

**JOURNAL**  
**of the**  
**House of Representatives**  
**of the**  
**State of Utah**

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**FIFTY–FIFTH LEGISLATURE**  
**2004 FOURTH SPECIAL SESSION**

Commencing September 15, 2004 and  
Ending September 15, 2004

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# **CERTIFICATION**

The undersigned, as the duly appointed committee on the revision of the House Journal of the 2004 Fourth Special Session of the Fifty–fifth Legislature of the State of Utah, do hereby certify that the contents published herein are a full, true and correct record of the proceedings of the session commencing on Wednesday, September 15, 2004 and ending Wednesday, September 15, 2004.

**COMMITTEE ON REVISION  
OF THE HOUSE JOURNAL**

**CAROLE E. PETERSON**  
Chief Clerk

**JANICE A. GADD**  
Journal Clerk



**HOUSE JOURNAL**  
**of the**  
**FIFTY-FIFTH LEGISLATURE**  
**of the**  
**STATE OF UTAH**

**FOURTH SPECIAL SESSION**

\* \* \*

House Chamber  
State Capitol Complex  
Salt Lake City, Utah  
September 15, 2004

The House was called to order by Speaker Stephens at 2:10 p.m.

Roll call showed all members present except Representative Philpot, excused.

Pledge of Allegiance and prayer by Representative Fred R. Hunsaker.

On motion of Representative Curtis, the House voted to continue with the same organization for the 2004 Fourth Special Session of the 55th Legislature as set up and constituted during the 2004 Annual General Session of the Legislature insofar as it pertains to the Speakership, Majority Leadership and Minority Leadership.

Speaker Martin R. Stephens appointed Carole E. Peterson as Chief Clerk.

The Chief Clerk read the following:

**CERTIFICATION**

I, GAYLE F. McKEACHNIE, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of September 10th, 2004, and signed by Governor Olene S. Walker, is a true and correct copy of the original Proclamation calling the Fifty-Fifth Legislature of the State of Utah into a Special Session at the Capitol Complex at Salt Lake City, Utah, on the 15th day of September, 2004, at 2:00 o'clock in the afternoon, for the purposes named in the Proclamation.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah. Done  
at the State Capitol in Salt Lake  
City, Utah, this 10th day of  
September, 2004.

GAYLE F. McKEACHNIE  
Lieutenant Governor

Communication filed.

### PROCLAMATION

WHEREAS, since the adjournment of the 2004 General Session of the Fifty–Fifth 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 Special Session;

NOW, THEREFORE, I, Olene S. Walker, 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–Fifth Legislature of the State of Utah into a Fourth Special Session at the Capitol Complex at Salt Lake City, Utah, on the 15th day of September, 2004, at 2:00 p.m., for the following purposes:

1. To consider allocating funds to improve the state correctional facilities in Draper;
2. To consider allocating funds to care for, preserve, and provide for the security of state lands at Range Creek;
3. To consider amendments to Title 75 regarding out–of–state trustees;
4. To consider certain deductions from income tax for persons called to active service in the military;
5. 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 2004 General Session; and
6. To consider such other measures as may be brought to the attention of the Legislature by supplemental communication from the Governor before or during the Special Session hereby called.

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 Capitol Complex in Salt  
Lake City, Utah, this 10th day  
of September, 2004.

OLENE S. WALKER  
Governor

GAYLE F. McKEACHNIE  
Lieutenant Governor

Communication filed.

### **MISCELLANEOUS BUSINESS**

On motion of Representative Dillree, the House voted to adopt the same House Rules and Joint Rules for the 2004 Fourth Special Session as adopted in the 2004 Annual General Session.

On motion of Representative Goodfellow, the House voted to authorize the Speaker to appoint a committee to wait upon the Senate to inform that Honorable Body that the House is organized and ready to do business.

The Speaker appointed Representatives Seitz, Webb, and Litvack.

On motion of Representative Alexander, the House voted to authorize the Speaker to appoint a committee to meet with a like committee from the Senate to wait upon the Governor to inform Her Excellency that the House is organized and ready to do business.

The Speaker appointed Representatives Donnelson, Peterson, and Jones.

On motion of Representative Dillree, under suspension of the rules, the House voted, as provided by the Utah Constitution, to suspend the requirement that every bill be read by title three separate times in the House of Representatives. It was further moved that this suspension apply to all bills and resolutions introduced during the legislative session, except that a majority of the House may direct the reading of the long title, short title, or both of any House or Senate bill or resolution.

Representative Seitz informed the House of Representatives that his committee had waited upon the Senate and informed them that the House was organized and ready to do business.

Representative Donnelson informed the House of Representatives that the joint committee had waited upon the Governor and informed her that the Legislature was organized and ready to do business.

Senators Hale, Walker, and Allen formally notified the House of Representatives that the Senate was organized and ready to do business.

**INTRODUCTION OF BILL**

**H.B. 4001, Supplemental Appropriations Act III – Range Creek** (R. Bigelow), read the first time by short title and referred to the Rules Committee.

**MISCELLANEOUS BUSINESS**

On motion of Representative Curtis, under suspension of the rules, the House voted to consider **H.B. 4001** read the second time by short title and placed on the calendar for third reading.

**THIRD READING CALENDAR**

**H.B. 4001, SUPPLEMENTAL APPROPRIATIONS ACT III – RANGE CREEK**, read the third time by short title and placed on its final passage.

On motion of Representative Bigelow, the House voted to delete **H.B. 4001** in title and body and insert **Sub. H.B. 4001** in lieu thereof.

Representative Bigelow proposed the following amendment:

- 1. Page 2, Lines 44 through 46
  - 44 It is the intent of the Legislature that the Museum of Natural History use \$150,000 of the
  - 45 appropriated funds to survey and catalogue the Range Creek site, and to identify, record, and
  - 46 preserve sites and artifacts at the Range Creek site.

