adopted and placed on calendar       495       378       378       378       378         <t< td=""><td></td><td></td><td></td></t<></td></td<>	Read the third time       525         Amendments       525         Returned to the House       525         Signed by the President and returned to the House       629 <b>H.B. 43</b> — ALLOWANCE OF POLLING PLACES FOR EARLY VOTING ( <i>G. Donnelson</i> )       Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205       Read the second time and placed on Consent Calendar       259         Read the second time and placed on Consent Calendar       259       Read the third time       366         Signed by the President and returned to the House       366       366       366         H.B. 44 — DECLARATION OF CANDIDACY REVISIONS ( <i>G. Donnelson</i> )       Read for the first time and referred to the Rules Committee       275         Read the second time and placed on Consent Calendar       438       Read the second time and placed on Consent Calendar       438         Read the third time       515       515       516       516         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       DISABILITY ( <i>R. Menlove</i> )       378       378         Read for the first time and referred to the Rules Committee       312       378       378       378         Committee report adopted and placed on calendar       495       378       378       378       378 <t< td=""><td></td><td></td><td></td></t<>			
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Donnelson</i> )       Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205       Read the second time and placed on Consent Calendar       259         Read the second time and placed on Consent Calendar       259       Read the third time       366         Signed by the President and returned to the House       366       366 <b>H.B. 44</b> — DECLARATION OF CANDIDACY REVISIONS ( <i>G. Donnelson</i> )       Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275       Read the second time and placed on Consent Calendar       438         Read the third time       515       Signed by the President and returned to the House       516 <b>H.B. 45</b> — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY ( <i>R. Menlove</i> )       Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358       Committee report adopted and placed on calendar       495         Read the third time       616       Tabled on Third Reading Calendar       616         Read the third time       868       Signed by the President and returned to the House       868         Signed by the President and returned to the Rules Committee <td>Signed by the President and returned to the House       629         H.B. 43 — ALLOWANCE OF POLLING PLACES FOR EARLY VOTING (G. 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Menlove)       328       328         Read for the first time and referred to the Rules Committee       312       358         Committee report adopted and placed on calendar       495       495         Read the second time       616       7495       588         Committee report adopted and placed on calendar       495       588         Committee report adopted and placed on calend</td> <td></td> <td></td> <td></td>	Signed by the President and returned to the House       629         H.B. 43 — ALLOWANCE OF POLLING PLACES FOR EARLY VOTING (G. Donnelson)       Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205       Read the second time and placed on Consent Calendar       259         Read the second time and placed on Consent Calendar       259       366         Signed by the President and returned to the House       366         H.B. 44 — DECLARATION OF CANDIDACY REVISIONS (G. 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Menlove)         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the third time       616         Tabled on Third Reading Calendar       616         Read the there at the Rules Committee       616         Read the third time <td>H.B. 43 — ALLOWANCE OF POLLING PLACES FOR EARLY VOTING (G. Donnelson)         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366         H.B. 44 — DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)       864         Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275         Read the second time and placed on Consent Calendar       438         Read the third time       515         Signed by the President and returned to the House       515         Signed by the President and returned to the House       516         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       DISABILITY (R. Menlove)         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the third time       869         H.B. 46 — ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869         H.B. 46 — ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869</td> <td>H.B. 43 — ALLOWANCE OF POLLING PLACES FOR EARLY VOTING (G. Donnelson)         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the second time and placed on Consent Calendar       259         Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366         H.B. 44 — DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)       235         Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275         Read the second time and placed on Consent Calendar       438         Read the second time and placed on Consent Calendar       438         Read the third time       515         Signed by the President and returned to the House       516         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       DISABILITY (R. Menlove)         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading</td> <td></td> <td></td> <td></td>	H.B. 43 — ALLOWANCE OF POLLING PLACES FOR EARLY VOTING (G. Donnelson)         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366         H.B. 44 — DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)       864         Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275         Read the second time and placed on Consent Calendar       438         Read the third time       515         Signed by the President and returned to the House       515         Signed by the President and returned to the House       516         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       DISABILITY (R. Menlove)         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the third time       869         H.B. 46 — ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869         H.B. 46 — ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869	H.B. 43 — ALLOWANCE OF POLLING PLACES FOR EARLY VOTING (G. Donnelson)         Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the second time and placed on Consent Calendar       259         Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366         H.B. 44 — DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)       235         Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275         Read the second time and placed on Consent Calendar       438         Read the second time and placed on Consent Calendar       438         Read the third time       515         Signed by the President and returned to the House       516         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       DISABILITY (R. Menlove)         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading			
Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366         H.B. 44 — DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)       Read for the first time and referred to the Rules Committee         Read for the first time and placed on Consent Calendar       438         Read the second time and placed on Consent Calendar       438         Read the second time and placed on Consent Calendar       438         Read the third time       515         Signed by the President and returned to the House       516         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       DISABILITY (R. Menlove)         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       616	Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366 <b>H.B. 44</b> DECLARATION OF CANDIDACY REVISIONS ( <i>G. Donnelson</i> )       Read for the first time and referred to the Rules Committee         Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275         Read the second time and placed on Consent Calendar       438         Read the third time       515         Signed by the President and returned to the House       516 <b>H.B. 45</b> SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       DISABILITY ( <i>R. Menlove</i> )         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869         H.B. 46 ADOPTION AND TERMINATION OF PARENTAL RIGHTS ( <i>S. Allen</i> )       869	Read for the first time and referred to the Rules Committee       180         Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366         H.B. 44 — DECLARATION OF CANDIDACY REVISIONS ( <i>G. Donnelson</i> )       Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275       Read the second time and placed on Consent Calendar       438         Read the second time and placed on Consent Calendar       438       Read the third time       515         Signed by the President and returned to the House       516       516         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY ( <i>R. Menlove</i> )       388       Committee       312         Assigned to standing committee       358       358       Committee report adopted and placed on calendar       495         Read for the first time and referred to the Rules Committee       312       358       366         Committee report adopted and placed on calendar       495       366         Read the second time       616       616       616         Tabled on Third Reading Calendar       616       616         Read the third time       868 <td></td> <td>Signed by the President and returned to the House</td> <td>. 629</td>		Signed by the President and returned to the House	. 629
Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366 <b>H.B. 44</b> — DECLARATION OF CANDIDACY REVISIONS ( <i>G. Donnelson</i> )       Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275       Read the second time and placed on Consent Calendar       438         Read the second time and placed on Consent Calendar       438       Read the third time       515         Signed by the President and returned to the House       516       516 <b>H.B. 45</b> — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY ( <i>R. Menlove</i> )       388       Committee       312         Assigned to standing committee       358       358       Committee report adopted and placed on calendar       495         Read the second time       616       Tabled on Third Reading Calendar       616	Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366         H.B. 44 — DECLARATION OF CANDIDACY REVISIONS ( <i>G. Donnelson</i> )       Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275       Read the second time and placed on Consent Calendar       438         Read the second time and placed on Consent Calendar       438       Read the third time       515         Signed by the President and returned to the House       516       16         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY ( <i>R. Menlove</i> )       Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358       Committee report adopted and placed on calendar       495         Read the second time       616       Tabled on Third Reading Calendar       616         Read the third time       868       869       869         H.B. 46 — ADOPTION AND TERMINATION OF PARENTAL RIGHTS ( <i>S. Allen</i> )       Read for the first time and referred to the Rules Committee       189         Assigned to standing committee       236       236       236       236         Committee report adopted and placed on cale	Assigned to standing committee       205         Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366         H.B. 44 DECLARATION OF CANDIDACY REVISIONS ( <i>G. Donnelson</i> )       Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275       Read the second time and placed on Consent Calendar       438         Read the second time and placed on Consent Calendar       438       Read the third time       515         Signed by the President and returned to the House       516       516         H.B. 45 SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       DISABILITY ( <i>R. Menlove</i> )       868         Read for the first time and referred to the Rules Committee       312       358         Committee report adopted and placed on calendar       495       495         Read the second time       616       616       616         Tabled on Third Reading Calendar       616       616       616         Read the third time       868       869       869         H.B. 46 ADOPTION AND TERMINATION OF PARENTAL RIGHTS ( <i>S. Allen</i> )       869	H.B. 43 ALI	LOWANCE OF POLLING PLACES FOR EARLY VOTING (G. Donnelson)	
Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366         Signed by the President and returned to the House       366         H.B. 44 DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)       Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275       Read the second time and placed on Consent Calendar       438         Read the third time       515       Signed by the President and returned to the House       516         H.B. 45 SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       DISABILITY (R. Menlove)       312         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       616	Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366         H.B. 44 — DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)       Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275       Read the second time and placed on Consent Calendar       438         Read the second time and placed on Consent Calendar       438       Read the third time       515         Signed by the President and returned to the House       516       516         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       DISABILITY (R. Menlove)       868         Read for the first time and referred to the Rules Committee       312       312         Assigned to standing committee       358       358       358         Committee report adopted and placed on calendar       495       495       495         Read the second time       616       616       616       616         Tabled on Third Reading Calendar       616       616       616         Read the third time       868       85       869         H.B. 46 — ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       868       868         Read for the first time and referred to the Rules	Read the second time and placed on Consent Calendar       259         Read the third time       366         Signed by the President and returned to the House       366         H.B. 44 DECLARATION OF CANDIDACY REVISIONS ( <i>G. Donnelson</i> )       Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275       Read the second time and placed on Consent Calendar       438         Read the second time and placed on Consent Calendar       438       Sead the third time       515         Signed by the President and returned to the House       516       Sead for the first time and returned to the Rules Committee       312         H.B. 45 SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY ( <i>R. Menlove</i> )       Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358       Committee report adopted and placed on calendar       495         Read the second time       616       616       616         Tabled on Third Reading Calendar       616       616         Read the third time       868       869       869         H.B. 46 ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869         H.B. 46 ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869			
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Signed by the President and returned to the House       366         H.B. 44 — DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)       Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275       Read the second time and placed on Consent Calendar       438         Read the third time       515       Signed by the President and returned to the House       515         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY (R. Menlove)       312       Assigned to standing committee       312         Assigned to standing committee       358       Committee report adopted and placed on calendar       495       868	Signed by the President and returned to the House       366         H.B. 44 — DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)       Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275       Read the second time and placed on Consent Calendar       438         Read the second time and placed on Consent Calendar       438       Read the third time       515         Signed by the President and returned to the House       516       516         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       DISABILITY (R. Menlove)       869         Read for the first time and referred to the Rules Committee       312       358         Committee report adopted and placed on calendar       495       495         Read the second time       616       616       616         Tabled on Third Reading Calendar       616       868       869         H.B. 46 — ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869         Assigned to standing committee       236       236         Committee report adopted and placed on calendar       461       461         Read for the first time and referred to the Rules Committee       189       458         Signed by the President and returned to the Rules Committee       189       458         Assigned to standing committe	Signed by the President and returned to the House       366         H.B. 44 — DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)       Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275       Read the second time and placed on Consent Calendar       438         Read the third time       515       Signed by the President and returned to the House       515         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY (R. Menlove)       826       312         Read for the first time and referred to the Rules Committee       312       358         Committee report adopted and placed on calendar       495       495         Read the third time       616       616       616         Read to report adopted and placed on calendar       868       868       869         H.B. 46 — ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869         H.B. 46 — ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869			
H.B. 44 — DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)         Read for the first time and referred to the Rules Committee         235         Assigned to standing committee         275         Read the second time and placed on Consent Calendar         438         Read the third time         515         Signed by the President and returned to the House         516         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A         DISABILITY (R. Menlove)         Read for the first time and referred to the Rules Committee         312         Assigned to standing committee         358         Committee report adopted and placed on calendar         495         Read the second time         616         Tabled on Third Reading Calendar         616         Read the third time	H.B. 44 — DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)         Read for the first time and referred to the Rules Committee         235         Assigned to standing committee         275         Read the second time and placed on Consent Calendar         438         Read the third time         515         Signed by the President and returned to the House         516         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A         DISABILITY (R. Menlove)         Read for the first time and referred to the Rules Committee         312         Assigned to standing committee         358         Committee report adopted and placed on calendar         495         Read the second time         616         Tabled on Third Reading Calendar         618         Signed by the President and returned to the House         869         H.B. 46 — ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)         Read for the first time and referred to the Rules Committee         189         Assigned to standing committee         236         Committee report adopted and placed on calendar         461         Read for the first time and referred to the Rules Committee	H.B. 44 — DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)         Read for the first time and referred to the Rules Committee         235         Assigned to standing committee         275         Read the second time and placed on Consent Calendar         438         Read the third time         515         Signed by the President and returned to the House         516         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A         DISABILITY (R. Menlove)         Read for the first time and referred to the Rules Committee         312         Assigned to standing committee         358         Committee report adopted and placed on calendar         495         Read the second time         616         Tabled on Third Reading Calendar         616         Read the third time         868         Signed by the President and returned to the House         869         H.B. 46 — ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)         Read for the first time and referred to the Rules Committee		Signed by the President and returned to the House	366
Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275         Read the second time and placed on Consent Calendar       438         Read the third time       515         Signed by the President and returned to the House       515         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       516         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       312         Assigned to standing committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868	Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275         Read the second time and placed on Consent Calendar       438         Read the third time       515         Signed by the President and returned to the House       516 <b>H.B. 45</b> — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A         DISABILITY ( <i>R. Menlove</i> )       Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358       258         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869         H.B. 46       — ADOPTION AND TERMINATION OF PARENTAL RIGHTS ( <i>S. Allen</i> )         Read for the first time and referred to the Rules Committee       189         Assigned to standing committee       236         Committee report adopted and placed on calendar       461         Read for the first time and referred to the Rules Committee       189         Assigned to standing committee       236         Committee report adopted and placed on calendar       461         Read the second time<	Read for the first time and referred to the Rules Committee       235         Assigned to standing committee       275         Read the second time and placed on Consent Calendar       438         Read the third time       515         Signed by the President and returned to the House       516         H.B. 45 SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       516         BLABLITY ( <i>R. Menlove</i> )       Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358       58         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869         H.B. 46 ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869         Read for the first time and referred to the Rules Committee       189			. 500
Assigned to standing committee       275         Read the second time and placed on Consent Calendar       438         Read the third time       515         Signed by the President and returned to the House       516         H.B. 45 SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       516         DISABILITY ( <i>R. Menlove</i> )       Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358       558         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       616	Assigned to standing committee       275         Read the second time and placed on Consent Calendar       438         Read the third time       515         Signed by the President and returned to the House       516 <b>H.B. 45</b> — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A         DISABILITY (R. Menlove)       Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358       Committee report adopted and placed on calendar       495         Read the second time       616       Tabled on Third Reading Calendar       616         Read the third time       868       Signed by the President and returned to the House       869 <b>H.B. 46</b> — ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869         Assigned to standing committee       236       236         Committee report adopted and placed on calendar       461         Read for the first time and referred to the Rules Committee       189         Assigned to standing committee       236         Committee report adopted and placed on calendar       461         Read the second time       607         Substituted       607         Substituted       607         Substituted       607         Substituted	Assigned to standing committee       275         Read the second time and placed on Consent Calendar       438         Read the third time       515         Signed by the President and returned to the House       516 <b>H.B. 45</b> — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY ( <i>R. Menlove</i> )         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869 <b>H.B. 46</b> — ADOPTION AND TERMINATION OF PARENTAL RIGHTS ( <i>S. Allen</i> )         Read for the first time and referred to the Rules Committee       189	<b>H.B. 44</b> DEC	Read for the first time and referred to the Rules Committee	235
Read the second time and placed on Consent Calendar       438         Read the third time       515         Signed by the President and returned to the House       516         H.B. 45       SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY ( <i>R. Menlove</i> )         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868	Read the second time and placed on Consent Calendar       438         Read the third time       515         Signed by the President and returned to the House       516         H.B. 45       — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A         DISABILITY (R. Menlove)       Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358       Committee report adopted and placed on calendar       495         Read the second time       616       Tabled on Third Reading Calendar       616         Read the third time       868       Signed by the President and returned to the House       869         H.B. 46       — ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       Read for the first time and referred to the Rules Committee       189         Assigned to standing committee       236       Committee report adopted and placed on calendar       461         Read the second time       607       Substituted       607         Substituted       607       Substituted       607	Read the second time and placed on Consent Calendar       438         Read the third time       515         Signed by the President and returned to the House       516         H.B. 45       SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY ( <i>R. Menlove</i> )         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869         H.B. 46       ADOPTION AND TERMINATION OF PARENTAL RIGHTS ( <i>S. Allen</i> )         Read for the first time and referred to the Rules Committee       189		Assigned to standing committee	. 275
Signed by the President and returned to the House       516         H.B. 45       SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY ( <i>R. Menlove</i> )         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868	Signed by the President and returned to the House       516 <b>H.B. 45</b> SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       DISABILITY ( <i>R. Menlove</i> )         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869 <b>H.B. 46</b> ADOPTION AND TERMINATION OF PARENTAL RIGHTS ( <i>S. Allen</i> )       189         Assigned to standing committee       236         Committee report adopted and placed on calendar       461         Read for the first time and referred to the Rules Committee       189         Assigned to standing committee       236         Committee report adopted and placed on calendar       461         Read the second time       607         Substituted       607         Substituted       607         Read the third time       607         Substituted       607         Substituted       607	Signed by the President and returned to the House       516         H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A       DISABILITY ( <i>R. Menlove</i> )         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869         H.B. 46 — ADOPTION AND TERMINATION OF PARENTAL RIGHTS ( <i>S. Allen</i> )       Read for the first time and referred to the Rules Committee		Read the second time and placed on Consent Calendar	. 438
H.B. 45       SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY ( <i>R. Menlove</i> )         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868	H.B. 45       SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY (R. Menlove)         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869         H.B. 46       ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)         Read for the first time and referred to the Rules Committee       189         Assigned to standing committee       236         Committee report adopted and placed on calendar       461         Read the second time       607         Substituted       607         Substituted       607         Substituted       607         Substituted       607	H.B. 45 SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY ( <i>R. Menlove</i> )       312         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Signed by the President and returned to the House       869         H.B. 46 ADOPTION AND TERMINATION OF PARENTAL RIGHTS ( <i>S. Allen</i> )       889         Read for the first time and referred to the Rules Committee       189			
DISABILITY (R. Menlove)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Committee report adopted and placed on calendar         495         Read the second time         616         Tabled on Third Reading Calendar         616         Read the third time	DISABILITY (R. Menlove)         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869         H.B. 46 ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869         Assigned to standing committee       236         Committee report adopted and placed on calendar       461         Read for the first time and referred to the Rules Committee       189         Assigned to standing committee       236         Committee report adopted and placed on calendar       461         Read the second time       607         Substituted       607         Substituted       607         Read the third time       607	DISABILITY (R. Menlove)         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869         H.B. 46 ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       Read for the first time and referred to the Rules Committee			. 516
Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868	Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869         H.B. 46 ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       189         Assigned to standing committee       236         Committee report adopted and placed on calendar       461         Read the second time       607         Substituted       607         Substituted       607         Read the third time       607	Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869         H.B. 46 ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869         Read for the first time and referred to the Rules Committee       189			
Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868	Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869         H.B. 46 ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869         Assigned to the first time and referred to the Rules Committee       189         Assigned to standing committee       236         Committee report adopted and placed on calendar       461         Read the second time       607         Substituted       607         Read the third time       607	Committee report adopted and placed on calendar       495         Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869         H.B. 46 ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869         Read for the first time and referred to the Rules Committee       189			. 312
Read the second time    616      Tabled on Third Reading Calendar    616      Read the third time    868	Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869         H.B. 46 ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869         Read for the first time and referred to the Rules Committee       189         Assigned to standing committee       236         Committee report adopted and placed on calendar       461         Read the second time       607         Substituted       607         Read the third time       667	Read the second time       616         Tabled on Third Reading Calendar       616         Read the third time       616         Signed by the President and returned to the House       868         H.B. 46 ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869         Read for the first time and referred to the Rules Committee       189		Assigned to standing committee	. 358
Tabled on Third Reading Calendar       616         Read the third time       868	Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869         H.B. 46 — ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869         Read for the first time and referred to the Rules Committee       189         Assigned to standing committee       236         Committee report adopted and placed on calendar       461         Read the second time       607         Substituted       607         Read the third time       667	Tabled on Third Reading Calendar       616         Read the third time       868         Signed by the President and returned to the House       869         H.B. 46 ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869         Read for the first time and referred to the Rules Committee       189		Committee report adopted and placed on calendar	. 495
Read the third time	Read the third time       868         Signed by the President and returned to the House       869         H.B. 46 ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)       869         Read for the first time and referred to the Rules Committee       189         Assigned to standing committee       236         Committee report adopted and placed on calendar       461         Read the second time       607         Substituted       607         Read the third time       667	Read the third time			
	Signed by the President and returned to the House	Signed by the President and returned to the House			
Signed by the President and returned to the House	H.B. 46 — ADOPTION AND TERMINATION OF PARENTAL RIGHTS ( <i>S. Allen</i> ) Read for the first time and referred to the Rules Committee	H.B. 46 — ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen) Read for the first time and referred to the Rules Committee			
	Read for the first time and referred to the Rules Committee       189         Assigned to standing committee       236         Committee report adopted and placed on calendar       461         Read the second time       607         Substituted       607         Read the third time       667	Read for the first time and referred to the Rules Committee			
Read for the first time and referred to the Rules Committee	Assigned to standing committee236Committee report adopted and placed on calendar461Read the second time607Substituted607Read the third time667		II.D. 40 AD	Read for the first time and referred to the Rules Committee	. 189
Assigned to standing committee	Committee report adopted and placed on calendar	Assigned to standing committee		Assigned to standing committee	. 236
Committee report adopted and placed on calendar	Substituted	Committee report adopted and placed on calendar		Committee report adopted and placed on calendar	. 461
	Read the third time				
Neau uie ulliu ullie	Keumen to the House 667				
Returned to the House		Signed by the President and returned to the House			