Representative Bigelow’s motion to amend passed on a voice vote.

**Sub. H.B. 4001**, as amended, then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Anderson	Barrus	Bennion	Bigelow



Biskupski	Bourdeaux	Bowman	Buffmire
Bush	Buttars	Buxton	Christensen
D. Clark	S. Clark	D. Cox	Curtis
Daniels	Dayton	Dee	Dillree
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Frank	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Love	Mascaro
McCartney	McGee	Morgan	Morley
Moss	Murray	Newbold	Noel
Peterson	Seitz	Shurtliff	G. Snow
Styler	Thompson	Tilton	Ure
Urquhart	Wallace	Webb	M. Stephens

**Absent or not voting were:** Representatives

Becker                    Bryson                    Philpot

**Sub. H.B. 4001**, as amended, transmitted to the Senate for its consideration.

### MISCELLANEOUS BUSINESS

On motion of Representative Curtis, the House voted to recess for 10 minutes.

Speaker Stephens called the House to order at 3:15 p.m.

### COMMUNICATION FROM THE SENATE

Mr. Speaker: September 15, 2004

The Senate passed, as substituted, **1st Sub. S.B. 4001**, TRUST BUSINESS AMENDMENTS, by Senator Hillyard, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **Sub. S.B. 4001**, read the first time by short title and referred to the Rules Committee. On motion of Representative Bigelow, under suspension of the rules, the House voted to consider **Sub. S.B. 4001**, read the second time by short title and placed on the Third Reading Calendar.

### MISCELLANEOUS BUSINESS

On motion of Representative Bigelow, the House voted to move to the Senate Third Reading Calendar.

### THIRD READING CALENDAR

**Sub. S.B. 4001**, TRUST BUSINESS AMENDMENTS, read the third time by short title and placed on its final passage.

**Sub. S.B. 4001** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Anderson	Barrus	Bennion	Bigelow
Biskupski	Bourdeaux	Bowman	Buffmire
Bush	Buttars	Buxton	Christensen
D. Clark	S. Clark	D. Cox	Curtis
Daniels	Dayton	Dee	Dillree
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Frank	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Love	Mascaro
McCartney	McGee	Morgan	Morley
Moss	Murray	Newbold	Noel
Peterson	Shurtliff	G. Snow	Styler
Thompson	Tilton	Ure	Urquhart
Wallace	Webb	M. Stephens	

**Absent or not voting were:** Representatives

Becker	Bryson	Philpot	Seitz
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**Sub. S.B. 4001** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### MISCELLANEOUS BUSINESS

On motion of Representative Curtis, the House voted to recess for 10 minutes.

Speaker Stephens called the House to order at 3:50 p.m.

## COMMUNICATION FROM THE SENATE

Mr. Speaker:

September 15, 2004

The Senate passed, as amended (amendment attached), **S.B. 4002**, **INDIVIDUAL INCOME TAX – TREATMENT OF CERTAIN MILITARY INCOME**, by Senator C. Bramble, and it is transmitted for consideration.

Annette B. Moore

Secretary of the Senate

Communication filed. **S.B. 4002**, read the first time by short title and referred to the Rules Committee. On motion of Representative Curtis, under suspension of the rules, the House voted to consider **S.B. 4002** read the second time by short title and placed on the Third Reading Calendar.

### THIRD READING CALENDAR

**S.B. 4002**, **INDIVIDUAL INCOME TAX – TREATMENT OF CERTAIN MILITARY INCOME**, read the third time by short title and placed on its final passage.

**S.B. 4002** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Anderson	Barrus	Becker	Bennion
Bigelow	Biskupski	Bourdeaux	Bowman
Buffmire	Bush	Buttars	Buxton
Christensen	D. Clark	S. Clark	D. Cox
Curtis	Daniels	Dayton	Dee
Dillree	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Frank
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	Kiser	Last	Lawrence
Litvack	Lockhart	Love	Mascaro
McCartney	McGee	Morgan	Morley
Moss	Murray	Newbold	Noel
Peterson	Seitz	Shurtliff	G. Snow
Styler	Thompson	Tilton	Ure
Urquhart	Wallace	Webb	M. Stephens

**Absent or not voting were:** Representatives  
 Bryson King Philpot

**S.B. 4002** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### **INTENT LANGUAGE FOR S.B. 4002**

On motion of Representative Peterson, the House voted to print the following intent language in the House Journal.

In passing **S.B. 4002**, INDIVIDUAL INCOME TAX – TREATMENT OF CERTAIN MILITARY INCOME, the Legislature intends the following:

The Legislature finds that the National Guard and other reserve components of the armed forces are separate and distinct from the active components of the armed forces. The Legislature also finds that members of the active components of the armed forces have a greater expectation of being ordered to leave their homes and serve their country than do members of the National Guard or other reserve components of the armed forces. The deployment of members of the National Guard or other reserve components of the armed forces is particularly disruptive to regular civilian employment and activities. Therefore, it is the intent of the Legislature to apply the benefits allowed by this bill only to members of the National Guard or other reserve components of the armed forces.

### **COMMUNICATION FROM THE SENATE**

Mr. Speaker: September 15, 2004

The Senate passed, as substituted, **2nd Sub. S.B. 4003**, SUPPLEMENTAL APPROPRIATIONS ACT II AMENDMENTS – REDIRECTION OF CERTAIN FEDERAL FUNDS TO INMATE HOUSING, by Senator Blackham, and it is transmitted for consideration.

Annette B. Moore  
 Secretary of the Senate

Communication filed. **2nd Sub. S.B. 4003**, read the first time by short title and referred to the Rules Committee. On motion of Representative Curtis, under suspension of the rules, the House voted to consider **2nd Sub. S.B. 4003** read the second time by short title and placed on the Third Reading Calendar.