H.B. 47 — STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION ( <i>R. Menlove</i> )		
Read for the first time and referred to the Rules Committee		. 189
Assigned to standing committee		. 236
Substituted		
Amendments		
Read the second time		
Circled		
Uncircled		
Read the third time		
Returned to the House		
Conference committee report adopted		
Signed by the President and returned to the House		. 696
H.B. 48 MOBILE HOME OWNERS' RIGHTS (P. Riesen)		
Read for the first time and referred to Rules		
Assigned to Standing Committee	• • • •	. 384
Read the second and third time	••••	608
Signed by the President and returned to the House		
H.B. 49 BUDGET RESERVE ACCOUNT AND DISASTER RECOVERY ACCOUNT		
AMENDMENTS (W. Harper)		254
Read for the first time and referred to the Rules Committee		
Committee report adopted and placed on calendar		
Read the second time		. 605
Amendments		
Read the third time		
Circled Uncircled		
Returned to the House		
Signed by the President and returned to the House		
H.B. 50 UNDERGROUND STORAGE TANK AMENDMENTS (S. Andersen)		
Read for the first time and referred to the Rules Committee		
Assigned to standing committee		
Read the second time		
Read the third time		
Signed by the President and returned to the House		. 528
H.B. 51 — WATER RIGHT AMENDMENTS (P. Painter)		
Read for the first time and referred to the Rules Committee	• • • •	. 430
Assigned to standing committee	• • • •	. 477
Read the second time	• • • •	809
Substituted		
Read the first, second and third time		
Returned to the House		. 810
Intent Language	• • • •	. 810
Signed by the President and returned to the House	• • • •	. 869

<b>H.B. 52</b> RE	SEARCH ACTIVITIES TAX CREDITS AMENDMENTS (J. Dougall) Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Tabled on Third Reading Calendar199
	Placed on Third Reading Calendar
	Read the third time
	Signed by the President and returned to the House
<b>H.B.</b> 53 — IMI	PACT OF ADMINISTRATIVE RULES ON SMALL BUSINESSES (S. Clark) Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar
	Read the third time
	Signed by the President and returned to the House
H.B. 54 PRO	OPERTY TAX ASSESSMENT REVISIONS (W. Harper)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Committee report adopted and placed on calendar
	Read the second time         697           Circled         697
	Uncircled
	Read the second and third time
	Returned to the House
	Receded
	Signed by the President and returned to the House
	Conference Committee Appointed
	Reconsideration
	Substituted
	Joint Conference Committee Report
	Returned to the House
	Signed by the President and returned to the House
<b>H.B. 55</b> CA	PTIVE INSURANCE COMPANY AMENDMENTS (J. Dunnigan)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time         325           Circled         326
	Uncircled
	Read the third time
	Signed by the President and returned to the House
H.B. 56 RE	PEAL PROVISIONS RELATED TO ASSUMPTION OF INDEBTEDNESS ON
	RESIDENTIAL REAL PROPERTY (K. Garn)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Circled
	Uncircled
	Read the third time
	Signed by the President and returned to the House

H.B. 57 — TRANSPORTATION ADMINISTRATIVE RULES – CRIMINAL AND CIVIL PENALTY AMENDMENTS ( <i>T. Kiser</i> ) Read for the first time and referred to the Rules Committee
Read the third time       516         Signed by the President and returned to the House       516
H.B. 58 — SEVERANCE TAX AMENDMENTS (J. Dougall)       Read for the first time and referred to the Rules Committee       513         Assigned to standing committee       558         Committee report adopted and placed on calendar       632         Returned to the Rules Committee       815         Placed on calendar       1014         Read the second time       1050         Circled       1053         Substituted       1053         Read the second and third time       1053         Returned to the House       1054         Signed by the President and returned to the House       1062
H.B. 59 COMMUNITY AND ECONOMIC DEVELOPMENT TECHNICAL CHANGES (S. Mascaro) Read for the first time and referred to the Rules Committee
H.B. 60 — LEGISLATIVE REVIEW OF HEALTH INSURANCE MANDATES (J. Dunnigan)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Substituted         Committee report adopted and placed on calendar         Pred the second time         Amendments         Read the third time         Read the third time         Signed by the President and returned to the House
H.B. 61 — DESIGNATION OF STATE HIGHWAYS AMENDMENTS ( <i>T. Kiser</i> ) Read for the first time and referred to the Rules Committee
H.B. 62 CLEAN FUEL SPECIAL GROUP LICENSE PLATE AMENDMENTS (T. Kiser)         Read for the first time and referred to the Rules Committee       205         Assigned to standing committee       236         Amendments       332         Committee report adopted and placed on calendar       333         Read the second time       503         Read the third time       526         Signed by the President and returned to the House       526

F A C F C U	ODIFICATION OF TITLE 63 STATE AFFAIRS IN GENERAL (D. Aagard)         Read for the first time and referred to the Rules Committee       125         Assigned to standing committee       138         Committee report adopted and placed on calendar       156         Read the second time       198         Circled       198         Marcinel       198         Marcinel       198         Zead the third time       220
5 H.B. 64 DISC 5 H 4 C H F 5	Bigned by the President and returned to the House       220         CLOSURE OF INFORMATION BY THE DEPARTMENT OF WORKFORCE       220         SERVICES (P. Neuenschwander)       280         Read for the first time and referred to the Rules Committee       189         Assigned to standing committee       237         Committee report adopted and placed on calendar       333         Read the second time       502         Read the third time       524         Signed by the President and returned to the House       525
F A C F	ME OF STRANGULATION OR SMOTHERING (J. Seelig)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Committee report adopted and placed on calendar         Seturned to the Rules Committee         Seturned to the Rules Committee         Bacting Clause Stricken
F C F F C U U F F	AEDUCATOR TO TEACHER SCHOLARSHIP PROGRAM (R. Menlove)         Read for the first time and referred to the Rules Committee       557         Assigned to standing committee       585         Committee report adopted and placed on calendar       653         Returned to the Rules Committee       819         Placed on calendar       980         Read the second time       1003         Circled       1003         Jacircled       1010         Meandments       1011         Returned to the House       1012         Gigned by the President and returned to the House       1025
F A C F C U U U	ENDED YEAR FOR SPECIAL EDUCATORS (R. Menlove)         Read for the first time and referred to the Rules Committee       189         Assigned to standing committee       235         Committee report adopted and placed on calendar       363         Read the second time       505         Circled       505         Tabled on Third Reading Calendar       506         Enacting Clause Stricken       1070
F C F F F	CATOR RELICENSURE INITIATIVE (R. Menlove)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Committee report adopted and placed on calendar         Calendar         Aread the second time         Amendments         Academent to the House         Assigned by the President and returned to the House

H.B. 69 RE	PEAL OF BOARD LEEWAY FOR READING IMPROVEMENT (J. Dougall)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Substituted
	Returned to the Rules Committee
	Enacting Clause Stricken
	-
<b>H.B.</b> 70 EX	PUNGEMENT LAW AMENDMENTS (L. Fowlke) Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Returned to the Rules Committee
	Placed on calendar
	Read the second time
	Read the third time
	Signed by the President and returned to the House
H.B. 71 PAI	RENT-TIME AMENDMENTS (L. Fowlke)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Committee report adopted and placed on calendar
	Read the second time
	Circled
	Uncircled
	Read the third time
	Returned to the House       426         Signed by the President and returned to the House       476
<b>H.B.</b> 72 MC	VTORCYCLE LICENSE AND ENDORSEMENT
	AMENDMENTS (P. Neuenschwander)
	Read for the first time and referred to the Rules Committee
	Committee report adopted and placed on calendar
	Read the second time
	Tabled on Third Reading Calendar   817
	Placed on calendar
	Read the third time
	Signed by the President and returned to the House
<b>H.B.</b> 73 CH	ILD CARE PROVIDERS (K. Morgan)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Signed by the President and returned to the House
H.B. 74 ME	EDICAID 340B DRUG PRICING PROGRAMS (D. Litvack)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Circled
	Amendments
	Read the third time
	Returned to the House
	Signed by the President and returned to the House

<b>H.B. 75</b> — INV	VENTORY AND REVIEW OF COMMERCIAL ACTIVITIES (C. Frank) Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Returned to the Rules Committee
	Read the second and third time
	Signed by the President and returned to the House
<b>H.B. 77</b> PE	RSONAL PROPERTY TAX AMENDMENTS (J. Dougall)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Read the second time
	Circled
	Substituted
	Read the third time
	Returned to the House       339         Signed by the President and returned to the House       430
<b>II D 7</b> 9 TIT	
п.в. /8 111	CLE 78 RECODIFICATION AND REVISION (J. Biskupski) Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar
	Signed by the President and returned to the House
<b>H.B. 79</b> SU	NSET REAUTHORIZATIONS AND AMENDMENTS (D. Clark)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Read the second and third time
	Signed by the President and returned to the House
H.B. 80 AD	MINISTRATIVE RULE PENALTY AMENDMENTS (B. Ferry)
	Read for the first time and referred to the Rules Committee
	Substituted
	Committee report adopted and placed on calendar
	Returned to the Rules Committee
	Read the second time
	Read the second and third time
	Returned to the House       924         Signed by the President and returned to the House       945
H B 81 TA	SK FORCE TO STUDY PERFORMANCE INCENTIVES FOR TEACHERS (B. Last)
11.0.01 17.	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Tabled on Third Reading Calendar
	Enacting Clause Stricken
<b>H.B. 82</b> NC	VTICE OF CHANGES TO THE STATE MEDICAID PLAN (M. Newbold)
	Read for the first time and referred to the Rules Committee
	Committee report adopted and placed on calendar
	Read the second time   469     Circled   469
	Uncircled
	Read the third time
	Signed by the President and returned to the House

## HOUSE BILLS

H.B. 83 — SECURITIES AMENDMENTS (J. Bird) Read for the first time and referred to the Rules Committee
H.B. 85 TEACHER LOAN PROGRAM (L. Hemingway)       312         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Amendments       651         Committee report adopted and placed on calendar       653         Returned to the Rules Committee       819         Enacting Clause Stricken       1070
H.B. 86       FUNDING OF INMATE POSTSECONDARY EDUCATION (J. Draxler)         Read for the first time and referred to the Rules Committee       275         Assigned to standing committee       330         Committee report adopted and placed on calendar       438         Read the second time       510         Tabled on Third Reading Calendar       581         Amendments       881         Returned to the House       881         Signed by the President and returned to the House       900
H.B. 90 — EXPUNGEMENT AMENDMENTS ( <i>R. C. Webb</i> ) Read for the first time and referred to the Rules Committee
H.B. 92 — GARNISHMENT AMENDMENTS (J. Draxler)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Statument         Statument         Returned to the Rules Committee         Placed on calendar         Read the second time         Read the third time         Read the third time         Signed by the President and returned to the House
H.B. 93 — INSURANCE FRAUD AMENDMENTS (D. Aagard)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Amendments         Committee report adopted and placed on calendar         Placed on calendar         Placed on calendar         Read the second time         Read the third time         Read the third time         Read the third time         Read the House         Signed by the President and returned to the House
H.B. 94 — PUBLIC EMPLOYEES' RETIREMENT – SPOUSAL ELECTION ( <i>L. Shurtliff</i> ) Read for the first time and referred to the Rules Committee

H.B. 95 DOCUMENT FRAUD (K. Morgan)       205         Read for the first time and referred to the Rules Committee       205         Assigned to standing committee       235         Committee report adopted and placed on calendar       495         Read the second time       614         Tabled on Third Reading Calendar       614         Enacting Clause Stricken       1070
H.B. 96 RETIRED TEACHERS - RETURN TO WORK ( <i>D. Bowman</i> ) Read for the first time and referred to the Rules Committee
H.B. 97 — COURT-ORDERED RESTITUTION FOR COSTS OF INCARCERATION (C. Oda)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Read the second time and placed on Consent Calendar         Signed by the President and returned to the House
H.B. 98 — UTAH EMPLOYMENT VERIFICATION ACT (G. Donnelson) Read for the first time and referred to the Rules Committee
H.B. 99 BUSINESS REGISTRATION - OPTIONAL INCLUSION OF OWNERSHIP DATA ( <i>M. Wheatley</i> ) Read for the first time and referred to the Rules Committee
H.B. 101 — AMENDMENTS TO EMERGENCY INJECTION FOR ANAPHYLACTIC REACTION ACT ( <i>T. Kiser</i> ) Read for the first time and referred to the Rules Committee
H.B. 102 — CHILD ABUSE HOMICIDE AMENDMENTS (C. Wimmer)         Read for the first time and referred to the Rules Committee         Placed on calendar       866         Read the second time       867         Circled       867         Uncircled       887         Read the second and third time       888         Signed by the President and returned to the House       888
H.B. 103 — USE OF STATE ALTERNATIVE FUEL NETWORK (F. Hunsaker)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Committee report adopted and placed on calendar         461         Read the second time         606         Read the third time         666         Signed by the President and returned to the House

H.B. 104 URBAN TRAILS APPROPRIATION (K. J	
Read for the first time and referred to th	e Rules Committee
Placed on calendar	
Read the second time	
Returned to the House	
Signed by the President and returned to	the House
H.B. 105 TRANSPORTATION INFRASTRUCTUR	E LOAN FUND
AMENDMENTS (Julie Fisher)	
	e Rules Committee
Assigned to standing committee	
Committee report adopted and placed o	n calendar
Read the second time	
Uncircled	
	the House
H.B. 106 CLEAN AIR AND EFFICIENT VEHICLE	
	e Rules Committee
	n calendar
Signed by the President and returned to	the House
H.B. 107 – EMERGENCY MANAGEMENT ADMIN	
	e Rules Committee
Assigned to standing committee	
Read the second time	
	the House
H.B. 109 SEX OFFENDER LAW AMENDMENTS	(G. Hughes)
	e Rules Committee
Signed by the President and returned to	the House
Signed by the resident and returned to	une 110use