### **THIRD READING CALENDAR**

**2nd Sub. S.B. 4003**, SUPPLEMENTAL APPROPRIATIONS ACT II AMENDMENTS – REDIRECTION OF CERTAIN FEDERAL FUNDS TO

INMATE HOUSING, read the third time by short title and placed on its final passage.

**2nd Sub. S.B. 4003** then passed on the following roll call:

**Yeas, 71; Nays, 1; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Anderson	Barrus	Becker	Bennion
Bigelow	Biskupski	Bourdeaux	Bowman
Bryson	Buffmire	Bush	Buttars
Buxton	D. Clark	S. Clark	D. Cox
Curtis	Daniels	Dayton	Dee
Dillree	Donnelson	Dougall	Duckworth
Dunnigan	Ferry	Frank	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
Kiser	Last	Lawrence	Litvack
Lockhart	Love	Mascaro	McCartney
McGee	Morgan	Morley	Moss
Murray	Newbold	Noel	Peterson
Seitz	Shurtliff	G. Snow	Styler
Thompson	Tilton	Ure	Urquhart
Wallace	Webb	M. Stephens	

**Voting in the negative was:** Representative

Ferrin

**Absent or not voting were:** Representatives

Christensen	King	Philpot
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**2nd Sub. S.B. 4003** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

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On motion of Representative Curtis, the Speaker was authorized to appoint a committee to wait upon the Senate and inform that Honorable Body that the House of Representatives has completed its business and is ready to adjourn sine die. The Speaker appointed Representatives Last, Tilton, and Shurtliff.

Representative Last reported that his committee had waited upon the Senate and informed them that the House of Representatives was prepared to adjourn sine die.

On motion of Representative Curtis, the Speaker was authorized to appoint a committee to meet with a like committee from the Senate to wait upon the Governor and inform Her Excellency that the Legislature has completed its business and is ready to adjourn sine die. The Speaker appointed Representatives Hardy, Lawrence, and Morgan.

Representative Hardy reported that her committee had waited upon the Governor and informed her that the Legislature was prepared to adjourn sine die.

### COMMUNICATION FROM THE SENATE

Mr. Speaker:

September 15, 2004

The Senate passed, **1st Sub. H.B. 4001**, SUPPLEMENTAL APPROPRIATIONS ACT III – RANGE CREEK, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **Sub. H.B. 4001** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### MISCELLANEOUS BUSINESS

Senators Walker, Hale, and Allen formally notified the House of Representatives that the Senate had completed its business and were prepared to adjourn sine die.

On motion of Representative Curtis, the House of Representatives of the Fifty–fifth Legislature, adjourned sine die at 4:45 p.m.

**PAGE  
INDEX**

**HOUSE BILLS**

**2004 FOURTH SPECIAL SESSION**





**H.B. 4001** — SUPPLEMENTAL APPROPRIATIONS ACT III – RANGE CREEK (*R. Bigelow*)

- Read the first time by short title and referred to the Rules Committee. . . . . 8
- Read the second time . . . . . 8
- Read the third time . . . . . 8
- Substituted . . . . . 8

**1st Sub. H.B. 4001** — SUPPLEMENTAL APPROPRIATIONS ACT III – RANGE CREEK  
(*R. Bigelow*)

- Amendments . . . . . 8
- Transmitted to the Senate . . . . . 9
- Signed by the Speaker and transmitted to the Governor . . . . . 14



**PAGE  
INDEX**

**SENATE BILLS**

**2004 FOURTH SPECIAL SESSION**



**1st Sub. S.B. 4001** — TRUST BUSINESS AMENDMENTS (*L. Hillyard*)

Read the first time by short title and referred to Rules Committee . . . . .	9
Read the second time . . . . .	9
Read the third time . . . . .	10
Signed by the Speaker and returned to the Senate . . . . .	10

**S.B. 4002** — INDIVIDUAL INCOME TAX – TREATMENT OF CERTAIN MILITARY INCOME  
(*C. Bramble*)

Read the first time by short title and referred to Rules Committee . . . . .	11
Read the second time . . . . .	11
Read the third time . . . . .	11
Signed by the Speaker and returned to the Senate . . . . .	12
Intent Language . . . . .	12

**2nd Sub. S.B. 4003** — SUPPLEMENTAL APPROPRIATIONS ACT II AMENDMENTS –  
REDIRECTION OF CERTAIN FEDERAL FUNDS TO INMATE HOUSING  
(*L. Blackham*)

Read the first time by short title and referred to Rules Committee . . . . .	12
Read the second time . . . . .	12
Read the third time . . . . .	12
Signed by the Speaker and returned to the Senate . . . . .	13



**JOURNAL**  
**of the**  
**House of Representatives**  
**of the**  
**State of Utah**

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**FIFTY–SIXTH LEGISLATURE**  
**2005 GENERAL SESSION**

Commencing January 17, 2005 and  
Ending March 2, 2005

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# **CERTIFICATION**

The undersigned, as the duly appointed committee on the revision of the House Journal of the 2005 General Session of the Fifty–sixth Legislature of the State of Utah, do hereby certify that the contents published herein are a full, true and correct record of the proceedings of the session commencing on Monday, January 17, 2005 and ending Wednesday, March 2, 2005.

**COMMITTEE ON REVISION  
OF THE HOUSE JOURNAL**

**CAROLE E. PETERSON**  
Chief Clerk

**JANICE A. GADD**  
Journal Clerk



**HOUSE JOURNAL**  
**of the**  
**FIFTY–SIXTH LEGISLATURE**  
**of the**  
**STATE OF UTAH**  
**GENERAL SESSION**  
**FIRST DAY**

\* \* \*

**MORNING SESSION**

The House was called to order at 10:00 a.m. by Martin R. Stephens, former Speaker of the House of Representatives.