<b>H.B. 112</b> 1	PUBLIC EDUCATION FOUNDATION AMENDMENTS (S. Allen) Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Committee report adopted and placed on calendar
	Read the second time    625      Read the third time    684
	Returned to the House
	Signed by the President and returned to the House
II D 117	FLUORINE IN A PRIVATELY OWNED WATER SYSTEM (S. Andersen)
п.в. 110	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Returned to the Rules Committee
	Enacting Clause Stricken
<b>H.B. 117</b> 1	INSTREAM FLOW TO PROTECT TROUT HABITAT (S. Sandstrom)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time    619      Read the third time    670
	Signed by the President and returned to the House
<b>H D</b> 110	
H.B. 118	VETERANS HIGH SCHOOL DIPLOMAS ( <i>L. Hemingway</i> ) Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Signed by the President and returned to the House
H.B. 119	CONTROLLED SUBSTANCE DATABASE AMENDMENTS (B. Daw)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Read the second time
	Circled
	Uncircled
	Amendments
	Tabled on Third Reading Calendar   624
	Read the third time
	Returned to the House
II D 101	COUNTY CHARGES FOR SERVICES TO INCARCERATED
п.р. 121	PERSONS (R. Greenwood)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Returned to the Rules Committee
	Placed on calendar
	Read the second time
	Uncircled
	Amendments
	Read the third time
	Substituted
	Returned to the House
	Signed by the President and returned to the House

<b>H.B. 122</b> — D	RIVER LICENSE – APPLICATION OF MINOR AMENDMENTS (D. Litvack)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         385
	Committee report adopted and placed on calendar
	Read the second time
	Tabled on Third Reading Calendar    609
	Read the third time
	Circled
	Uncircled
	• •
<b>H.B.</b> 123 A	CCELERATED LEARNING PROGRAMS AMENDMENTS (B. Ferry)
	Read for the first time and referred to the Rules Committee
	Returned to the Rules Committee
	Enacting Clause Stricken
H.B. 125 D	EPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS (K. Gibson)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Substituted
	Amendments
	Read the second time and placed on Consent Calendar
	Read the third time    577      Returned to the House    578
	Signed by the President and returned to the House
HB 126 FI	LECTION LAW – BALLOT PROPOSITION AMENDMENTS (C. Johnson)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar
	Read the third time
	Signed by the President and returned to the House
<b>H.B. 127</b> C	OMMUNITY COUNCIL ELECTIONS (K. Sumsion) Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar
	Read the third time
	Signed by the President and returned to the House
<b>H.B. 128</b> U'	TAH RESIDENTIAL MORTGAGE PRACTICES ACT
	AMENDMENTS (M. Newbold)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar       598         Read the third time       718
	Signed by the President and returned to the House
HB 129 A	PPROPRIATION FOR CONSTRUCTION OF A VETERANS' NURSING
11.0.12	HOME IN OGDEN (B. Dee)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Placed on Time Certain Calendar
	Read the second and third time       863         Signed by the President and returned to the House       863
	Signed by the resident and returned to the nouse

H.B. 131 — COMMUNITY BASED SELF SUFFICIENCY PROGRAM (J. Seelig) Read for the first time and referred to the Rules Committee	
Assigned to standing committee Committee report adopted and placed on calendar	
Returned to the Rules Committee	
Placed on calendar	
Read the second time	
Amendments	
Read the third time	
Circled Uncircled	
Substituted	
Returned to the House	
Signed by the President and returned to the House	
H.B. 132 — WASTE TIRE RECYCLING AMENDMENTS (N. Hendrickson)	
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	
Read the second time	
Read the third time	
Signed by the President and returned to the House	
H.B. 133 — HEALTH SYSTEM REFORM (D. Clark)	
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	
Committee report adopted and placed on calendar	
Read the second time	
Amendments	
Read the third time	
Circled	
Uncircled	
Substituted	
Returned to the House	
Signed by the President and returned to the House	
H.B. 135 GRANTS FROM DEPARTMENT OF COMMUNITY AND CULTURE	
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	
Read the second time	
Circled	
Uncircled	535
Tabled on Third Reading Calendar	
Enacting Clause Stricken	
H.B. 136 ILLEGAL DRUG ACTIVITY REPORTING SYSTEM (C. Herrod)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	
Enacting Clause Stricken	
H.B. 137 — STATE FACILITY WATER CONSERVATION PROGRAM (L. Wiley)	
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	
Returned to the Rules Committee	
Enacting Clause Stricken	

	DEVICE AMENDMENTS (T. Cosgrove)
	ne and referred to the Rules Committee
	es Committee
Signed by the Presi	dent and returned to the House
	EPORTING INFORMATION SYSTEM
AMENDMENTS (1	D. Aagard)
Read for the first tir	ne and referred to the Rules Committee
Assigned to standin Read the second tin	g committee
Signed by the Presi	dent and returned to the House
H.B. 142 ABSENTEE BALLOT	
Read for the first tir	ne and referred to the Rules Committee
	icken
H.B. 143 ADMINISTRATION (	OF INTERSTATE WATER (M. Brown)
Read for the first tir	ne and referred to the Rules Committee
Assigned to standin	g committee
Committee report a	dopted and placed on calendar
	ne
6,	
H.B. 144 MOTOR VEHICLE IN	SURANCE AMENDMENTS (T. Kiser)
	ne and referred to the Rules Committee
Assigned to standin Read the second tin	g committee
Read the third time	
	dent and returned to the House
e ;	E RETIREMENT BENEFIT (K. Holdaway)
	ne and referred to the Rules Committee
	g committee
	es Committee
Enacting Clause Str	icken
H.B. 146 SCHOOL BUS AMEN	JDMENTS (C. Johnson)
	ne and referred to the Rules Committee
	d third time
	dent and returned to the House
H.B. 148 AQUACULTURE RE	
Read for the first tir	ne and referred to the Rules Committee
	g committee
	dopted and placed on calendar
Returned to the Rul	es Committee
	es Committee
	d third time
	1058
Signed by the Presi	dent and returned to the House

]	OTECTIVE ORDER AMENDMENTS ( <i>L. Fowlke</i> ) Read for the first time and referred to the Rules Committee
]	Read the second time and placed on Consent Calendar       717         Read the third time       829         Signed by the President and returned to the House       829
	THORIZATION FOR COUNTIES TO PROVIDE SUPPLEMENTAL LAW         ENFORCEMENT SERVICES (J. Biskupski)         Read for the first time and referred to the Rules Committee       .750         Placed on calendar       .897         Read the second time       .1014         Circled       .1014, 1044         Uncircled       .1044         Amendments       .1070
	DTOR VEHICLE REVISIONS (S. Urquhart)         Read for the first time and referred to the Rules Committee       531         Assigned to standing committee       558         Committee report adopted and placed on calendar       716         Returned to the Rules Committee       819         Placed on calendar       819         Read the second time       838         Lircled       838         Juncircled       839         Signed by the President and returned to the House       873
	PACT FEES AMENDMENTS (M. Morley)         Read for the first time and referred to the Rules Committee       513         Assigned to standing committee       557         Committee report adopted and placed on calendar       653         Returned to the Rules Committee       819         Placed on calendar       819         Read the second time       838         Read the third time       861         Circled       861         Signed by the President and returned to the House       863
(	A SAMPLE – FELONY AND CERTAIN MISDEMEANOR CONVICTIONS (K. Gibson) Read for the first time and referred to the Rules Committee
]	COHOLIC BEVERAGE CONTROL VIOLATIONS AMENDMENTS (C. Oda)         Read for the first time and referred to the Rules Committee       611         Assigned to standing committee       646         Read the second time and placed on Consent Calendar       744         Read the third time       829         Signed by the President and returned to the House       830
]	X CREDIT FOR MILITARY RETIRED PAY (S. Mascaro)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Committee report adopted and placed on calendar         716         Returned to the Rules Committee         819         Enacting Clause Stricken

H.B. 159 — PROFESSIONAL EMPLOYER ORGANIZATION LICENSING ACT (J. Dunnigan)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Read the second time and placed on Consent Calendar         Signed by the President and returned to the House
H.B. 160 — CHARTER SCHOOL LAW REVISIONS ( <i>R. Lockhart</i> ) Read for the first time and referred to the Rules Committee
H.B. 161 — SEX OFFENDERS' CONTACT WITH CHILDREN (R. Greenwood)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Committee report adopted and placed on calendar         770         Returned to the Rules Committee         819         Enacting Clause Stricken
H.B. 164 — TOWN INCORPORATION PROCESS AMENDMENTS ( <i>M. Brown</i> ) Read for the first time and referred to the Rules Committee
H.B. 165 — SALES AND USE TAX EXEMPTIONS RELATING TO AIRCRAFT (B. Dee)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Committee report adopted and placed on calendar         Returned to the Rules Committee         Placed on calendar         Mead the second time         Amendments         Returned to the House         Returned to the House         1002         Read the second and third time         1003         Signed by the President and returned to the House
H.B. 166 — MINUTES OF OPEN AND PUBLIC MEETINGS ( <i>M. Brown</i> ) Read for the first time and referred to the Rules Committee
H.B. 167 — A VICTIM AMICUS BILL ( <i>R. C. Webb</i> ) Read for the first time and referred to the Rules Committee
H.B. 168 — HEALTH INSURANCE MARKET CHOICES (J. Dunnigan) Read for the first time and referred to the Rules Committee
H.B. 169 — CUSTODY EVALUATION AND PARENT COORDINATION ( <i>T. Cosgrove</i> ) Read for the first time and referred to the Rules Committee

II D 181 DI	
	RIVING PRIVILEGE CARD AMENDMENTS (B. Daw)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Returned to the Rules Committee
	Placed on calendar
	Read the second time
	Read the third time
	Circled
	Uncircled
	Amendments
	Returned to the House       903         Signed by the President and returned to the House       945
	ITY OR TOWN OPTION SALES AND USE TAX (B. Dee)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Returned to the Rules Committee
	Placed on calendar
	Read the second time
	Circled
	Uncircled
	Substituted
	Amendments
	Read the first, second and third time
	Returned to the House
	Signed by the President and returned to the House
	ONEY MANAGEMENT ACT UPDATES (P. Neuenschwander)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar
	Read the third time
	Circled
	Uncircled
	Signed by the President and returned to the House
<b>H.B.</b> 1/4 1F	RAUMATIC BRAIN INJURY FUND (J. Gowans)
	Read for the first time and referred to the Rules Committee
	Placed on calendar
	Read the second and third time
	Signed by the President and returned to the House
HB 177 CO	DUNTY AND MUNICIPAL LAND USE REGULATION OF POTENTIAL
	GEOLOGIC HAZARD AREAS (M. Morley)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Returned to the Rules Committee
	Placed on calendar
	Read the second time
	Read the third time
	Signed by the President and returned to the House
	RISDICTION FOR PROSECUTION (P. Neuenschwander)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Substituted
	Read the second time and placed on Consent Calendar
	Read the third time
	Returned to the House
	Signed by the President and returned to the House

H.B. 181 — DISPOSITION OF POTENTIAL EVIDENCE (T. Cosgrove)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	
Enacting Clause Stricken	10/1
H.B. 182 — DEADLINE FOR VOTING PRECINCT DESIGNATION (G. Hughes)	
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	
Committee report adopted and placed on calendar	653
Returned to the Rules Committee	
Read the second time	
Read the third time	
Signed by the President and returned to the House	
H.B. 183 SALES AND USE TAX AMENDMENTS (W. Harper)	
Read for the first time and referred to the Rules Committee	801
Placed on calendar	
Enacting Clause Stricken	
e	
H.B. 184 — CONSTRUCTION AMENDMENTS ( <i>M. Morley</i> ) Read for the first time and referred to the Rules Committee	177
Assigned to standing committee	531
Amendments	660
Read the second time and placed on Consent Calendar	
Read the third time	758
Returned to the House	758
Signed by the President and returned to the House	797
H.B. 185 — WESTERN STATES PRESIDENTIAL PRIMARY AMENDMENTS (K. Grover	r)
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	612
Read the second time and placed on Consent Calendar	745
Read the third time	831
Signed by the President and returned to the House	832
H.B. 186 PROPERTY TAX - COUNTY ASSESSMENT AND COLLECTION	
AMENDMENTS (K. McIff)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	
Read the second and third time	
Signed by the President and returned to the House	
H.B. 187 — DEATH CAUSED BY ILLEGAL DRUGS (C. Herrod)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	
Returned to the Rules Committee	
Placed on calendar	
Read the second and third time	1057
	1057
H.B. 189 — SCHOOL COMMUNITY COUNCILS ( <i>R. Bigelow</i> ) Read for the first time and referred to the Rules Committee	506
Assigned to standing committee	
Read the second time and placed on Consent Calendar	745
Read the third time	
Signed by the President and returned to the House	
H.B. 192 — PROPERTY TRANSACTION AMENDMENTS ( <i>R. Lockhart</i> ) Read for the first time and referred to the Rules Committee	700
Placed on calendar	
Returned to the Rules Committee	
Placed on calendar	
Read the second and third time	
Signed by the President and returned to the House	945

## HOUSE BILLS

GRADE THR Read for the fi	EDUCTION IN KINDERGARTEN THROUGH         EE (K. Morgan)         rst time and referred to the Rules Committee         se Stricken         1071
Read for the fi Placed on cale Returned to th	IREARM PERMIT AMENDMENTS (M. Newbold)         rst time and referred to the Rules Committee         indar       860         e Rules Committee       899         se Stricken       1071
Read for the fi Placed on cale Read the seco	Y ENERGY EFFICIENCY (F. Hunsaker)         rst time and referred to the Rules Committee         endar         1018         nd and third time         1019         President and returned to the House
Read for the fi	DR SOLAR PROJECTS (B. Last)         rst time and referred to the Rules Committee         se Stricken         1071
Read for the fi Assigned to st Returned to th Placed on cale Read the secon Substituted Circled Read the secon Returned to th	NEFIT AMENDMENTS (J. Dougall)         rst time and referred to the Rules Committee       674         anding committee       740         e Rules Committee       847         ndar       860         nd time       903         903       903         903       914         920       920         President and returned to the House       942
H.B. 203 — JUDICIAL REV Read for the fi Placed on cale Returned to th Placed on cale Read the secon Circled Uncircled Amendments Read the secon Returned to th	EW OF STATE ENGINEER'S DECISION (P. Painter)         rst time and referred to the Rules Committee       739         indar       860         e Rules Committee       899         indar       943         ind time       1027
Placed on cale Read the secon Circled Uncircled Amendments Read the secon Returned to th Signed by the	rst time and referred to the Rules Committee
Read the second	ATERING RIGHTS (M. Noel)         rst time and referred to the Rules Committee         and and third time         1054         President and returned to the House         1055

1101210 11	DENTITY THEFT AND OTHER CRIMES (S. Sandstrom)
	Read for the first time and referred to the Rules Committee
	Placed on calendar
	Read the second and third time
	Signed by the President and returned to the House
HB 212 F	DUCATOR SALARY ADJUSTMENTS (J. Dougall)
<b>II.D. 212</b> L	Read for the first time and referred to the Rules Committee
	Enacting Clause Stricken
	5
<b>H.B. 216</b> A	NNEXATION REVISIONS (B. Last)
	Read for the first time and referred to the Rules Committee
	Placed on calendar
	Returned to the Rules Committee
	Placed on calendar
	Read the second time
	Circled
	Uncircled
	Read the second and third time
	Signed by the President and returned to the House
H.B. 221 A	GRICULTURE AND INDUSTRIAL PROTECTION AREA
	AMENDMENTS (J. Mathis)
	Read for the first time and referred to the Rules Committee
	Placed on calendar
	Read the second and third time
	Amendments
	Returned to the House
	Intent Language
	Signed by the President and returned to the House
H.B. 222 W	ATER QUALITY BOARD AMENDMENTS (P. Painter)
	Read for the first time and referred to the Rules Committee
	Placed on calendar
	Read the second and third time
	Signed by the President and returned to the House
<b>ЦР 222</b> Б	XEMPTION FROM LICENSURE BY DIVISION OF REAL ESTATE (M. Walker)
п.в. 223 Е	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Returned to the Rules Committee
	Placed on calendar
	Pead the second time 840
	Read the second time
	Failed
	Failed
	Failed         849           Filed         850           Reconsideration         872
	Failed
	Failed
	Failed
H.P. 226 D	Failed849Filed850Reconsideration872Circled872Uncircled1043Read the second and third time1043Signed by the President and returned to the House1044
<b>H.B. 226</b> D	Failed849Filed850Reconsideration872Circled872Uncircled1043Read the second and third time1043Signed by the President and returned to the House1044ISRUPTION OF SCHOOL ACTIVITIES (C. Moss)
<b>H.B. 226</b> D	Failed       849         Filed       850         Reconsideration       872         Circled       872         Uncircled       1043         Read the second and third time       1043         Signed by the President and returned to the House       1044         ISRUPTION OF SCHOOL ACTIVITIES (C. Moss)       1044         Read for the first time and referred to the Rules Committee       611
<b>H.B. 226</b> — D	Failed       849         Filed       850         Reconsideration       872         Circled       872         Uncircled       1043         Read the second and third time       1043         Signed by the President and returned to the House       1044         ISRUPTION OF SCHOOL ACTIVITIES (C. Moss)       Read for the first time and referred to the Rules Committee         Assigned to standing committee       646
<b>H.B. 226</b> — D	Failed       849         Filed       850         Reconsideration       872         Circled       872         Uncircled       1043         Read the second and third time       1043         Signed by the President and returned to the House       1044         ISRUPTION OF SCHOOL ACTIVITIES (C. Moss)       Read for the first time and referred to the Rules Committee         Assigned to standing committee       646         Returned to the Rules Committee       806
<b>H.B. 226</b> — D	Failed       849         Filed       850         Reconsideration       872         Circled       872         Uncircled       1043         Read the second and third time       1043         Signed by the President and returned to the House       1044         ISRUPTION OF SCHOOL ACTIVITIES (C. Moss)       611         Assigned to standing committee       646         Returned to the Rules Committee       806         Placed on calendar       1014
<b>H.B. 226</b> — D	Failed       849         Filed       850         Reconsideration       872         Circled       872         Uncircled       1043         Read the second and third time       1043         Signed by the President and returned to the House       1044         ISRUPTION OF SCHOOL ACTIVITIES (C. Moss)       611         Assigned to standing committee       646         Returned to the Rules Committee       806         Placed on calendar       1014         Read the second and third time       1062
<b>H.B. 226</b> — D	Failed       849         Filed       850         Reconsideration       872         Circled       872         Uncircled       1043         Read the second and third time       1043         Signed by the President and returned to the House       1044         ISRUPTION OF SCHOOL ACTIVITIES (C. Moss)       611         Assigned to standing committee       646         Returned to the Rules Committee       806         Placed on calendar       1014         Read the second and third time       1062         Failed       1063
<b>H.B. 226</b> — D	Failed       849         Filed       850         Reconsideration       872         Circled       872         Uncircled       1043         Read the second and third time       1043         Signed by the President and returned to the House       1044         ISRUPTION OF SCHOOL ACTIVITIES (C. Moss)       611         Assigned to standing committee       646         Returned to the Rules Committee       806         Placed on calendar       1014         Read the second and third time       1062