Prayer by Elder Dieter F. Uchtdorf, Quorum of the Twelve Apostles, Church of Jesus Christ of Latter–day Saints.

**PRAYER**

Our dear Heavenly Father – Oh God, Eternal Father, we bow our heads before thee this morning in gratitude for the love we can feel every day. And we bow our heads before thee as the House of Representatives is embarking into a new session of the year of 2005. We give thanks to thee for our lives, for our families, this beautiful State of Utah and its marvelous and inspiring history. And we give thanks for the freedom we are privileged to enjoy. We pray at this time that thy spirit may rest upon these elected representatives, the staff, and all who provide and participate in this important endeavor, that their work will be a blessing to the people of this state but always be acceptable unto thee. We pray for unity, tolerance, and the willingness to search for thy will in all decisions influencing the future of this great and marvelous state and its people. Especially on this day, today, and always, let us remember in our minds and in our hearts that we are all brothers and sisters. We pray for each individual representative. We pray for their family, that they are blessed with a strong conscience in their decisions, that these individual representatives have the health, the physical health and the spiritual strength, to fulfill their responsibilities. We pray for their families and their protection at all times. Thy graceful hand may provide all the things that the people of the State of Utah are in need of and which are pleasing unto thee. We give thanks to thee for thy love and ask for thy divine blessings in the name of the God of Abraham, Isaac, and Jacob, even the name of Jesus Christ, Amen.

Posting of the Colors by the Utah National Guard.

Pledge of Allegiance by Mr. Gary Curtis, Greg J. Curtis' father.

Special violin duet performed by Laura and Deborah Ferry. Daughters of Representative Ben C. and Megan Ferry. Accompanied by Bethany Richards, a cousin.

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Former Speaker Stephens appointed Carole E. Peterson as Chief Clerk.

The Chief Clerk, Carole E. Peterson, read the following:

**CERTIFICATE OF MEMBERSHIP OF THE  
2005 GENERAL SESSION  
OF THE UTAH STATE HOUSE OF REPRESENTATIVES**

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 2, 2004, the following named persons were chosen by the electors as members of the Legislature of the State of Utah to serve in the House of Representatives each for the term of two years, beginning January 1, 2005, to wit:

FIRST DISTRICT: Counties of Box Elder, Tooele,	Ronda Rudd Menlove
SECOND DISTRICT: County of Box Elder Cache	Ben C. Ferry
THIRD DISTRICT: County of Cache	Craig W. Buttars
FOURTH DISTRICT: Counties of Cache, Rich	Fred R. Hunsaker
FIFTH DISTRICT: County of Cache	Scott L. Wyatt
SIXTH DISTRICT: County of Weber	Kerry W. Gibson
SEVENTH DISTRICT: County of Weber	Glenn A. Donnelson
EIGHTH DISTRICT: County of Weber	Joseph G. Murray
NINTH DISTRICT: County of Weber	Neil A. Hansen

TENTH DISTRICT: County of Weber	LaWanna “Lou” Shurtliff
ELEVENTH DISTRICT: Counties of Davis, Weber	Brad Dee
TWELFTH DISTRICT: County of Weber	D. Gregg Buxton
THIRTEENTH DISTRICT: County of Davis	Paul Ray
FOURTEENTH DISTRICT: County of Davis	Curtis Oda
FIFTEENTH DISTRICT: County of Davis	Douglas C. Aagard
SIXTEENTH DISTRICT: County of Davis	J. Stuart Adams
SEVENTEENTH DISTRICT: County of Davis	Julie Fisher
EIGHTEENTH DISTRICT: County of Davis	Roger E. Barrus
NINETEENTH DISTRICT: County of Davis	Sheryl L. Allen
TWENTIETH DISTRICT: Counties of Davis, Salt Lake	Ann W. Hardy
TWENTY–FIRST DISTRICT: County of Tooele	James R. Gowans
TWENTY–SECOND DISTRICT: County of Salt Lake	Carl W. Duckworth
TWENTY–THIRD DISTRICT: County of Salt Lake	Duane E. Bourdeaux
TWENTY–FOURTH DISTRICT: County of Salt Lake	Ralph Becker
TWENTY–FIFTH DISTRICT: Counties of Salt Lake, Summit	Ross I. Romero
TWENTY–SIXTH DISTRICT: County of Salt Lake	David Litvack
TWENTY–SEVENTH DISTRICT: County of Utah	John Dougall
TWENTY–EIGHTH DISTRICT: County of Salt Lake	Rosalind J. McGee
TWENTY–NINTH DISTRICT: County of Salt Lake	Brent H. Goodfellow
THIRTIETH DISTRICT: County of Salt Lake	Jackie Biskupski
THIRTY–FIRST DISTRICT: County of Salt Lake	Ty McCartney