H.B. 227 — REVOKING FEDERAL AUTHORITY TO USE STATE LANDS AS A BIRD REFUGE ( <i>B. Ferry</i> ) Read for the first time and referred to the Rules Committee
Enacting Clause Stricken
H.B. 229 — PROTECTIONS FOR AGRICULTURAL PRACTICES ( <i>M. Morley</i> ) Read for the first time and referred to the Rules Committee
Substituted
Returned to the Rules Committee       819         Placed on calendar       859         Returned to the Rules Committee       899         Enacting Clause Stricken       1071
H.B. 231 — LOCAL VOTER INFORMATION PAMPHLET AMENDMENTS (D. Aagard)
Read for the first time and referred to the Rules Committee
Read the second time and placed on Consent Calendar       598         Read the third time       719         Signed by the President and returned to the House       719
H.B. 234 — KINDERGARTEN ASSESSMENT AMENDMENTS (L. Shurtliff)
Read for the first time and referred to the Rules Committee
Assigned to standing committee
Read the second time
Read the third time       535         Signed by the President and returned to the House       535
H.B. 235 — COUNTY MERIT SYSTEM AMENDMENTS (B. Dee) Read for the first time and referred to the Rules Committee
Assigned to standing committee
Read the second time and placed on Consent Calendar
Signed by the President and returned to the House
H.B. 237 — ILLEGAL IMMIGRATION ENFORCEMENT ACT (G. Donnelson) Read for the first time and referred to the Rules Committee
Enacting Clause Stricken
H.B. 238 CAMPAIGN FINANCE FILING REQUIREMENTS (G. Hughes)
Read for the first time and referred to the Rules Committee
Assigned to standing committee
Read the second time
Read the third time         722           Circled         722
Uncircled
H.B. 239 – DRIVER LICENSE QUALIFICATION AMENDMENTS ( <i>G. Donnelson</i> )
Read for the first time and referred to the Rules Committee
Assigned to standing committee
Enacting Clause Stricken
H.B. 241 REPEAL OF EXEMPTIONS FROM NONRESIDENT TUITION (G. Donnelson) Paod for the first time and reformed to the Pulse Committee 477
Read for the first time and referred to the Rules Committee
Returned to the Rules Committee

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190 242 335 335 335 336 336 336 358 402 547 693 722 722 729 729 729 729 729 330 330 330 330
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H.B. 252 —	CHARITABLE SOLICITATIONS ACT AMENDMENTS (W. Harper)         Read for the first time and referred to the Rules Committee       166         Assigned to standing committee       585         Substituted       744         Read the second time and placed on Consent Calendar       745         Read the third time       832         Returned to the House       832         Signed by the President and returned to the House       869
H.B. 253	HIGHER EDUCATION INFORMATION TECHNOLOGY         APPROPRIATION (S. Clark)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Returned to the Rules Committee         Beacting Clause Stricken
H.B. 254	SCHOOL COMMUNITY COUNCIL AMENDMENTS (R. Menlove)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Read the second time and placed on Consent Calendar         744         Read the third time         830         Signed by the President and returned to the House
H.B. 256	CRIMINAL PENALTIES AMENDMENTS – INCLUDING         JESSICA'S LAW (C. Wimmer)         Read for the first time and referred to the Rules Committee       205         Assigned to standing committee       236         Read the second time and placed on Consent Calendar       390         Read the third time       482         Signed by the President and returned to the House       483
H.B. 257	EMPLOYEE VERIFICATION (C. Herrod)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Committee report adopted and placed on calendar         743         Returned to the Rules Committee         807, 819         Enacting Clause Stricken
H.B. 258	MEDICAID DRUG UTILIZATION AMENDMENTS (R. Lockhart)         Read for the first time and referred to the Rules Committee       235         Placed on calendar       936         Read the second and third time       942         Signed by the President and returned to the House       942
H.B. 259 —	GOLD STAR FAMILY SPECIAL GROUP LICENSE PLATE         AMENDMENTS (C. Oda)         Read for the first time and referred to the Rules Committee       275         Assigned to standing committee       331         Read the second time and placed on Consent Calendar       390         Read the third time       480         Signed by the President and returned to the House       481
H.B. 261	LOCAL DISTRICT PRIMARY ELECTIONS (K. Morgan)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         448         Read the second time and placed on Consent Calendar         598         Read the third time         715         Signed by the President and returned to the House

W R A C R R R	COVERY OF FEDERAL REIMBURSEMENT FOR COSTS ASSOCIATED         VITH ILLEGAL IMMIGRANTS (K. Morgan)         ead for the first time and referred to the Rules Committee       330         .ssigned to standing committee       385         'ommittee report adopted and placed on calendar       547         .ead the second time       694         ead the third time       723         igned by the President and returned to the House       723
D R A C R P R R R S	AH REGISTRY OF AUTISM AND DEVELOPMENTAL         DISABILITIES (E. Hutchings)         ead for the first time and referred to the Rules Committee         assigned to standing committee         ommittee report adopted and placed on calendar         eturned to the Rules Committee         802         eturned to the Rules Committee         819         laced on calendar         880         ead the second time         884         ead the second and third time         885         eturned to the House         885         igned by the President and returned to the House
R A R R	DHIBITION OF CITATION QUOTAS (N. Hansen)         ead for the first time and referred to the Rules Committee       180         sssigned to standing committee       190         eassigned to standing committee       201         eutrned to the Rules Committee       812         nacting Clause Stricken       1071
R A R R	FICE OF RECOVERY SERVICES – ELECTRONIC FUNDS TRANSFER (P. Ray)         ead for the first time and referred to the Rules Committee       235         essigned to standing committee       276         ead the second time and placed on Consent Calendar       438         ead the third time       514         igned by the President and returned to the House       515
R A R	CELERATED LEARNING PROGRAM REVISIONS (C. Moss)         ead for the first time and referred to the Rules Committee         ssigned to standing committee         eturned to the Rules Committee         806         nacting Clause Stricken
R A R R	ALTH FACILITY COMMITTEE MEMBERSHIP (C. Herrod)         ead for the first time and referred to the Rules Committee         ssigned to standing committee         402         ead the second time and placed on Consent Calendar         497         ead the third time         576         igned by the President and returned to the House
A R A R P R	DTT B. LUNDELL MILITARY SURVIVORS' TUITION WAIVER         MENDMENTS (M. Morley)         ead for the first time and referred to the Rules Committee       166         sssigned to standing committee       190         ead the second time and placed on Consent Calendar       364         laced on Time Certain Calendar       447         ead the second and third time       549         igned by the President and returned to the House       549

H.B. 270	UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE CENTERS (R. Bigelow)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Uncircled
	Tabled on Third Reading Calendar
	Enacting Clause Stricken
H.B. 271	UTAH PURPLE HEART RECIPIENTS TUITION ACT AMENDMENTS (R. Barrus)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time       685         Signed by the President and returned to the House       685
	• •
<b>H.B.</b> 272 —	FALSE IMPERSONATION AND REPRESENTATION (G. Froerer) Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Substituted
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Returned to the House
	Signed by the President and returned to the House
H.B. 274	UTAH K-8 ONLINE VIRTUAL SCHOOL (B. Ferry)
	Read for the first time and referred to the Rules Committee
	Enacting Clause Stricken
H.B. 275	VEHICLE TOWING REQUIREMENTS (B. Daw)
11121 210	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Circled
	Uncircled
	Returned to the House
	Signed by the President and returned to the House
HR 276	HEALTH PROFESSIONAL AUTHORITY – DEATH AND DISABILITY (B. Last)
<b>II.D.</b> 270	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Returned to the Rules Committee
	Placed on calendar
	Returned to the Rules Committee
	Enacting Clause Stricken
H.B. 277	PANDEMIC PREPAREDNESS AMENDMENTS (B. Last)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar
	Read the third time
	Signed by the President and returned to the House

	X INCENTIVES FOR MILITARY MEMBERS (W. Harper)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Committee report adopted and placed on calendar         Sead the second time         Sourced         Jncircled         Stabled on Third Reading Calendar         Bibled on Third Reading Calendar         1071
I	HOOL FINANCE AMENDMENTS (Julie Fisher)         Read for the first time and referred to the Rules Committee         Enacting Clause Stricken         1071
H H H H H	ANTS TO RURAL HOSPITALS – OVERSIGHT         RESPONSIBILITIES (M. Newbold)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         491         Read the second time and placed on Consent Calendar         574         Read the third time         678         Signed by the President and returned to the House
	ATE PAYMENT AND REIMBURSEMENT TO COUNTY         CORRECTIONAL FACILITIES (M. Noel)         Read for the first time and referred to the Rules Committee       799         Placed on calendar       860         Returned to the Rules Committee       899         Placed on calendar       943         Read the second time       1048         Circled       1048         Jucircled       1061         Read the second and third time       1061         Returned to the House       1061         Signed by the President and returned to the House       1068
I I I S I I I I I I I I I I I I I I I I	RMANENT TEACHER LICENSE REVOCATION FOR SEXUAL         ACTIVITY WITH STUDENTS (C. Wimmer)         Read for the first time and referred to the Rules Committee       312         Assigned to standing committee       358         Committee report adopted and placed on calendar       438         Read the second time       603         Substituted       603         Circled       663         Ducircled       663         Returned to the House       664         Signed by the President and returned to the House       739
I C I I I	GULATION OF TEACHER – STUDENT RELATIONSHIPS (S. Sandstrom)         Read for the first time and referred to the Rules Committee       458         Assigned to standing committee       490         Committee report adopted and placed on calendar       547         Read the second time       625         Read the third time       685         Signed by the President and returned to the House       685
I A I I I	COMMITTEE (B. Dee)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Assigned by the President and returned to the House         Standard to the House

H.B. 290 –	<ul> <li>MUNICIPAL OVERSIGHT OF RENTAL DWELLINGS (G. Froerer)</li> <li>Read for the first time and referred to the Rules Committee</li></ul>
H.B. 291 –	- OFF-HIGHWAY VEHICLE AMENDMENTS (M. Noel)         Read for the first time and referred to the Rules Committee       275         Assigned to standing committee       330         Committee report adopted and placed on calendar       389         Read the second time       509         Read the third time       529         Signed by the President and returned to the House       529
H.B. 292 –	<ul> <li>LEGISLATIVE TASK FORCE TO STUDY RADIO COMMUNICATION SYSTEM IN UTAH (B. Dee)</li> <li>Read for the first time and referred to the Rules Committee</li></ul>
H.B. 293 –	<ul> <li>PRIVATE BUILDING INSPECTOR AUTHORIZED (D. Aagard) Read for the first time and referred to the Rules Committee</li></ul>
H.B. 294 –	<ul> <li>APPROPRIATION LIMIT AMENDMENTS – FIRE SUPPRESSION (B. Ferry) Read for the first time and referred to the Rules Committee</li></ul>
H.B. 296 –	VOTING MACHINES USED BY MUNICIPALITIES ( <i>N. Hansen</i> )     Read for the first time and referred to the Rules Committee
H.B. 301 –	COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS (J. Dunnigan)     Read for the first time and referred to the Rules Committee
H.B. 303 –	<ul> <li>PHOSPHORUS LIMIT IN DISHWASHING DETERGENT (C. Johnson)</li> <li>Read for the first time and referred to the Rules Committee</li></ul>

<b>H.B. 304</b> SA	ALES AND USE TAX REVENUES FOR QUALIFIED EMERGENCY FOOD AGENCIES (L. Wiley)
	Read for the first time and referred to the Rules Committee
	Amendments
	Read the third time
	Returned to the House
H B 305 C	OUNTY SHERIFF QUALIFICATION AMENDMENTS (R. Greenwood)
11121 202 0	Read for the first time and referred to the Rules Committee
	Placed on calendar
	Signed by the President and returned to the House
<b>Н.В. 307</b> — СА	ANCER SCREENING AND MORTALITY REDUCTION SPECIAL GROUP LICENSE PLATE (C. Moss)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Returned to the Rules Committee
	Placed on calendar    860      Enacting Clause Stricken    1071
<b>H.B. 309</b> EI	LECTION INFORMATION AMENDMENTS (J. Dougall)
1121009 21	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Returned to the Rules Committee
	Placed on calendar    820      Read the second time    850
	Read the third time
	Signed by the President and returned to the House
<b>H.B. 310</b> Al	BSENTEE BALLOT REVISIONS (D. Aagard) Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar
	Signed by the President and returned to the House
<b>H.B. 311</b> HI	IGHER EDUCATION DISTANCE LEARNING PARTNERSHIPS (B. Last)
	Read for the first time and referred to the Rules Committee
<b>H.B. 312</b> CI	RIME VICTIM REPARATIONS REVISIONS (Julie Fisher)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Read the third time
<b>UD 21</b> / ST	Signed by the President and returned to the House
<b>II.B. 314</b> 31	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Read the third time
	Signed by the President and returned to the House
<b>H.B. 315</b> Cl	HILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS ( <i>M. Morley</i> )
	Read for the first time and referred to the Rules Committee
	Placed on calendar

## HOUSE BILLS

H.B. 316 SUBSTANCE ABUSE TREATMENT FOR PREGNANT WOMEN
AND PREGNANT MINORS (E. Hutchings)
Read for the first time and referred to the Rules Committee
Assigned to standing committee
Returned to the Rules Committee
Placed on calendar
Read the second and third time
Signed by the President and returned to the House
H.B. 319 REVIEW AND APPROVAL OF GRANTS (D. Clark)
Read for the first time and referred to the Rules Committee
Placed on calendar
Read the second and third time
Signed by the President and returned to the House
H.B. 320 VEHICLE IMPOUND YARD REQUIREMENTS (C. Oda)
Read for the first time and referred to the Rules Committee
Assigned to standing committee
Committee report adopted and placed on calendar
Returned to the Rules Committee
Placed on calendar
Enacting Clause Stricken
H.B. 321 — HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM
AMENDMENTS (K. Garn)
Read for the first time and referred to the Rules Committee
Assigned to standing committee
Committee report adopted and placed on calendar
Read the second time
Circled
Uncircled
Read the third time
H.B. 323 — EMINENT DOMAIN AMENDMENTS (A. Tilton) Read for the first time and referred to the Rules Committee
Assigned to standing committee
Placed on calendar
Committee report adopted and placed on calendar
Returned to the Rules Committee
Read the second time
Read the third time
Proposed Amendments
Signed by the President and returned to the House
H.B. 324 NOT-A-DROP DRIVERS PROGRAM AMENDMENTS (R. Greenwood)
Read for the first time and referred to the Rules Committee
Enacting Clause Stricken 1072
H.B. 325 BULLYING AND HAZING (C. Moss)
Read for the first time and referred to the Rules Committee
Placed on calendar
Amendments
Returned to the House
Signed by the President and returned to the House

H.B. 326 —	CHILDREN'S HEALTH INSURANCE PROGRAM – OPEN         ENROLLMENT (G. Curtis)         Read for the first time and referred to the Rules Committee       477         Assigned to standing committee       532         Committee report adopted and placed on calendar       597         Returned to the Rules Committee       819         Placed on calendar       846         Read the second and third time       867         Signed by the President and returned to the House       868
H.B. 327	ENTICING A MINOR BY ELECTRONIC MEANS (K. Gibson)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         491         Read the second time and placed on Consent Calendar         633         Read the third time         757         Signed by the President and returned to the House
H.B. 329	HIGH–ABILITY STUDENT INITIATIVE PROGRAM ( <i>B. Last</i> ) Read for the first time and referred to the Rules Committee
	STATE SUPPLEMENTAL FUNDING FOR HEAD START (L. Shurtliff)         Read for the first time and referred to the Rules Committee       584         Assigned to standing committee       613         Committee report adopted and placed on calendar       743         Returned to the Rules Committee       819         Placed on calendar       880         Read the second time       884         Amendments       884         Returned to the House       884         Recalled       905         Placed on calendar       906         Before the Senate       907         Returned to the House       908         Signed by the President and returned to the House       929
H.B. 332	USE OF PUBLIC SCHOOLS BY COMMUNITY ORGANIZATIONS (G. Hughes)         Read for the first time and referred to the Rules Committee       584         Assigned to standing committee       612         Substituted       742         Amendments       742, 924         Committee report adopted and placed on calendar       743         Returned to the Rules Committee       819         Placed on calendar       846         Read the second time       924         Read the third time       938         Returned to the House       938         Signed by the President and returned to the House       983
H.B. 333	SENIOR CITIZEN'S HOMEOWNER'S CREDIT ( <i>G. Froerer</i> ) Read for the first time and referred to the Rules Committee
H.B. 336	AUTHORITY TO ESTABLISH REFUGEE SERVICES FUND (C. Herrod)         Read for the first time and referred to the Rules Committee       567         Assigned to standing committee       613         Read the second time and placed on Consent Calendar       717         Read the third time       828         Signed by the President and returned to the House       828