THIRTY–SECOND DISTRICT: County of Salt Lake	Ron Bigelow
THIRTY–THIRD DISTRICT: County of Salt Lake	Neal B. Hendrickson
THIRTY–FOURTH DISTRICT: County of Salt Lake	Kory M. Holdaway
THIRTY–FIFTH DISTRICT: County of Salt Lake	Mark A. Wheatley
THIRTY–SIXTH DISTRICT: County of Salt Lake	Susan Lawrence
THIRTY–SEVENTH DISTRICT: County of Salt Lake	Carol Spackman Moss
THIRTY–EIGHTH: County of Salt Lake	Eric K. Hutchings
THIRTY–NINTH DISTRICT: County of Salt Lake	James A. Dunnigan
FORTIETH DISTRICT: County of Salt Lake	Patricia W. Jones
FORTY–FIRST DISTRICT: County of Salt Lake	Todd E. Kiser
FORTY–SECOND DISTRICT: County of Salt Lake	Peggy Wallace
FORTY–THIRD DISTRICT: County of Salt Lake	Wayne A. Harper
FORTY–FOURTH DISTRICT: County of Salt Lake	Tim M. Cosgrove
FORTY–FIFTH DISTRICT: County of Salt Lake	Mark W. Walker
FORTY–SIXTH DISTRICT: County of Salt Lake	Karen W. Morgan
FORTY–SEVENTH DISTRICT: County of Salt Lake	Steven R. Mascaro
FORTY–EIGHTH DISTRICT: County of Salt Lake	LaVar Christensen
FORTY–NINTH DISTRICT: County of Salt Lake	Greg J. Curtis
FIFTIETH DISTRICT: County of Salt Lake	Merlynn T. Newbold
FIFTY–FIRST DISTRICT: County of Salt Lake	Gregory H. Hughes
FIFTY–SECOND DISTRICT: County of Salt Lake	David L. Hogue
FIFTY–THIRD DISTRICT: Counties of Daggett, Morgan, Rich, Summit, Wasatch	David Ure

FIFTY–FOURTH DISTRICT: Counties of Duchesne, Uintah, Wasatch	Gordon E. Snow
FIFTY–FIFTH DISTRICT: Counties of Grand, Uintah	John G. Mathis
FIFTY–SIXTH DISTRICT: County of Utah	David N. Cox
FIFTY–SEVENTH DISTRICT: County of Utah	Craig A. Frank
FIFTY–EIGHTH DISTRICT: County of Utah	James A. Ferrin
FIFTY–NINTH DISTRICT: County of Utah	Lorie D. Fowlke
SIXTIETH DISTRICT: County of Utah	Bradley M. Daw
SIXTY–FIRST DISTRICT: County of Utah	Margaret Dayton
SIXTY–SECOND DISTRICT: County of Utah	Jeff Alexander
SIXTY–THIRD DISTRICT: County of Utah	Stephen D. Clark
SIXTY–FOURTH DISTRICT: County of Utah	Rebecca D. Lockhart
SIXTY–FIFTH DISTRICT: County of Utah	Aaron Tilton
SIXTY–SIXTH DISTRICT: County of Utah	Michael T. Morley
SIXTY–SEVENTH DISTRICT: Counties of Carbon, Juab, Sanpete, Utah	Patrick Painter
SIXTY–EIGHTH DISTRICT: Counties of Juab, Millard, Sanpete	Michael R. Styler
SIXTY–NINTH DISTRICT: Counties of Carbon, Emery Garfield, Grand, San Juan, Wayne	Brad King
SEVENTIETH DISTRICT: Counties of Emery, Sanpete, Sevier	Bradley T. Johnson
SEVENTY–FIRST DISTRICT: County of Washington	Bradley G. Last
SEVENTY–SECOND DISTRICT: County of Iron	DeMar “Bud” Bowman

SEVENTY-THIRD DISTRICT: Counties of Beaver, Michael E. Noel  
Garfield, Kane, Piute, Sevier,  
Washington, Wayne

SEVENTY-FOURTH DISTRICT: County Washington David Clark

SEVENTY-FIFTH DISTRICT: County of Washington Stephen H. Urquhart

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 Seventeenth day  
of January, 2005.

GARY R. HERBERT  
LIEUTENANT GOVERNOR

Communication filed.

Roll call showed all members present.

Former Speaker Stephens administered the oath of office to members of the Fifty-Sixth Legislature.

Representative Ralph Becker nominated Greg J. Curtis as the Speaker of the House for the 56th Legislature.

Representative Jeff Alexander moved that Greg J. Curtis be elected Speaker of the House of Representatives by acclamation.

Representatives Last, Hughes, Goodfellow, and Morgan escorted the Speaker-elect to the chair.

Former Speaker Stephens administered the oath of office to Greg J. Curtis.

On motion of Representative Alexander, the House voted to have the prayer by Elder Dieter F. Uchtdorf and the remarks by Speaker Curtis printed in the House Journal.

### **REMARKS BY SPEAKER CURTIS**

Fellow citizens, members of the media and my distinguished colleagues of the Utah House of Representatives, welcome to the 2005 General Session of the Utah State Legislature.



I stand here today because I am more comfortable standing before you than I am presiding over you. Today we gather and convene this, the 56th General Session under unique circumstances. We have the backdrop of the renovation of our magnificent capitol building. For roughly 90 years, this building has served as the meeting place and symbol of our democracy. The dome, the balanced wings for the divisions of government, and the decorative elements with roots in ancient Greece and Rome, have always added credibility and distinction to the work that has gone on within its walls.

So today begins another fresh opportunity to look at new ideas: we have a new building, new leadership and a new governor. We also have the opportunity to fix old problems with new solutions. And yet we shouldn't be afraid to use old, proven remedies to fix some of our new, difficult problems either. Let's not waste this opportunity. Let's look to innovation – creativity – and progress.

Our change in leadership and our new surroundings will require that we do things differently. Sometimes this will be better, sometimes it will just be different, but hopefully it won't ever be worse. One difference will be my speeches. As you know, Speaker Stephens quoted Alex De Tocqueville; Governor Leavitt quoted Tocqueville and even Governor Huntsman quoted him in his inaugural address. But me? I've merely been to Toquerville.