H.B. 339 HUMAN TRAFFICKING AMENDMENTS (C. Herrod)	
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	
Amendments	
Placed on calendar	
Read the second time	
Circled	
Uncircled	
Read the third time	
Returned to the House	
Signed by the President and returned to the House	
H.B. 341 DAMAGE TO UNDERGROUND UTILITY FACILITIES AMENDMEN	TS (D. Clark)
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	
Committee report adopted and placed on calendar	
Returned to the Rules Committee	
Read the second and third time	
Amendments	
Signed by the President and returned to the House	
H.B. 342 — INSURANCE CODE AMENDMENTS (J. Dunnigan)	
Read for the first time and referred to the Rules Committee	458
Assigned to standing committee	
Amendments	653
Read the second time and placed on Consent Calendar	660
Read the third time	
Returned to the House	
H.B. 343 EXEMPTION OF UNIVERSITY HOUSING FROM	
EVICTION LAWS (P. Neuenschwander)	700
Read for the first time and referred to the Rules Committee	
Enacting Clause Stricken	
6	
H.B. 345 — MINIMUM AGE FOR PUBLIC EDUCATION ENROLLMENT AMENDMENTS (E. Hutchings)	
Read for the first time and referred to the Rules Committee	844
Enacting Clause Stricken	
H.B. 346 — DIVISION OF REAL ESTATE RELATED AMENDMENTS (G. Froerer)	
Read for the first time and referred to the Rules Committee	531
Assigned to standing committee	557
Committee report adopted and placed on calendar	
Returned to the Rules Committee	
Placed on calendar	
Read the second time	
Circled	
Uncircled	
Signed by the President and returned to the House	
Signed by the resident and returned to the ribuse	

	OTOR VEHICLE BUSINESS REGULATION AMENDMENTS (S. Andersen)         Read for the first time and referred to the Rules Committee
	DN NATIONAL PARK SPECIAL GROUP LICENSE PLATE (B. Last)         Read for the first time and referred to the Rules Committee       .596         Assigned to standing committee       .647         Committee report adopted and placed on calendar       .802         Returned to the Rules Committee       .819         Placed on calendar       .846         Returned to the Rules Committee       .899         Read the second and third time       .1056         Signed by the President and returned to the House       .1057
] ] ]	EN ENROLLMENT REVISIONS (Julie Fisher)         Read for the first time and referred to the Rules Committee         Placed on calendar       956         Read the second and third time       1016         Signed by the President and returned to the House       1016
	DIVIDUAL INCOME TAX – HEALTH INSURANCE (J. Dunnigan)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Assigned to standing committee         Committee report adopted and placed on calendar         Returned to the Rules Committee         819         Enacting Clause Stricken
	MENDMENTS RELATED TO MONIES DERIVED FROM NAVAJO NATION         RESERVATION LANDS IN UTAH (D. Clark)         Read for the first time and referred to the Rules Committee       611         Assigned to standing committee       646         Committee report adopted and placed on calendar       743         Returned to the Rules Committee       819         Placed on calendar       820         Read the second time       851         Circled       851         Uncircled       904         Read the second and third time       963         Read the first, second and third time       967         Signed by the President and returned to the House       904, 967
1	PARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS (C. Johnson)           Read for the first time and referred to the Rules Committee
] ]	PRAISALS FOR STATE LAND PURCHASES (J. Draxler)         Read for the first time and referred to the Rules Committee         Placed on calendar       1057         Read the second and third time       1064         Signed by the President and returned to the House       1064
]	XATION OF MOIST SNUFF (R. Lockhart)         Read for the first time and referred to the Rules Committee         Read the second and third time         1052         Signed by the President and returned to the House

## HOUSE BILLS

H.B. 357 — PUBLIC ASSOCIATIONS SUBJECT TO GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT ( <i>M. Noel</i> ) Read for the first time and referred to the Rules Committee
Enacting Clause Stricken       1072         H.B. 359 — TAX CHANGES (J. Dougall)       Read for the first time and referred to the Rules Committee       822         Placed on calendar       980         Read the second time       991         Substituted       991         Read the second and third time       992         Returned to the House       992         Signed by the President and returned to the House       1005
H.B. 360 — INDIVIDUAL INCOME TAX – LONG–TERM CARE INSURANCE PREMIUMS (B. Last) Read for the first time and referred to the Rules Committee
H.B. 361 — ANTI–SEIZURE DRUG NOTIFICATION ( <i>E. Hutchings</i> ) Read for the first time and referred to the Rules Committee
H.B. 362 — MOTOR FUEL TAX – OFF–HIGHWAY VEHICLE REFUND AMENDMENTS ( <i>B. Ferry</i> ) Read for the first time and referred to the Rules Committee
H.B. 363 — BEVERLEY TAYLOR SORENSON ELEMENTARY ARTS LEARNING PROGRAM (G. Hughes) Read for the first time and referred to the Rules Committee
H.B. 364 — PROMOTION OF HEALTH CARE COVERAGE (K. Holdaway) Read for the first time and referred to the Rules Committee
H.B. 365 — AVIATION AMENDMENTS (W. Harper)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Placed on calendar         Placed on calendar         Returned to the Rules Committee         Read the second time         Placed the base on time      <

	M CARE AMENDMENTS ( <i>M. Newbold</i> ) and referred to the Rules Committee
	hird time
Signed by the Presider	t and returned to the House
H.B. 369 MUNICIPAL RENTAL F	EES AMENDMENTS (M. Walker)
Read for the first time	and referred to the Rules Committee
Assigned to standing c	ommittee
	Committee
	nird time
÷ .	t and returned to the House
H.B. 370 CHILDREN'S HEALTH	INSURANCE PROGRAM AMENDMENTS (J. Dunnigan)
	and referred to the Rules Committee
	hird time
Signed by the Presider	and returned to the House
	S FOR BREATHALIZERS (C. Herrod)
Read for the first time	and referred to the Rules Committee
	ommittee
Read the second time a	and placed on Consent Calendar
Returned to the House	
Signed by the Presider	t and returned to the House
H.B. 373 UNIFORM FEES ON VI	NTAGE MOTOR VEHICLES (W. Harper)
Read for the first time	and referred to the Rules Committee
Assigned to standing c	ommittee
	t and returned to the House
H.B. 374 CHILD ABUSE AND NI	EGLECT PREVENTION AND TREATMENT
AMENDMENTS (P. R	ay)
Read for the first time	and referred to the Rules Committee
Assigned to standing c	ommittee
	t and returned to the House
H.B. 375 DECEPTION DETECTION	ON EXAMINERS LICENSING ACT
AMENDMENTS (R. E	
	and referred to the Rules Committee
	ommittee
	it and returned to the House
	ROCEDURE AMENDMENTS (R. Lockhart)
Read for the first time	and referred to the Rules Committee
Assigned to standing c	ommittee
	and placed on Consent Calendar
Signed by the Presiden	t and returned to the House

H.B. 378 —	- STATE ACCOUNTING AND BUDGETARY PROCEDURES AMENDMENTS ( <i>R. Bigelow</i> ) Read for the first time and referred to the Rules Committee
	<ul> <li>- INSURANCE DEPARTMENT – WORKERS' COMPENSATION AMENDMENTS (<i>R. Bigelow</i>)</li> <li>Read for the first time and referred to the Rules Committee</li></ul>
H.B. 384	EMPLOYEE OBLIGATIONS RELATED TO WORKERS' COMPENSATION ( <i>M. Morley</i> ) Read for the first time and referred to the Rules Committee
	- ROAD AND RIGHTS–OF–WAY AMENDMENTS ( <i>M. Noel</i> ) Read for the first time and referred to the Rules Committee
H.B. 395	DEPORTATION OF ELIGIBLE UNDOCUMENTED     IMMIGRANT PRISONERS (G. Donnelson)     Read for the first time and referred to the Rules Committee
H.B. 399 —	- MEDICATION AIDE CERTIFIED AMENDMENTS (R. Lockhart)         Read for the first time and referred to the Rules Committee       674         Assigned to standing committee       740         Committee report adopted and placed on calendar       802         Returned to the Rules Committee       819         Placed on calendar       860         Returned to the Rules Committee       899         Placed on calendar       943         Read the second and third time       945         Signed by the President and returned to the House       946
H.B. 400	- CONDOMINIUM AND COMMUNITY ASSOCIATION PROVISIONS (R. C. Webb) Read for the first time and referred to the Rules Committee
H.B. 401	MASTER PLUMBER LICENSING ( <i>J. Dunnigan</i> ) Read for the first time and referred to the Rules Committee
H.B. 402	VEHICLE TO PULL OFF HIGHWAY (F. Hunsaker)     Read for the first time and referred to the Rules Committee

	FFIC CODE AMENDMENTS (J. Dunnigan)
Rea	ad for the first time and referred to the Rules Committee
Co	mmittee report adopted and placed on calendar
	turned to the Rules Committee
Re	turned to the Rules Committee
	uced on calendar
Sig	and the second and third time from the second and t
H.B. 409 POW	ERSPORT VEHICLE FRANCHISE ACT REVISIONS (J. Gowans)
	ad for the first time and referred to the Rules Committee
	'RICTED ACCOUNTS AMENDMENTS (R. Bigelow)
Rea	ad the first time and referred to the Rules Committee
Pla	ad the second and third time
Sig	and the second and third time
-	DW COST SALES (S. Urquhart)
Rea	ad for the first time and referred to the Rules Committee
	signed to standing committee
Rea	ad the second and third time
e e	and by the President and returned to the House
H.B. 415 JOIN Re:	T CUSTODY MODIFICATIONS ( <i>L. Fowlke</i> ) ad for the first time and referred to the Rules Committee
Pla	ced on calendar
	acting Clause Stricken 1072
	MPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING CENSE (C. Johnson)
	ad for the first time and referred to the Rules Committee
	ced on calendar
	acting Clause Stricken
	G GOVERNMENT PROCUREMENT - PRIVATE PROPOSALS (K. Garn)
	ad for the first time and referred to the Rules Committee
	ad the second time
	cled
	circled
	nendments
	ad the second and third time
Sig	ned by the President and returned to the House
	TER EDUCATION REQUIREMENT EXEMPTION FOR MILITARY
	RSONNEL (B. Winn) ad for the first time and referred to the Rules Committee
Rea	ad the second and third time
c.	and by the President and returned to the House
	LISH LANGUAGE LEARNER FAMILY LITERACY CENTERS OGRAM (G. Hughes)
Rea	ad for the first time and referred to the Rules Committee
En	acting Clause Stricken

H.B. 437 —	FUNERAL SERVICES LICENSING ACT AMENDMENTS (S. Urquhart)         Read for the first time and referred to the Rules Committee       697         Assigned to standing committee       740         Amendments       802         Read the second time and placed on Consent Calendar       803         Read the third time       892         Returned to the House       893         Signed by the President and returned to the House       945
	MODIFICATIONS TO GOVERNMENT LAW ( <i>L. Fowlke</i> ) Read for the first time and referred to the Rules Committee
H.B. 443 —	MEMBERSHIP OF OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE (G. Hughes)         Read for the first time and referred to the Rules Committee         Placed on calendar         1014         Read the second and third time         1014         Signed by the President and returned to the House
H.B. 445	NURSING HOME AMENDMENTS (M. Newbold)         Read for the first time and referred to the Rules Committee       739         Placed on calendar       956         Read the second time       1016         Circled       1016         Uncircled       1024         Read the second and third time       1024         Signed by the President and returned to the House       1025
H.B. 452	<ul> <li>HANDLING OF MINOR TRAFFIC ACCIDENTS (<i>E. Hutchings</i>)</li> <li>Read for the first time and referred to the Rules Committee</li></ul>
H.B. 456 —	FAIR CAMPAIGN PLEDGE AMENDMENTS ( <i>E. Hutchings</i> ) Read for the first time and referred to the Rules Committee
H.B. 459	CONSTRUCTION TRADES EXEMPTION (S. Urquhart)         Read for the first time and referred to the Rules Committee         Placed on calendar         936         Read the second and third time         942         Signed by the President and returned to the House         943
H.B. 464	ACCESS TO LANDLOCKED PARCELS ( <i>M. Walker</i> ) Read for the first time and referred to the Rules Committee
H.B. 466	TITLE INSURANCE RECOVERY, EDUCATION, AND RESEARCH         FUND ACT (M. Morley)         Read for the first time and referred to the Rules Committee         Placed on calendar         943         Read the second and third time         1053         Signed by the President and returned to the House

H.B. 467 MOTOR VEHICLE INSURANCE ARBITRATION AMENDMENTS (S. U	
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	
Returned to the Rules Committee	
Placed on calendar	
Returned to the Rules Committee	
Placed on calendar	1014
Read the second and third time	
Signed by the President and returned to the House	1035
H.B. 470 AMENDMENTS TO ANIMAL CRUELTY PROVISIONS (S. Allen)	
Read for the first time and referred to the Rules Committee	891
Enacting Clause Stricken	1073
H.B. 472 — CHARTER SCHOOL BUILDING AND ENROLLMENT	
AMENDMENTS (K. Garn)	
Read for the first time and referred to the Rules Committee	
Read the second and third time	
Signed by the President and returned to the House	1033
H.B. 473 – FIREARMS AMENDMENTS (C. Oda)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	
Enacting Clause Stricken	10/3
H.B. 476 — PAY OF NATIONAL GUARD MEMBERS (G. Hughes)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	
Read the second and third time	
H.B. 479 — HEALTH CARE PATIENT IDENTITY PROTECTIONS (S. Sandstrom) Read for the first time and referred to the Rules Committee	822
Enacting Clause Stricken	
-	
H.B. 481 — SUBDIVISION APPROVAL AMENDMENTS ( <i>M. Noel</i> ) Read for the first time and referred to the Rules Committee	201
Enacting Clause Stricken	
e	
H.B. 486 — WRONGFUL LIENS AND WRONGFUL JUDGEMENT LIENS (J. Gowar Read for the first time and referred to the Rules Committee	
Placed on calendar	
Read the second time	
Circled	
Uncircled	1058
Read the second and third time	
Amendments	1058
Returned to the House	1059
Signed by the President and returned to the House	1068
H.B. 490 — LEGISLATIVE TASK FORCES AND STUDY PRIORITIES (D. Clark)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	
Circled	
Uncircled	
Substituted	
Read the second and third time	1039
Signed by the President and returned to the House	1040
H.B. 492 SEX OFFENDER NOTIFICATION AND REGISTRATION (P. Ray)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	943
Read the second and third time	
Signed by the President and returned to the House	1032

H.B. 493 — STALKING AMENDMENTS (L. Fowlke)
Read for the first time and referred to the Rules Committee
Placed on calendar
Read the second time
Circled
Uncircled
Read the second and third time
Returned to the House
H.B. 494 — AMENDMENTS TO THE UTAH MEDICAL SERVICE SYSTEM ACT ( <i>J. Dougall</i> ) Read for the first time and referred to the Rules Committee
H.B. 497 — REVENUE BOND AUTHORIZATION FOR STATE FAIR PARK ( <i>N. Hendrickson</i> ) Read for the first time and referred to the Rules Committee

<b>H.C.R. 1</b> M	ETH AWARENESS FOR STUDENTS AND EDUCATORS RESOLUTION (C. Oda)         Read for the first time and referred to the Rules Committee       .458         Assigned to standing committee       .490         Committee report adopted and placed on calendar       .547         Read the second and third time       .692         Signed by the President and returned to the House       .693
<b>H.C.R. 2</b> C0	ONCURRENT RESOLUTION DECLARING FEBRUARY 6, 2008 RONALD         REAGAN DAY (M. Morley)         Read for the first time and referred to the Rules Committee       358         Assigned to standing committee       402         Committee report adopted and placed on calendar       547         Read the second time       694         Amendments       694         Read the second and third time       695         Returned to the House       695         Signed by the President and returned to the House       739
<b>H.C.R. 3</b> C0	ONCURRENT RESOLUTION – DECLARING LOVE YOUR         LIBRARY WEEK (S. Clark)         Read for the first time and referred to the Rules Committee         Assigned to standing committee         Committee report adopted and placed on calendar         479         Read the second and third time         607         Signed by the President and returned to the House         608
	ONCURRENT RESOLUTION ENCOURAGING CONGRESSIONAL ACTION TO         DESIGNATE A NEW RECIPIENT OF ROYALTIES FROM NAVAJO         Read for the first time and referred to the Rules Committee       611         Assigned to standing committee       646         Committee report adopted and placed on calendar       743         Returned to the Rules Committee       819         Placed on calendar       820         Read the second time       851         Uncircled       903         Read the second and third time       903         Signed by the President and returned to the House       904
<b>H.C.R. 5</b> Co	ONCURRENT RESOLUTION URGING CONGRESSIONAL APPROVAL         OF R.S. 2477 RIGHTS-OF-WAY RECOGNITION ACT (M. Brown)         Read for the first time and referred to the Rules Committee       584         Assigned to standing committee       613         Committee report adopted and placed on calendar       716         Returned to the Rules Committee       819         Placed on calendar       820         Read the second and third time       851         Signed by the President and returned to the House       852
<b>H.C.R. 6</b> C0	ONCURRENT RESOLUTION HONORING THE LIFE AND         CONTRIBUTIONS OF PRESIDENT GORDON B. HINCKLEY (M. Morley)         Read for the first time and referred to the Rules Committee

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H.C.R. 7 CONCURRENT RESOLUTION DECLARING COLORECTAL CANCER
AWARENESS MONTH (E. Hutchings)
Read for the first time and referred to the Rules Committee
Assigned to standing committee
Committee report adopted and placed on calendar
Returned to the Rules Committee
Placed on calendar
Read the second time
Circled
Read the second and third time
Signed by the President and returned to the House
H.C.R. 8 CONCURRENT RESOLUTION SUPPORTING THE NARROWS WATER PROJECT
IN CENTRAL UTAH (B. Winn)
Read for the first time and referred to the Rules Committee
Enacting Clause Stricken

H.J.R. 8 JO	NINT RESOLUTION URGING CONGRESS TO ELIMINATE TRANSPORTATION
	EARMARKING THAT OVERRIDES STATE TRANSPORTATION PRIORITIES (Julie Fisher)
	( <i>Jule Fisher</i> ) Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Committee report adopted and placed on calendar
	Returned to the Rules Committee
	Placed on calendar
	Returned to the Rules Committee    899      Enacting Clause Stricken    1073
H.J.R. 10 J	OINT RESOLUTION OPPOSING DESIGNATION OF PUBLIC LANDS
	CURRENTLY URGED BY CONGRESS AND THE BUREAU OF LAND
	MANAGEMENT (A. Tilton) Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Placed on Time Certain Calendar
	Read the second time
	Amendments
	Read the second and third time
	Returned to the House
	Signed by the President and returned to the House
<b>H.J.R.</b> 11 –– J	OINT RESOLUTION SUPPORTING STATEWIDE GOVERNMENT 211 SYSTEM INFORMATION DIRECTORY (E. Hutchings)
	Read for the first time and referred to the Rules Committee    799      Enacting Clause Stricken    1073
<b>H.J.R. 12</b> — J	OINT RESOLUTION AMENDING THE UTAH CONSTITUTION – STOCK AND BOND SUBSCRIPTIONS (D. Clark)
	Read for the first time and referred to the Rules Committee
	Read the second and third time

## FINAL ACTION INDEX

ALL SENATE BILLS AND RESOLUTIONS

2008 GENERAL SESSION FIFTY–SEVENTH LEGISLATURE January 21 through March 5, 2008

S.B. 1	<b>State Agency and Higher Education</b> <b>Base Budget Appropriations</b> Governor Signed on 2/4/2008 Effective Date: 2/4/2008	L. Hillyard
S.B. 2	Minimum School Program Budget Amendments Governor Signed on 3/20/2008 Effective Date: 3/20/2008	H. Stephenson
S.B. 3	Current Fiscal Year Supplemental Appropriations Act Governor Signed on 3/20/2008 Effective Date: 3/20/2008	L. Hillyard
S.B. 4	<b>General Obligation Bond Authorization</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	S. Jenkins
S.B. 5	<b>Executive Compensation Revisions</b> Governor Signed on 3/14/2008 Effective Date: 6/28/2008	C. Bramble
S.B. 10	Search Warrant Procedure Amendments Governor Signed on 3/18/2008 Effective Date: 5/5/2008	J. Greiner
S.B. 11	Utah Venture Capital Enhancement Act Amendments Governor Signed on 3/13/2008 Effective Date: 5/5/2008	S. Jenkins
S.B. 12	<b>Election Law Modifications</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	P. Knudson
S.B. 13	<b>Candidate Residency Requirements</b> Governor Signed on 2/19/2008 Effective Date: 2/19/2008	P. Knudson
S.B. 14	<b>Smoking Ban in Motor Vehicle</b> Senate/ filed on 3/5/2008	S. McCoy

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S.B. 15	Driving Under the Influence Amendments Governor Signed on 3/17/2008 Effective Date: 3/17/2008	C. Walker
S.B. 16	<b>Exoneration and Innocence Assistance</b> Governor Signed on 3/18/2008 Effective Date: 5/5/2008	G. Bell
S.B. 17	<b>Child Abuse and Neglect Registry – Management and Licensing Information Systems Amendments</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	G. Davis
S.B. 18	Public Safety Retirement Death Benefit Modifications Senate/ filed on 3/5/2008	J. Greiner
S.B. 19	<b>Enhanced Public Safety Retirement Systems</b> <b>Cola Option</b> Governor Signed on 3/17/2008 Effective Date: 7/1/2008	C. Walker
S.B. 20	<b>Municipal Government Amendments</b> Governor Signed on 3/13/2008 Effective Date: 5/5/2008	C. Walker
S.B. 21	<b>Campaign Finance Disclosure Revisions</b> Governor Signed on 2/29/2008 Effective Date: 2/29/2008	P. Knudson
S.B. 22	<b>Timing of Ballot Items</b> Governor Signed on 2/19/2008 Effective Date: 2/19/2008	P. Knudson
S.B. 23	<b>Revision to Polling Requirements</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	P. Knudson
S.B. 24	<b>Retirement Death Benefits and Divorce Revisions</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	L. Hillyard

S.B. 25	Municipal Incorporation Amendments Senate/ filed on 3/5/2008	D. Stowell
S.B. 26	<b>Fire Management Areas</b> Governor Signed on 3/13/2008 Effective Date: 5/5/2008	M. Dayton
S.B. 27	<b>Trustees Sale – Process for Excess Proceeds</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	G. Davis
S.B. 28	Apportionment of Business Income, Attributing Sales to the State, and Deduction of Net Losses by a Unitary Group Senate/ filed on 3/5/2008	H. Stephenson
S.B. 29	<b>Truth in Taxation Amendments</b> Governor Signed on 3/17/2008 Effective Date: 7/1/2008	W. Niederhauser
S.B. 30	<b>Consumer Sales Practice Act Amendments</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	P. Jones
S.B. 31	Income Tax Amendments Senate/ filed on 3/5/2008	W. Niederhauser
S.B. 32	<b>Local Government Bonding Act</b> Governor Signed on 3/13/2008 Effective Date: 5/5/2008	S. Jenkins
S.B. 33	<b>Department of Community and Culture –</b> <b>State–owned Art Inventory</b> Senate/ filed on 3/5/2008	M. Madsen
S.B. 34	Confidentiality of Reports to Driver License Division Governor Signed on 3/14/2008 Effective Date: 5/5/2008	A. Christensen
S.B. 35	<b>Differentiated Pay for Teachers</b> Enacting Clause Struck on 3/5/08	H. Stephenson

S.B. 36	<b>Charter and Online Schools – Participation</b> <b>in Extracurricular Activities</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	M. Madsen
S.B. 37	Home School and Extra Curricular Activities Amendments Senate/ filed on 3/5/2008	M. Madsen
S.B. 38	<b>Transparency in Government</b> Governor Signed on 3/17/2008 Effective Date: 3/17/2008	W. Niederhauser
S.B. 39	Mathematics, Science, and Technology Education Task Force Senate/ filed on 3/5/2008	H. Stephenson
S.B. 40	State Trade Database Senate/ filed on 3/5/2008	M. Madsen
S.B. 41	<b>International Education Initiative – Critical</b> <b>Languages Program</b> Governor Signed on 3/17/2008 Effective Date: 7/1/2008	H. Stephenson
S.B. 42	Utah College of Applied Technology – Governa and Operations Senate/ enacting clause struck on 3/5/2008	nnce G. Bell
S.B. 43	Administrative Rules Reauthorization Governor Signed on 3/18/2008 Effective Date: 5/1/2008	H. Stephenson
S.B. 44	Penalties for Failing to Secure a Load or Litter on a Highway Governor Signed on 3/13/2008 Effective Date: 7/1/2008	<b>ring</b> P. Jones
S.B. 45	<b>Inventory for Competitive Activities of</b> <b>Local Entities</b> Governor Signed on 3/13/2008 Effective Date: 7/1/2009	H. Stephenson

S.B. 46	Anti-flow Control Amendments Governor Signed on 3/14/2008 Effective Date: 5/5/2008	D. Eastman
S.B. 47	Limited Purpose Local Government Entities Revisions Governor Signed on 3/18/2008 Effective Date: 5/5/2008	D. Stowell
S.B. 48	<b>Equalization of School Capital Outlay Funding</b> Governor Signed on 3/17/2008 Effective Date: 7/1/2008	D. Eastman
S.B. 49	New School District Amendments Senate/ enacting clause struck on 3/5/2008	D. Buttars
S.B. 50	Medical Benefits Recovery Amendments Senate/ filed on 3/5/2008	A. Christensen
S.B. 51	<b>Impact Fees – Public Safety Facility</b> Senate/ enacting clause struck on 3/5/2008	G. Bell
S.B. 52	<b>Identity Theft Amendment</b> Governor Signed on 3/18/2008 Effective Date: 5/5/2008	C. Walker
S.B. 53	<b>Use of Initiative and Referendum for</b> <b>Administrative Land Use and Zoning Matters</b> Governor Signed on 3/13/2008 Effective Date: 5/5/2008	B. Goodfellow
S.B. 54	<b>Initiative and Referendum Petition Amendments</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	B. Goodfellow
S.B. 56	<b>Naturopathic Physician Licensing Amendments</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	S. McCoy
S.B. 57	<b>Franchise Law Amendments</b> Governor Signed on 3/18/2008 Effective Date: 5/5/2008	D. Eastman

S.B. 58	Workers' Compensation Related Amendments Governor Signed on 3/14/2008 Effective Date: 5/5/2008	M. Dmitrich
S.B. 59	Wildlife Amendments Governor Signed on 3/17/2008 Effective Date: 5/5/2008	A. Christensen
S.B. 60	<b>Repealing Labor Commission Responsibilities</b> <b>to Oversee Employment Agencies</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	R. Romero
S.B. 61	<b>Financial and Economic Literacy Education</b> Senate/ filed on 3/5/2008	P. Jones
S.B. 62	Health Insurance – Medical Complication Exclusions Governor Signed on 3/17/2008 Effective Date: 5/5/2008	P. Knudson
S.B. 63	Adult Protective Services Amendments Governor Signed on 3/14/2008 Effective Date: 5/5/2008	K. VanTassell
S.B. 64	Income Tax – Capital Gain Transactions Senate/ filed on 3/5/2008	W. Niederhauser
S.B. 65	<b>Soliciting Gang Members Prohibited</b> Governor Signed on 2/29/2008 Effective Date: 2/29/2008	J. Greiner
S.B. 66	<b>Uniform Emergency Volunteer Health</b> <b>Practitioners Act</b> Governor Signed on 3/17/2008 Effective Date: 7/1/2008	L. Hillyard
S.B. 67	<b>Protection of Constitutionally Guaranteed</b> <b>Activities in Certain Private Venues</b> Senate/ filed on 3/5/2008	M. Madsen
S.B. 68	Workers' Compensation – Death Benefits Governor Signed on 3/17/2008 Effective Date: 5/5/2008	K. Mayne

S.B. 69	<b>Uniform Limited Cooperative Association Act</b> Governor Signed on 3/18/2008 Effective Date: 5/5/2008	L. Hillyard
S.B. 70	Emotional Support Animals Senate/ filed on 3/5/2008	S. McCoy
S.B. 71	School District Amendments Governor Signed on 3/14/2008 Effective Date: 5/5/2008	C. Walker
S.B. 72	Justice Court Amendments Governor Signed on 3/14/2008 Effective Date: 1/1/2009	L. Hillyard
S.B. 73	Wrongful Death Amendments Senate/ enacting clause struck on 3/5/2008	S. McCoy
S.B. 74	Health Care Provider Access Senate/ enacting clause struck on 3/5/2008	D. Buttars
S.B. 75	Prohibiting Gang Activity Senate/ filed on 3/5/2008	J. Greiner
S.B. 76	<b>State Parks and Recreation Amendments</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	B. Goodfellow
S.B. 77	Revisions to Government Records Access Management Act Governor Signed on 3/14/2008 Effective Date: 5/5/2008	M. Dayton
S.B. 78	County Personnel Management Act Amendments Governor Signed on 3/13/2008 Effective Date: 5/5/2008	W. Niederhauser
S.B. 79	Small Business Access Amendments Senate/ filed on 3/5/2008	R. Romero
S.B. 80	<b>Ski and Snowboard Education, Development,</b> <b>and Promotion Special Group License Plate</b> Senate/ filed on 3/5/2008	K. Van Tassell

S.B. 81	<b>Illegal Immigration</b> Governor Signed on 3/13/2008 Effective Date: 7/1/2009	J. Hickman
S.B. 82	<b>Ambulatory Surgical Centers Amendments</b> Senate/ enacting clause struck on 3/5/2008	A. Christensen
S.B. 83	Check Cashing and Deferred Deposit Lending Registration Act Governor Signed on 3/14/2008 Effective Date: 5/5/2008	K. Mayne
S.B. 84	<b>Net Metering Programs</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	K. VanTassell
S.B. 85	Water Rights Board Senate/ filed on 3/5/2008	D. Stowell
S.B. 86	Economic Analysis and Reporting of Cost of Land Use Regulation Senate/ enacting clause struck on 3/5/2008	M. Madsen
S.B. 88	<b>Uniform Model Registered Agent Act</b> Governor Signed on 3/18/2008 Effective Date: 5/5/2008	L. Hillyard
S.B. 89	Mitigation of Invasive Species Governor Signed on 3/17/2008 Effective Date: 5/5/2008	D. Stowell
S.B. 90	Payment in Lieu of Property Taxes Act Senate/ enacting clause struck on 3/5/2008	G. Davis
S.B. 91	<b>Benefits to American Board Certified Teachers</b> Senate/ filed on 3/5/2008	M. Madsen
S.B. 92	<b>Real Property Recording Amendments</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	D. Stowell
S.B. 93	<b>Licensed Direct Entry Midwife Amendments</b> Governor Signed on 3/18/2008 Effective Date: 5/5/2008	M. Dayton

S.B. 94	<b>Burglary of a Railroad Car</b> Governor Signed on 3/18/2008 Effective Date: 5/5/2008	D. Peterson
S.B. 95	Markup on Alcoholic Beverages Governor Signed on 3/14/2008 Effective Date: 5/5/2008	M. Dmitrich
S.B. 96	Multi-channel Video or Audio Service Tax Act Amendments Senate/ filed on 3/5/2008	W. Niederhauser
S.B. 97	Immigration Task Force Senate/ filed on 3/5/2008	S. Jenkins
S.B. 98	<b>Licensing of Security Services</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	D. Eastman
S.B. 99	Amendments to Sales and Use Tax Exemption for Prosthetic Devices Governor Signed on 3/14/2008 Effective Date: 7/1/2008	W. Niederhauser
S.B. 100	Motor Vehicle Dealer Disclosure Requirements Amendments Governor Signed on 3/14/2008 Effective Date: 5/5/2008	D. Eastman
S.B. 101	Utah Comprehensive Health Insurance Pool Fur Senate/ enacting clause struck on 3/5/2008	nding G. Davis
S.B. 102	Animal Torture Offense Senate/ enacting clause struck on 3/5/2008	G. Davis
S.B. 103	<b>Higher Education Enhancements</b> Governor Signed on 3/17/2008 Effective Date: 7/1/2008	D. Stowell
S.B. 104	State Capital Facility Board – Creation and Oversight Senate/ enacting clause struck on 3/5/2008	D. Buttars

S.B. 105	<b>Judicial Performance Evaluation Commission</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	D. Buttars
S.B. 106	Juvenile Custody Maintenance Amendments Senate/ enacting clause struck on 3/5/2008	D. Peterson
S.B. 107	State Retirement Benefit Additions Senate/ enacting clause struck on 3/5/2008	B. Goodfellow
S.B. 108	Offset of Workers' Compensation and Social Security Governor Signed on 3/13/2008 Effective Date: 5/5/2008	J. Hickman
S.B. 109	<b>Poll Worker Neutrality</b> Senate/ enacting clause struck on 3/5/2008	S. McCoy
S.B. 110	<b>Foreign Business Entities and Tribal Law</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	K. Van Tassell
S.B. 111	<b>Revisor's Statute</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	J. Hickman
S.B. 112	<b>Legislative Space in the Capitol</b> Governor Signed on 2/15/2008 Effective Date: 2/15/2008	C. Bramble
S.B. 113	Access to Research Workers' Personal Information Governor Signed on 3/14/2008 Effective Date: 5/5/2008	n G. Bell
S.B. 114	Notary Public Revision Governor Signed on 3/14/2008 Effective Date: 5/5/2008	G. Bell
S.B. 115	Motor Vehicle Safety Inspection Advisory Council Amendments Governor Signed on 3/17/2008 Effective Date: 5/5/2008	D. Eastman

S.B. 116	<b>Retirement Office Amendments</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	C. Walker
S.B. 117	Animal Cruelty Amendments Senate/ filed on 3/5/2008	A. Christensen
S.B. 118	Education Transportation Amendments Senate/ filed on 3/5/2008	D. Peterson
S.B. 119	<b>Department of Corrections Amendments</b> Governor Signed on 3/18/2008 Effective Date: 5/5/2008	D. Peterson
S.B. 120	<b>Department of Corrections Employee Vehicle Use</b> Governor Signed on 3/18/2008 Effective Date: 5/5/2008	D. Peterson
S.B. 121	Access to Qualified Health Care Providers Senate/ enacting clause struck on 3/5/2008	D. Buttars
S.B. 122	<b>Uniform Adult Guardianship and</b> <b>Protective Proceedings Jurisdiction Act</b> Governor Signed on 3/17/2008 Effective Date: 1/1/2009	L. Hillyard
S.B. 123	Filling Vacancies in the Senate Senate/ filed on 3/4/2008	J. Hickman
S.B. 124	Sales and Use Tax – Definitions of Permanently Attached to Real Property and Tangible Personal Property Governor Signed on 3/13/2008 Effective Date: 5/5/2008	H. Stephenson
S.B. 125	<b>High School Voter Registration</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	K. VanTassell
S.B. 126	Filing Fee for Write-in Candidates Senate/ filed on 3/5/2008	P. Knudson