Many fine men and women have come and gone before us. They have represented this State well and have made tough decisions. While remembering the leadership of the past; our work is for the leaders of tomorrow. So it matters less what the old guard thinks than it does how future generations live. We must build a revitalized House of Representatives. This is a responsibility that I feel, but it is also one that I have asked for. I hope to bear it willingly; and I hope to bear it capably and humbly as well. I hope that you do too. For our job is to be close to the people; to be representatives of the people. We walk our districts; we can't just drive through them or fly over them. Their will is our will. We cannot go around it, over it, or under it. Unlike any city, county, or state elected office – we go before the electorate every two years. We represent smaller areas – we know our communities – we know many of our constituents by name, and we know their concerns. We are the house of the people. The laws we make should reflect the people's best interests. We cannot make people more free, because freedom rests with them. The government can only get in freedom's way. So our laws should protect the people from government encroachment.

As the House of Representatives, we have a constitutional role in this government. A role balanced with the Senate, but not one to duplicate the Senate. As a legislature, we also have a balanced role to the Executive Branch. And with our new chief executive, I was very pleased to hear the words of his inaugural

address: it was an expression to lead, follow or get out of the way. And I am encouraged about his stated desire to use political capitol for the public's gain. These words hold promise. Promise requires trust. And trust should not be broken. And while we should cooperate with prudent leadership, we cannot and will not disregard our responsibility to be a check and a balance on executive power. We can wait for opinion to force our hand, or we can lead. We can wait for our citizens to change their views and then respond, or we can see the direction and point the way. But good intentions, big promises and lofty goals are not enough. The public wants results. So let me just tell you that this body will not be afraid to lead, whenever leadership is needed. And we will not fear the critic, when his criticism stops progress.

During the next 45 days we will hear and debate issues of taxation, transportation and education, just to name a few. These debates are extremely important, each view is valued, and every opinion is worthwhile. But what is also important is that we debate these views with respect, not animosity. If you can make your point with a scalpel, then you should never use a meat cleaver. The aim of every debate should be progress, not just victory. But at the same time, we should never assume that civility requires that we abandon our standards. Tolerance means respecting others. It means that we work for our constituents, not our egos. These words are as much for me as they are for anyone.

My goal as your speaker is to be fair, open and transparent. But seriously, I have learned a lot of lessons over the past 10 years from my colleagues and my constituents. I have learned some lessons the easy way and some the hard. I have spent a lot of time over the past ten years developing relationships, and sometimes I have stepped on toes and occasionally I've been kicked in the shin. And I've usually deserved the latter. While I have spent a lot of time with my colleagues, trying to understand their issues and concerns. I have neglected to build a positive working relationship with the media. For the benefit of my colleagues and for this great institution, I pledge to do better.

I want to communicate more, not less. This includes better communication with my constituents and the general public. Toward that end, I will be communicating with my constituents and any other Utahn so interested through a website called "utahcitizen.com". I hope to keep the public better informed and to be better informed by them, as well.

I am very humbled by the honor to serve you as Speaker of the House. At the beginning of my comments I spoke about our historic Capitol Building: the symbol of our state's democracy. Yet today we sit outside that symbol. This space, just like the Capitol Building, is simply a place to administer government. It is the place we go to protect the people and their property. It is the symbol of our state's

democracy, but it is not the substance. The substance of our democracy is in the people we represent. It comes from majority rule, tempered by constitutional protections of the minority. The substance is the beet farmer from Tooele who needs to pay for his daughter's college education. The substance is the small business owner who is overwhelmed by the heavy yoke of governmental regulations. The substance is the child who simply wants to feel safe while playing at the park. So while we may be tempted to lament the discomfort of these tight quarters, or to proclaim the importance of our great, symbolic State Capitol Building, we should not. Instead, let us remain uncomfortable that we are not doing enough to represent our citizens, and let us proclaim through our works the protection of their liberty. The symbolism of the Capitol will be restored in a couple of years. Let us recommit today to begin anew.

On a very personal note – I want to express my deepest appreciation to my friends, and supporters – what a long strange trip it's been. I appreciate all of the friends I have today, but I will never forget those who stood with me yesterday. Dr. Martin Luther King said "at the end, it is not the words of our enemies we remember . . . but the silence of our friends." My dearest friends never kept silent.

Finally, I want to express my love and affection for my family especially my children, my parents and my wife Teresa. Without their care and support, I would not be here today. May God bless us that we exercise wisdom in our work, and that it will be tempered by humility and justice. And may God bless the Great State of Utah.

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On motion of Representative Lockhart, the House voted to adopt the same House Rules and Joint Rules for the Annual General Session of 2005 as adopted in the Annual General Session of 2004.

On motion of Representative King, the House voted to print upon the pages of the House Journal that the Republican Caucus has elected the following members to positions of caucus leadership: Representative Jeff Alexander, Majority Leader; Representative Stephen H. Urquhart, Majority Whip; and Representative Ben C. Ferry, Assistant Majority Whip.

On motion of Representative Urquhart, the House voted to print upon the pages of the House Journal that the Democratic Caucus has elected the following members to positions of Caucus Leadership: Representative Ralph Becker, Minority Leader; Representative Brad King, Minority Whip; Representative Patricia W. Jones, Assistant Minority Whip; and Representative Rosalind J. McGee, Caucus Manager.

On motion of Representative Ferry, the House voted to print upon the pages of the House Journal that Representative Merlynn T. Newbold has been appointed as “Speaker of the Third House.”

On motion of Representative Newbold, the House voted to print upon the pages of the House Journal that Representative Gordon E. Snow has been appointed as Speaker Pro Tempore.

On motion of Representative Snow, the House voted to print upon the pages of the House Journal that Representative David Ure has been appointed as House Parliamentarian.

On motion of Representative Lockhart, the House voted to authorize the Speaker to appoint a committee to draft House Rules and a committee to act with a like committee from the Senate to draft Joint Rules.

Speaker Curtis appointed the following committee to serve as members of the House Rules Committee: Rebecca Lockhart, Chair; Ann W. Hardy, Vice Chair; J. Stuart Adams; Stephen D. Clark; John Dougall; Jim Dunnigan; Gregory H. Hughes; Todd E. Kiser; David Ure; Jackie Biskupski; Neal B. Hendrickson; and David Litvack.

Speaker Curtis appointed the following committee to serve as the Joint House and Senate Rules Committee: Rebecca Lockhart, Co-Chair; J. Stuart Adams; Stephen D. Clark; John Dougall; Jim Dunnigan; Ann W. Hardy; Gregory H. Hughes; Todd E. Kiser; David Ure; Jackie Biskupski; Neal B. Hendrickson; and David Litvack.

On motion of Representative Jones, the House voted to authorize the Speaker to appoint a committee to wait upon the Senate to inform that Honorable Body that the House is organized and ready to do business.

Speaker Curtis appointed the following committee: Representatives Dunnigan, Lawrence, and Litvack.

On motion of Representative McGee, the House voted to authorize the Speaker to appoint a committee to wait upon the Governor to inform His Excellency that the Legislature is organized and ready to receive any communication or message he may have to offer.

Speaker Curtis appointed the following committee: Representatives Kiser, Hardy, and Biskupski.

Senators Hickman, Bramble, and Fife formally notified the House that the Senate was organized and prepared to do business.

Representative Dunnigan reported that his committee had waited upon the Senate and informed that Honorable Body that the House was organized and ready to do business.

Representative Kiser reported that his committee had waited upon the Governor and that the Governor will address the citizens of the State of Utah and legislators at the Territorial Capitol in Fillmore.

On motion of Representative Lockhart, the House voted that legislators be given the opportunity to sign any prefiled bills, if permission is granted to do so by the Chief Sponsor.

On motion of Representative Urquhart, the House voted to print the membership of the House Standing Committees, membership of the Executive Appropriations Committee, membership of the Joint Appropriations Subcommittees and membership of the House Ethics Committee in the House Journal.

### STANDING COMMITTEES

#### **Business and Labor**

Stephen D. Clark, *Chair*  
 Jim Dunnigan, *Vice Chair*  
 J. Stuart Adams  
 David Clark  
 Craig A. Frank  
 Todd E. Kiser  
 Michael T. Morley  
 Curtis Oda  
 Gordan E. Snow  
 Scott L. Wyatt  
 Jackie Biskupski  
 Carl W. Duckworth  
 Neil A. Hansen

#### **Education**

Margaret Dayton, *Chair*  
 LaVar Christensen, *Vice Chair*  
 Ron Bigelow  
 John Dougall  
 James A. Ferrin  
 David L. Hogue

Kory M. Holdaway  
 Gregory H. Hughes  
 Bradley T. Johnson  
 Merlynn T. Newbold  
 Stephen H. Urquhart  
 Duane E. Bourdeaux  
 James R. Gowans  
 Carol Spackman Moss  
 LaWanna "Lou" Shurtliff

#### **Health and Human Services**

Bradley G. Last, *Chair*  
 Paul Ray, *Vice Chair*  
 D. Gregg Buxton  
 Rebecca Lockhart  
 Steven R. Mascaro  
 Ronda R. Menlove  
 Patricia W. Jones  
 David Litvack

**Public Utilities and Technology**

Sheryl L. Allen, *Chair*  
 Fred R. Hunsaker, *Vice Chair*  
 Bradley M. Daw  
 Ben Ferry  
 Lorie D. Fowlke  
 Michael E. Noel  
 Aaron Tilton  
 David Ure  
 Richard W. Wheeler  
 Ralph Becker  
 Brent H. Goodfellow  
 Larry B. Wiley

**Judiciary**

James A. Ferrin, *Chair*  
 Eric K. Hutchings, *Vice Chair*  
 Douglas C. Aagard  
 Glenn A. Donnelson  
 Ben Ferry  
 Lorie D. Fowlke  
 Ann W. Hardy  
 David L. Hogue  
 Susan Lawrence  
 Scott L. Wyatt  
 Neal B. Hendrickson  
 Roz McGee  
 Ross Romero

**Law Enforcement and Criminal Justice**

DeMar “Bud” Bowman, *Chair*  
 Michael T. Morley, *Vice Chair*  
 LaVar Christensen  
 Wayne A. Harper  
 Todd E. Kiser  
 Curtis Oda  
 Paul Ray  
 Stephen H. Urquhart  
 Duane Bourdeaux  
 Patricia W. Jones  
 David Litvack

**Natural Resources, Agriculture, and Environment**

Roger E. Barrus, *Chair*  
 Michael E. Noel, *Vice Chair*  
 Craig W. Buttars  
 David N. Cox  
 Margaret Dayton  
 Bradley T. Johnson  
 John G. Mathis  
 Patrick L. Painter  
 Mark W. Walker  
 Richard W. Wheeler  
 David Ure  
 Jackie Biskupski  
 Carl W. Duckworth  
 James R. Gowans  
 Mark A. Wheatley

**Transportation**

Joseph G. Murray, *Chair*  
 J. Stuart Adams, *Vice Chair*  
 Jeff Alexander  
 David Clark  
 Bradley M. Daw  
 Brad Dee  
 John Dougall  
 Jim Dunnigan  
 Julie Fisher  
 Kerry W. Gibson  
 Peggy Wallace  
 Tim M. Cosgrove  
 Brad King  
 Larry B. Wiley  
 Karen W. Morgan

**Government Operations**

Douglas C. Aagard, *Chair*  
 Gregory H. Hughes *Vice Chair*  
 DeMar “Bud” Bowman  
 Craig W. Buttars  
 Stephen D. Clark  
 Eric K. Hutchings  
 John G. Mathis  
 Aaron Tilton  
 Neil A. Hansen  
 Neal B. Hendrickson  
 Mark A. Wheatley