S.B. 127	<b>Underground Utilities Facilities Amendments</b> Senate/ enacting clause struck on 3/5/2008	J. Greiner
S.B. 128	Amendments to the Veteran's Property Tax Exemption Governor Signed on 3/14/2008 Effective Date: 5/5/2008	B. Goodfellow
S.B. 129	Changes to County Surveyor Senate/ enacting clause struck on 3/5/2008	K. Van Tassell
S.B. 130	<b>Utility Improvement District Revisions</b> Governor Signed on 3/18/2008 Effective Date: 5/5/2008	K. Van Tassell
S.B. 131	Wage Withholding for Employee Contributions Governor Signed on 3/17/2008 Effective Date: 5/5/2008	W. Niederhauser
S.B. 132	Consumer Credit Protection Act – Attorney General Powers Governor Signed on 3/13/2008 Effective Date: 5/5/2008	C. Walker
S.B. 133	Medical Assistance and Managed Care Senate/ enacting clause struck on 3/5/2008	G. Bell
S.B. 134	Mortgage Fraud Act Governor Signed on 3/18/2008 Effective Date: 5/5/2008	S. Killpack
S.B. 135	<b>Extending the Sales and Use Tax Exemption</b> <b>for Pollution Control Facilities</b> Governor Signed on 3/13/2008 Effective Date: 5/5/2008	W. Niederhauser
S.B. 136	Apportionment of Business Income and Deduct of Net Losses by an Acquired Corporation Governor Signed on 3/14/2008 Effective Date: 1/1/2009	ion W. Niederhauser

S.B. 137	Mineral Production Tax Withholding Amendments Governor Signed on 3/17/2008 Effective Date: 7/1/2008	W. Niederhauser
S.B. 138	<b>Utah Substance Abuse and Anti–violence</b> <b>Coordinating Council Amendments</b> Governor Signed on 3/13/2008 Effective Date: 5/5/2008	D. Buttars
S.B. 139	<b>Utah Antitrust Act Amendments</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	L. Hillyard
S.B. 140	Education Advisory Councils Senate/ enacting clause struck on 3/5/2008	P. Jones
S.B. 141	Water Conservancy District – Selection of Board of Trustees Senate/ enacting clause struck on 3/5/2008	W. Niederhauser
S.B. 142	High School Graduation Requirements Senate/ enacting clause struck on 3/5/2008	M. Madsen
S.B. 143	<b>Insurance Financial Requirements</b> Governor Signed on 3/17/2008 Effective Date: 7/1/2008	K. Van Tassell
S.B. 144	Parameters on Governor's Ability to Enter Agreements Binding the State Governor Vetoed on 3/3/2008 Effective Date: 5/5/2008	S. Jenkins
S.B. 145	State Family Day Holiday Senate/ enacting clause struck on 2/6/2008	J. Hickman
S.B. 146	<b>Amendment to Uniform Anatomical Gift Act</b> Governor Signed on 3/13/2008 Effective Date: 5/5/2008	L. Hillyard
S.B. 147	<b>Candidate Filing Requirements</b> Governor Signed on 2/26/2008 Effective Date: 2/26/2008	P. Knudson

S.B. 148	Enforcement of Front License Plate Display Requirement Amendments Governor Signed on 3/14/2008 Effective Date: 5/5/2008	S. Killpack
S.B. 149	<b>Motor Vehicle Liability Policy Minimum Limits</b> Governor Signed on 3/18/2008 Effective Date: 1/1/2009	S. Killpack
S.B. 150	<b>Criminal Penalties Revisions</b> Governor Signed on 2/26/2008 Effective Date: 2/26/2008	S. Jenkins
S.B. 151	<b>Trademark Protection Act Amendments</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	D. Eastman
S.B. 152	<b>Presumptive Personal Representative</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	G. Bell
S.B. 153	<b>Revision to County Elected Offices</b> Senate/ enacting clause struck on 3/5/2008	G. Bell
S.B. 154	<b>Protective Order – Crime of Inducing Breach</b> Senate/ enacting clause struck on 3/5/2008	S. McCoy
S.B. 155	<b>Punitive Damages Amendments</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	L. Hillyard
S.B. 156	<b>Utah Relocation Assistance Act Amendments</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	L. Hillyard
S.B. 157	<b>Rights of Citizens to Carry Firearms in</b> <b>Declared Emergency</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	M. Madsen
S.B. 158	<b>Governor's Rural Partnership Board and</b> <b>Rural Coordinating Committee Amendments</b> Governor Signed on 3/13/2008 Effective Date: 5/5/2008	D. Stowell

S.B. 159	Workers' Compensation Amendments Governor Signed on 3/17/2008 Effective Date: 5/5/2008	D. Eastman
S.B. 160	Candidate Replacement Deadline for General Election Senate/ filed on 3/5/2008	P. Knudson
S.B. 161	Advance Health Care Directive Amendments Governor Signed on 3/14/2008 Effective Date: 5/5/2008	A. Christensen
S.B. 162	<b>Federal Education Agreement Requirements</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	M. Dayton
S.B. 163	<b>Certified Public Accountant Licensing</b> <b>Act Amendments</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	C. Bramble
S.B. 164	<b>Computer Assisted Remote Hunting Prohibited</b> Governor Signed on 3/13/2008 Effective Date: 5/5/2008	M. Waddoups
S.B. 165	<b>Alcoholic Beverage Single Event Permits</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	S. McCoy
S.B. 166	Nondiscrimination Amendments Senate/ filed on 3/5/2008	S. McCoy
S.B. 167	<b>Alcoholic Beverages on Election Day</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	S. McCoy
S.B. 168	<b>Highway Funding Amendments</b> Governor Signed on 3/14/2008 Effective Date: 7/1/2008	D. Stowell
S.B. 169	<b>Renewable Energy Zone Task Force</b> Senate/ enacting clause struck on 3/5/2008	D. Stowell

S.B. 170	<b>Board of Water Resources Amendments</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	D. Stowell
S.B. 171	<b>Repeal of Certain Reporting by</b> <b>Financial Institutions</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	K. Van Tassell
S.B. 172	Funding for Medicaid Vision Care Senate/ filed on 3/5/2008	A. Christensen
S.B. 173	Renewable Energy Provisions Senate/ enacting clause struck on 3/5/2008	S. McCoy
S.B. 174	<b>Dentist and Dental Hygienist Practice</b> <b>Act Amendments</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	P. Knudson
S.B. 175	<b>Death Certificate Procedure Amendments</b> Senate/ enacting clause struck on 3/5/2008	J. Greiner
S.B. 176	<b>Unemployment Insurance Contribution</b> <b>Rates Amendments</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	H. Stephenson
S.B. 177	Local Government Disposal of Real Property Acquired by Exaction Governor Signed on 3/13/2008 Effective Date: 5/5/2008	W. Niederhauser
S.B. 178	Senior Citizen Property Tax Safe Harbor Senate/ enacting clause struck on 3/5/2008	D. Buttars
S.B. 179	Salvage Vehicle Amendments Governor Signed on 3/17/2008 Effective Date: 5/5/2008	C. Walker
S.B. 180	<b>Regents' Scholarship Program</b> Governor Signed on 3/17/2008 Effective Date: 7/1/2008	L. Hillyard

S.B. 181	<b>Off-highway Vehicle Use on Public Highways</b> Governor Signed on 3/13/2008 Effective Date: 10/1/2008	S. Jenkins
S.B. 182	Survival Action upon Injury or Death Senate/ filed on 3/5/2008	M. Waddoups
S.B. 183	Child Pornography Amendment Senate/ filed on 3/5/2008	D. Buttars
S.B. 184	<b>Child Care Licensing Exemptions</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	J. Greiner
S.B. 185	<b>Economic Incentive Revisions</b> Governor Signed on 3/18/2008 Effective Date: 5/5/2008	L. Hillyard
S.B. 186	<b>Custody and Parent-time for Non-parents</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	L. Hillyard
S.B. 187	<b>Bail in Capital Offense Cases</b> Governor Signed on 3/18/2008 Effective Date: 3/18/2008	J. Greiner
S.B. 188	Pilot Program for Summer School and after School Programs for Children with a Disabi Senate/ filed on 3/5/2008	ility G. Bell
S.B. 189	<b>Independent Contractor Database</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	D. Eastman
S.B. 190	Public Classroom Displays Senate/ filed on 3/5/2008	A. Christensen
S.B. 191	<b>Judicial Conduct Commission Amendments</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	G. Davis
S.B. 192	Sex Offense Amendments Governor Signed on 3/17/2008 Effective Date: 5/5/2008	J. Greiner

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1	500	

S.B. 193	Election Law Changes Governor Signed on 3/17/2008 Effective Date: 5/5/2008	P. Knudson
S.B. 194	Metal Theft Amendments and Penalties Senate/ filed on 2/26/2008	J. Greiner
S.B. 195	Use of Campaign Contributions Senate/ enacting clause struck on 3/5/2008	G. Bell
S.B. 196	<b>County and Municipal Land Use Amendments</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	W. Niederhauser
S.B. 197	Preferred Drug List Revisions Senate/ filed on 3/5/2008	A. Christensen
S.B. 198	<b>Child Support Technical Amendments</b> Governor Signed on 3/13/2008 Effective Date: 3/13/2008	G. Bell
S.B. 200	<b>Professional Engineers Licensing Amendments</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	F. Fife
S.B. 202	Energy Resource and Carbon Emission Reduction Initiative Governor Signed on 3/18/2008 Effective Date: 3/18/2008	C. Bramble
S.B. 203	Highway Abandonment Amendments Senate/ enacting clause struck on 3/5/2008	D. Peterson
S.B. 204	Income Taxation Amendments Senate/ filed on 3/5/2008	W. Niederhauser
S.B. 205	<b>Uniform Interstate Depositions and Discovery Ac</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	t L. Hillyard
S.B. 208	<b>Transportation Corridor Preservation Amendme</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	nts S. Killpack

S.B. 209	Methamphetamine Decontamination Standards and Funding Governor Signed on 3/13/2008 Effective Date: 5/5/2008	D. Buttars
S.B. 210	<b>Proof of Citizenship Required to Vote</b> Senate/ enacting clause struck on 3/5/2008	M. Madsen
S.B. 211	Alcoholic Beverage Control Amendments Governor Signed on 3/19/2008 Effective Date: 5/5/2008	C. Bramble
S.B. 212	<b>Funeral Processions</b> Senate/ enacting clause struck on 3/5/2008	B. Goodfellow
S.B. 213	State Contract – False Claims Act Senate/ enacting clause struck on 3/5/2008	A. Christensen
S.B. 216	<b>Deferred Deposit Lending Information</b> <b>and Reporting</b> Senate/ enacting clause struck on 3/5/2008	G. Bell
S.B. 217	<b>Property Tax Deferrals, Abatements,</b> <b>and Relief Limitations</b> Senate/ enacting clause struck on 3/5/2008	D. Stowell
S.B. 218	Amendments to Tourism, Recreation, Cultural, and Convention Facilities Tax Senate/ enacting clause struck on 3/5/2008	W. Niederhauser
S.B. 219	School District Division Funding Senate/ enacting clause struck on 3/5/2008	M. Waddoups
S.B. 220	<b>Cause of Action for Defective Construction</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	C. Bramble
S.B. 221	Capital Development and Improvement Amendments Governor Signed on 3/17/2008 Effective Date: 5/5/2008	L. Hillyard

S.B. 222	Division of Real Estate Licensing and Presence in the United States Senate/ enacting clause struck on 3/5/2008	M. Dayton
S.B. 223	School Transfers – Participation in Extracurricular Activities Senate/ enacting clause struck on 3/5/2008	M. Madsen
S.B. 224	<b>Coal Mine Safety Act</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	M. Dmitrich
S.B. 225	<b>Gubernatorial and Legislative Space in the Capitol</b> Governor Signed on 2/20/2008 Effective Date: 2/20/2008	C. Bramble
S.B. 228	<b>Regulation of Wells</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	M. Dayton
S.B. 231	<b>Transportation Governance</b> Governor Signed on 3/13/2008 Effective Date: 7/1/2008	S. Killpack
S.B. 234	Minimum School Program Amendments – Counseling and Guidance Programs Senate/ filed on 3/5/2008	M. Dmitrich
S.B. 235	Human Remains Related Amendments Governor Signed on 3/14/2008 Effective Date: 5/5/2008	K. VanTassell
S.B. 236	<b>Judiciary Amendments</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	L. Hillyard
S.B. 237	Commercial Airline and AirportTaxation AmendmentsWGovernor Signed on 3/17/2008Effective Date: 5/5/2008	7. Niederhauser
S.B. 238	Aquatic Invasive Species Interdiction Act Governor Signed on 3/17/2008 Effective Date: 5/5/2008	J. Greiner

S.B. 239	Office of the Attorney General – Safety Net Initiative Governor Signed on 3/14/2008 Effective Date: 5/5/2008	C. Bramble
S.B. 241	Local Governmental Cooperation in Education Matters Senate/ filed on 3/5/2008	P. Jones
S.B. 242	Law Enforcement Tracking of Domestic Violence Statistics Governor Signed on 3/18/2008 Effective Date: 5/5/2008	J. Greiner
S.B. 243	This Is the Place Foundation – Procurement Code Exemption Senate/ filed on 3/5/2008	B. Goodfellow
S.B. 244	<b>Division of Parks and Recreation to Support</b> <b>Nonprofit Corporation or Foundation</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	B. Goodfellow
S.B. 245	<b>Funding Relating to Airports, Highways,</b> <b>and Public Transit</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	C. Bramble
S.B. 247	<b>Veterans Procurement Provisions</b> Governor Signed on 3/13/2008 Effective Date: 5/5/2008	F. Fife
S.B. 251	Task Force Studying Funding for Fighting Forest Fires Senate/ filed on 3/5/2008	D. Stowell
S.B. 253	<b>County Law Enforcement Duties</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	M. Waddoups
S.B. 255	Hospital Lien Senate/ enacting clause struck on 3/5/2008	D. Peterson

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S.B. 256	Good Samaritan Act for Engineers Senate/ filed on 3/5/2008	M. Waddoups
S.B. 258	Property Tax Committee Senate/ enacting clause struck on 3/5/2008	W. Niederhauser
S.B. 260	<b>Disclosure of Public Employee Disciplinary</b> <b>Actions Amendments</b> Senate/ enacting clause struck on 3/5/2008	D. Buttars
S.B. 261	<b>Political Subdivision Annexation Amendments</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	M. Waddoups
S.B. 263	<b>Self Authentication of Documents</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	S. McCoy
S.B. 264	<b>Development Around Military Installations</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	S. Killpack
S.B. 265	<b>Unlawful Detainer Amendments</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	M. Waddoups
S.B. 266	<b>Process Servers – Age Restrictions</b> Senate/ enacting clause struck on 3/5/2008	J. Greiner
S.B. 267	Local Government Authority Amendments Senate/ enacting clause struck on 3/5/2008	D. Buttars
S.B. 269	Water Rights – Ombudsman Senate/ filed on 3/5/2008	D. Stowell
S.B. 273	<b>Regulation of Gifts</b> Senate/ enacting clause struck on 3/5/2008	G. Bell
S.B. 274	Amendments to Utah Service Members' Civil Relief Act Governor Signed on 3/14/2008 Effective Date: 5/5/2008	P. Knudson

S.B. 275	Military Justice Code Amendments Governor Signed on 3/17/2008 Effective Date: 5/5/2008	P. Knudson
S.B. 277	<b>Post–conviction Remedies Act Revisions</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	G. Bell
S.B. 278	<b>Technical Amendments to Titles 78a and 78b</b> Governor Signed on 3/14/2008 Effective Date: 3/14/2008	G. Bell
S.B. 279	Water and Land Use Development Senate/ enacting clause struck on 3/5/2008	D. Peterson
S.B. 281	<b>Use of Minimum School Program</b> <b>Nonlapsing Balances</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	H. Stephenson
S.B. 283	<b>Transportation Funding Amendments</b> Governor Signed on 3/14/2008 Effective Date: 7/1/2008	S. Killpack
S.B. 286	<b>Transportation and Transit Amendments</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	S. Killpack
S.B. 287	Appropriation for the Swanson Tactical Training Center Senate/ filed on 3/5/2008	S. Jenkins
S.B. 288	<b>Condominium Ownership Act Amendments</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	M. Waddoups
S.B. 290	<b>Private Investigators' Access to Driver</b> <b>Licensure Information</b> Governor Signed on 3/18/2008 Effective Date: 5/5/2008	M. Dayton
S.B. 292	<b>Voiding Transactions Against Public Policy</b> Senate/ enacting clause struck on 3/5/2008	M. Dayton

S.B. 294	Community Development and Renewal Amendments Governor Signed on 3/14/2008 Effective Date: 5/5/2008	C. Bramble
S.B. 295	<b>Security Alarm Business Licensing Amendments</b> Governor Signed on 3/18/2008 Effective Date: 5/5/2008	M. Dayton
S.B. 296	<b>Financial Institutions Amendments</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	C. Bramble
S.B. 297	<b>Animal Torture and Cruelty Amendments</b> Governor Signed on 3/17/2008 Effective Date: 5/5/2008	A. Christensen
S.B. 298	State Land Acquisition Governor Signed on 3/18/2008 Effective Date: 5/5/2008	J. Hickman
S.B. 299	<b>Revision to Local Government</b> Governor Signed on 3/14/2008 Effective Date: 5/5/2008	G. Bell
S.C.R. 1	<b>Resolution Supporting Obesity Awareness</b> Governor Signed on 2/29/2008 Effective Date: 2/29/2008	D. Buttars
S.C.R. 2	<b>Resolution Promoting Legislators Back to</b> <b>School Program</b> Governor Signed on 3/13/2008 Effective Date: 3/13/2008	M. Dayton
S.C.R. 3	<b>Resolution Supporting Observance of</b> <b>Peace Officers Memorial Day</b> Governor Signed on 2/26/2008 Effective Date: 2/26/2008	J. Greiner
S.C.R. 4	<b>Concurrent Resolution Recognizing Utah's</b> <b>Nobel Prize Winner Mario Capecchi</b> Governor Signed on 2/4/2008 Effective Date: 2/4/2008	J. Valentine

S.C.R. 5	Concurrent Resolution Calling for Congress	
	to Pass Balanced Immigration Reform	H. Stephenson
	Governor Signed on 3/13/2008	
	Effective Date: 3/13/2008	
S.C.R. 6	Concurrent Resolution on the Reconstruction	
	of Interstate 15	J. Valentine
	Governor Signed on 3/13/2008	
	Effective Date: 3/13/2008	
S.J.R. 1	Resolution Encouraging the Advertisement	
	of Alternative Routes to Teaching	M. Dayton
	Senate/ to Lieutenant Governor on 2/18/2008	
	Effective Date: 2/7/2008	
S.J.R. 2	Resolution Approving the Appointment of	
	Legislative Fiscal Analyst	C. Bramble
	Senate/ to Lieutenant Governor on 2/6/2008	
	Effective Date: 1/30/2008	
S.J.R. 3	Resolution Approving Compensation of	
	In-session Employees	G. Bell
	Senate/ to Lieutenant Governor on 2/6/2008	
	Effective Date: 1/30/2008	
S.J.R. 4	Joint Resolution Recognizing 100th	
	Anniversary of Utah League of Cities and Towns	P. Knudson
	Senate/ to Lieutenant Governor on 2/5/2008	
	Effective Date: 1/23/2008	
S.J.R. 5	Joint Resolution Amending Legislative	
	Apportionment	C. Bramble
	Senate/ to Lieutenant Governor on 3/12/2008	
	Effective Date: 1/1/2009	
S.J.R. 6	Joint Resolution Encouraging the Governor's	
	Board Appointments to Reflect Utah	
	Geographic Balance	D. Stowell
	Senate/ to Lieutenant Governor on 2/28/2008	
	Effective Date: 2/22/2008	

S.J.R. 7	Joint Rules Resolution – Authorizing Electronic Committee Meetings Senate/ filed on 3/5/2008	L. Hillyard
S.J.R. 8	Joint Rules Resolution – Base Budget Amendments Senate/ filed on 3/5/2008	W. Niederhauser
S.J.R. 9	Joint Resolution Amending Rules of Evidence Relating to Information Contained in the Management Information System Senate/ enacting clause struck on 3/5/2008	G. Davis
S.J.R. 10	Joint Resolution Amending Constitution Regarding Taxes of the Elderly Senate/ failed on 2/18/2008	G. Davis
S.J.R. 11	Master Study Resolution Senate/ to Lieutenant Governor on 3/13/2008 Effective Date: 3/5/2008	C. Bramble
S.J.R. 12	Joint Resolution Honoring Hill Air Force Base's 388th and 419th Fighter Wings Senate/ to Lieutenant Governor on 3/5/2008 Effective Date: 2/29/2008	S. Killpack
S.R. 1	Senate Resolution Urging the Consideration of the United States Ending its Participation in the Security and Prosperity Partnership of North America Senate/ to Lieutenant Governor on 3/13/2008 Effective Date: 2/27/2008	F. Fife
S.R. 2	<b>Senate Resolution Honoring James L. Sorenson</b> Senate/ to Lieutenant Governor on 3/3/2008 Effective Date: 1/25/2008	A. Christensen
S.R. 3	Senate Resolution Petitioning Congress to Address the Illegal Immigration Crisis Senate/ to Lieutenant Governor on 2/28/2008 Effective Date: 2/22/2008	M. Madsen

S.R. 4	Senate Resolution Regarding Trade with Taiwan	C. Bramble	
	Senate/ to Lieutenant Governor on 3/12/2008		
	Effective Date: 2/26/2008		
S.R. 5	Senate Resolution Encouraging Congressional		
	Action Related to the Navajo Nation's Ability		
	to Collect Child Support	M. Dmitrich	
	Senate/ enacting clause struck on 3/5/2008		

#### COMMITTEES OF THE WHOLE INDEX 2008 General Session

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# **SENATE JOURNAL**

## EIGHTH EXTRAORDINARY SESSION OF THE FIFTY–SEVENTH LEGISLATURE

Convened and Adjourned on Wednesday, April 16, 2008

## CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Eighth Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Eighth Extraordinary Session convening on Wednesday, April 16, 2008, and adjourning sine die on the same day.

> Annette B. Moore Secretary of the Senate

Leslie McLean Manager, Senate Services

Mary B. Andrus Journal Clerk

## SENATE JOURNAL

### EIGHTH EXTRAORDINARY SESSION of the FIFTY-SEVENTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Eighth Extraordinary Session at 12:00 noon on Wednesday, April 16, 2008.

The Senate was called to order at 12:15 p.m. with President John Valentine presiding.

Prayer - Senator Brent Goodfellow

Pledge - Senator Pat Jones

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

#### PROCLAMATION

WHEREAS, since the close of the 2008 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a Eighth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 16th day of April, 2008 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2008 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Salt Lake Capitol Complex in Salt Lake City, Utah, this 15th day of April, 2008.

Jon M. Huntsman, Jr. Governor

Gary R. Herbert Lieutenant Governor

#### CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of April 15, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Eighth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 16th day of April, 2008, at 12:00 noon, for the purpose named in the Proclamation. I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2008 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 16th day of April 2008.

Gary R. Herbert Lieutenant Governor

Roll call – All Senators present, except Senators Hickman, Peterson and McCoy, excused.

On motion of Senator Eastman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty–Seventh Legislature as the rules for the Eighth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Scott Jenkins, Dennis Stowell, and Fred Fife to notify the Governor's representative that the Senate is convened in the Eighth Extraordinary Session in accordance with his proclamation.

Senator Jenkins advised the Senate that the Governor's representative has been notified of the convening of the Eighth Extraordinary Session.

\* \* \*

Annette Moore read the following communications:

#### **COMMUNICATION FROM THE GOVERNOR**

Mr. President: February 28, 2008 In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

#### FIRST DISTRICT COURT

Kevin K. Allen is appointed as a Judge of the First District Court. See Utah const. ant. VIII, 8; Utah Code 78–29–2.

Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr. Governor

\* \* \*

Mr. President:

April 16, 2008

The Senate Judicial Confirmation Committee met on April 14, 2008, and reports a favorable recommendation for Mr. Kevin K. Allen to be confirmed to the position of Judge in the First District Court.

Gregory S. Bell, Chair

Senator Hillyard moved to consent to the appointment as read by Annette Moore. Senator Bell commented. The motion passed on the following roll call:

#### Yeas, 26; Nays, 0; Absent, 3.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators Hickman McCov

Peterson

#### COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, Judge Kevin K. Allen spoke in Committee of the Whole.

On motion of Senator Bramble, the Committee of the Whole was dissolved.

\* \* \*

President Valentine directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Jenkins reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Bramble, and at 12:40 p.m., the Senate adjourned sine die.

# **SENATE JOURNAL**

## NINTH EXTRAORDINARY SESSION OF THE FIFTY–SEVENTH LEGISLATURE

Convened and Adjourned on Wednesday, May 21, 2008

## CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Ninth Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Ninth Extraordinary Session convening on Wednesday, May 21, 2008, and adjourning sine die on the same day.

> Annette B. Moore Secretary of the Senate

Leslie McLean Manager, Senate Services

Mary B. Andrus Journal Clerk

## SENATE JOURNAL

### NINTH EXTRAORDINARY SESSION of the FIFTY–SEVENTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Ninth Extraordinary Session at 12:00 noon on Wednesday, May 21, 2008.

The Senate was called to order at 12:25 p.m. with President John Valentine presiding.

Prayer – Senator Greg Bell

Pledge – Senator Sheldon Killpack

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

#### PROCLAMATION

WHEREAS, since the close of the 2008 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a Ninth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 21st day of May, 2008 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2008 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 20th day of May, 2008.

Jon M. Huntsman, Jr. Governor

Gary R. Herbert Lieutenant Governor

#### CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of April 15, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Ninth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 21st day of May, 2008, at 12:00 noon, for the purpose named in the Proclamation. I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2008 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 20th day of May 2008.

Gary R. Herbert Lieutenant Governor

Roll call – All Senators present, except Senators Eastman, Peterson, and Van Tassell, excused.

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty–Seventh Legislature as the rules for the Ninth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Michael Waddoups, Chris Buttars, and Scott McCoy to notify the Governor's representative that the Senate is convened in the Ninth Extraordinary Session in accordance with his proclamation.

Senator Waddoups advised the Senate that the Governor's representative has been notified of the convening of the Ninth Extraordinary Session.

\* \* \*

Leslie McLean read the following communications:

#### **COMMUNICATION FROM THE GOVERNOR**

Mr. President: May 6, 2008 In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

#### **Utah State Fair Corporation Board of Directors:**

Steven Barth is reappointed as a member of the Utah State Fair Corporation Board of Directors, a term to expire on December 1, 2011. See Utah Code Ann. 9–4–1104 UCA. Kent Buttars is reappointed as a member of the Utah State Fair Corporation Board of Directors, a term to expire on December 1, 2011. See Utah Code Ann. 9–4–1104 UCA.

Maura Carabello is appointed to replace Spencer Jones as a member of the Utah State Fair Corporation Board of Directors, a term to expire on December 1, 2011. See Utah Code Ann. 9–4–1104 UCA.

#### **Board of Tourism Development:**

John Holland is appointed to replace the late Robert Syrett as a member of the Board of Tourism Development, a term to expire on July 1, 2011. See Utah Code Ann. 63–38f–1407 UCA.

#### **Board of Child and Family Services:**

Gerald Blackburn is reappointed as a member of the Board of Child and Family Services, a term to expire on January 1, 2012. See Utah Code Ann. 62A-1-107 UCA & 62A-4a-102 UCA.

#### **Board of Services for People with Disabilities:**

Bart Kinsey is appointed to replace the Tamara Dalton as a member of the Board of Services for People with Disabilities, a term to expire on April 1, 2009. See Utah Code Ann. 62A-1-105 & -1-107 & -5-105 UCA.

Thank you for your timely consideration and confirmation of the above appointments.

#### Jon M. Huntsman, Jr.

Governor

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. Senator Stowell commented. The motion passed on the following roll call:

#### Yeas, 22; Nays, 0; Absent, 7.

#### Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen		
Davis	Dayton	Dmitrich	Goodfellow		
Greiner	Hickman	Hillyard	Jenkins		
Killpack	Knudson	Mayne	McCoy		
Niederhauser	Romero	Stowell	Waddoups		
Walker	Valentine				
Absent or not voting were: Senators					
Eastman	Fife	Jones	Madsen		
Peterson	Stephenson	Van Tassell			

President Valentine directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Waddoups 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.

#### COMMITTEE OF THE WHOLE

On motion of Senator Bramble, Tom Bingham from the Manufacturer Association spoke in Committee of the Whole. Senator Mayne commented.

On motion of Senator Bramble, the Committee of the Whole was dissolved.

On motion of Senator Bramble, and at 12:45 p.m., the Senate adjourned sine die.

# **SENATE JOURNAL**

## TENTH EXTRAORDINARY SESSION OF THE FIFTY–SEVENTH LEGISLATURE

Convened and Adjourned on Wednesday, June 18, 2008

## CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Tenth Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Tenth Extraordinary Session convening on Wednesday, June 18, 2008, and adjourning sine die on the same day.

> Annette B. Moore Secretary of the Senate

Leslie McLean Manager, Senate Services

Mary B. Andrus Journal Clerk

## SENATE JOURNAL

### TENTH EXTRAORDINARY SESSION of the FIFTY–SEVENTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber in the State Capitol in the Tenth Extraordinary Session at 12:00 noon on Wednesday, June 18, 2008.

The Senate was called to order at 12:25 p.m. with President John Valentine presiding.

Prayer - Senator Peter Knudson

Pledge - Senator Margaret Dayton

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

#### PROCLAMATION

WHEREAS, since the close of the 2008 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into the Tenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of June, 2008, at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2008 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Salt Lake Capitol Complex in Salt Lake City, Utah, this 6th day of June, 2008.

Jon M. Huntsman, Jr. Governor

Gary R. Herbert Lieutenant Governor

#### CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of June 6, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Tenth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 18th day of June, 2008, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2008 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 6th day of June 2008.

Gary R. Herbert Lieutenant Governor

Roll call – All Senators present, except Senators Hickman and Fife, excused.

On motion of Senator Eastman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty–Seventh Legislature as the rules for the Tenth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Stephenson, Niederhauser, and McCoy to notify the Governor's representative that the Senate is convened in the Tenth Extraordinary Session in accordance with his proclamation.

Senator Stephenson advised the Senate that the Governor's representative has been notified of the convening of the Tenth Extraordinary Session.

#### SPECIAL ORDER OF BUSINESS

Senator Bramble presented Lane Summerhays with a Special Citation.

#### COMMITTEE OF THE WHOLE

On motion of Senator Bramble, Layne A. Summerhays spoke in Committee of the Whole. Senator Jones commented.

On motion of Senator Bramble, the Committee of the Whole was dissolved.

\* \* \*

Leslie McLean read the following communications:

#### COMMUNICATION FROM THE GOVERNOR

Mr. President: June 3, 2008 In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

#### **State Records Committee:**

Scott D. Whitaker is reappointed as a member of the State Records Committee, a term to expire on July 1, 2012. See Utah Code Ann. 63-2-501 UCA.

#### **Utah Conservation Commission:**

Paul Boyd Leishman is reappointed as a member of the Utah Conservation Commission, a term to expire on May 8, 2012. See Utah Code Ann. 4–18–4 UCA.

Ben A. Thurgood is appointed to replace Dee A. Waldron as a member of the Utah Conservation Commission, a term to expire on May 8, 2012. See Utah Code Ann. 4-18-4 UCA.

Randy A. Greenhalgh is appointed to replace Stanley W. Wood as a member of the Utah Conservation Commission, a term to expire on May 8, 2012. See Utah Code Ann. 4–18–4 UCA.

Allen K. Henrie is appointed to replace Ralph H. Staheli as a member of the Utah Conservation Commission, a term to expire on May 8, 2012. See Utah Code Ann. 4-18-4 UCA.

#### **State Board of Regents:**

Reverend Dr. France A. Davis is appointed to replace Sara V. Sinclair as a member of the State Board of Regents, a term to expire on June 30, 2013. See Utah Code Ann. 53B-1-104 UCA.

Basim Motiwala is appointed as a member of the State Board of Regents, a term to expire on June 30, 2009. See Utah Code Ann. 53B–1–104 UCA. Utah Digital Health Service Commission:

Deborah LaMarche is reappointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2010. See Utah Code Ann. 26–9f–103 UCA.

R. Chet Loftis is reappointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2010. See Utah Code Ann. 26–9f–103 UCA.

Scott Douglas Barlow is reappointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2010. See Utah Code Ann. 26–9f–103 UCA.

Dennis D. Moser is reappointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2010. See Utah Code Ann. 26–9f–103 UCA.

Marc F. Probst is appointed to replace Michael Stanton Jensen as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2011. See Utah Code Ann. 26–9f–103 UCA

Jan Root is appointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2011. See Utah Code Ann. 26–9f–103 UCA.

.Nancy Staggers is appointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2011. See Utah Code Ann. 26–9f–103 UCA.

Natalie Gochnour is appointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2011. See Utah Code Ann. 26–9f–103 UCA.

#### **Real Estate Commission:**

Blaine Walker is reappointed as a member of the Real Estate Commission, a term to expire on June 30, 2012. See Utah Code Ann. 61–2–5.5 UCA.

#### Water Quality Board:

Phil D. Wright is appointed as a member of the Water Quality Board, a term to expire on March 1, 2011. See Utah Code Ann. 19–5–103. Mr. Wright is non-partisan.

#### **Radiation Control Board:**

Dr. Joseph Kay Miner is reappointed as a member of the Radiation Control Board, a term to expire on July 1, 2012. See Utah Code Ann. 19–3–103 UCA. Dr. Miner is a Republican.

Frank D. DeRosso is reappointed as a member of the Radiation Control Board, a term to expire on July 1, 2012. See Utah Code Ann. 19–3–103 UCA. Mr. DeRosso is non-partisan.

Dr. David A. Tripp is appointed to replace Stephen T. Nelson as a member of the Radiation Control Board, a term to expire on July 1, 2012. See Utah Code Ann. 19–3–103 UCA. Dr. Tripp is a Republican.

Edd Johnson is appointed to replace Gregory G. Oman as a member of the Radiation Control Board, a term to expire on July 1, 2012. See Utah Code Ann. § 19–3–103 UCA. Mr. Johnson is a Republican.

Dr. Douglas Scott Kimball is appointed to replace Ken J. Bradford as a member of the Radiation Control Board, a term to expire on July 1, 2012. See Utah Code Ann. § 19–3–103 UCA. Dr. Kimball is non–partisan.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.

#### Governor

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. The motion passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine
Absent or not voting were: Senators			
Fife	Hickman	Madsen	Peterson
Romero			

#### Voting in the affirmative were: Senators

President Valentine directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Stephenson reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Bramble, and at 12:45 p.m., the Senate adjourned sine die.

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