**Political Subdivisions**

Brad Dee, *Chair*  
 Susan Lawrence, *Vice Chair*  
 D. Gregg Buxton  
 Julie Fisher  
 Kerry W. Gibson  
 Ann W. Hardy  
 Kory M. Holdaway  
 Ronda R. Menlove  
 Ralph Becker  
 Brad King  
 LaWanna “Lou” Shurtliff

**Revenue and Taxation**

Wayne A. Harper, *Chair*  
 Glenn Donnelson, *Vice Chair*  
 Sheryl L. Allen  
 Craig Frank  
 Fred R. Hunsaker  
 Brad Last  
 Rebecca Lockhart  
 Joseph G. Murray  
 Merlynn T. Newbold  
 Patrick L. Painter  
 Gordon E. Snow  
 Tim M. Cosgrove  
 Roz McGee  
 Carol Spackman Moss  
 Ross I. Romero

**Workforce Services and  
Community and Economic  
Development**

David N. Cox, *Chair*  
 Steven R. Mascaro, *Vice Chair*  
 Roger E. Barrus  
 Mark W. Walker  
 Peggy Wallace  
 Brent H. Goodfellow  
 Karen W. Morgan

**JOINT APPROPRIATIONS SUBCOMMITTEES****Executive Appropriations**

Rep. Ron Bigelow, *Chair*  
 Rep. David Clark, *Vice Chair*  
 Rep. Greg J. Curtis  
 Rep. Jeff Alexander  
 Rep. Stephen H. Urquhart  
 Rep. Ben C. Ferry  
 Rep. Ralph C. Becker  
 Rep. Brad King  
 Rep. Patricia W. Jones  
 Rep. Roz McGee

**Capital Facilities and  
Administrative Services**

Rep. D. Gregg Buxton, *Co-Chair*  
 Rep. Roger E. Barrus  
 Rep. DeMar “Bud” Bowman  
 Rep. Stephen D. Clark  
 Rep. Wayne A. Harper  
 Rep. Fred R. Hunsaker  
 Rep. Michael T. Morley  
 Rep. Ralph Becker  
 Rep. Brent H. Goodfellow

**Commerce and Revenue**

Rep. Peggy Wallace, *Co-Chair*  
 Rep. Jim Dunnigan  
 Rep. Craig Frank  
 Rep. Lorie D. Fowlke  
 Rep. Richard W. Wheeler  
 Rep. Ross I. Romero  
 Rep. Mark A. Wheatley

**Economic Development and Human Resources**

Rep. Craig W. Buttars, *Co-Chair*  
 Rep. Jeff Alexander  
 Rep. Brad Dee  
 Rep. Patrick L. Painter  
 Rep. Jackie Biskupski

**Executive Offices and Criminal Justice**

Rep. David L. Hogue, *Co-Chair*  
 Rep. Douglas C. Aagard  
 Rep. Eric Hutchings  
 Rep. Curtis Oda  
 Rep. Mark W. Walker  
 Rep. Brad King  
 Rep. Larry B. Wiley

**Health and Human Services**

Rep. Merlynn Newbold, *Co-Chair*  
 Rep. Bradley G. Last  
 Rep. Steven R. Mascaro  
 Rep. Paul Ray  
 Rep. Aaron Tilton  
 Rep. David Litvack  
 Rep. Roz McGee

**Higher Education**

Rep. Kory M. Holdaway, *Co-Chair*  
 Rep. Sheryl L. Allen  
 Rep. David Clark  
 Rep. Bradley M. Daw  
 Rep. Margaret Dayton

Rep. Gregory H. Hughes  
 Rep. M. Susan Lawrence  
 Rep. Scott L. Wyatt  
 Rep. Patricia W. Jones  
 Rep. Carol Spackman Moss  
 Rep. LaWanna “Lou” Shurtliff

**Natural Resources**

Rep. Bradley T. Johnson, *Co-Chair*  
 Rep. Ben C. Ferry  
 Rep. Kerry W. Gibson  
 Rep. Rebecca Lockhart  
 Rep. John G. Mathis  
 Rep. Ronda R. Menlove  
 Rep. Michael E. Noel  
 Rep. Carl W. Duckworth  
 Rep. James R. Gowans

**Public Education**

Rep. Gordon E. Snow, *Co-Chair*  
 Rep. J. Stuart Adams  
 Rep. Ron Bigelow  
 Rep. LaVar Christensen  
 Rep. John Dougall  
 Rep. James A. Ferrin  
 Rep. Julie Fisher  
 Rep. Stephen H. Urquhart  
 Rep. Duane Bourdeaux  
 Rep. Tim M. Cosgrove  
 Rep. Karen W. Morgan

**Transportation, Environmental Quality and National Guard**

Rep. David Ure, *Co-Chair*  
 Rep. David N. Cox  
 Rep. Glenn A. Donnelson  
 Rep. Ann W. Hardy  
 Rep. Todd E. Kiser  
 Rep. Joseph G. Murray  
 Rep. Neil A. Hansen  
 Rep. Neal B. Hendrickson



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On motion of Representative Jeff Alexander, under suspension of the rules, the House voted that the reading of the formal titles of all House Bills, and Senate Bills and House and Senate Resolutions be suspended.

### INTRODUCTION OF BILLS

**H.B. 4, Divorce Mediation Program** (B. Ferry), read the first time by short title and referred to the Rules Committee.

**H.B. 5, Person with a Disability Motorcycle Parking** (T. Kiser), read the first time by short title and referred to the Rules Committee.

**H.B. 6, Master Highway Designation Amendments** (J. Murray), read the first time by short title and referred to the Rules Committee.

**H.B. 7, Individual Income Tax – Contributions for Education** (S. Allen), read the first time by short title and referred to the Rules Committee.

**H.B. 8, Child Protection Team Meetings** (A. Tilton), read the first time by short title and referred to the Rules Committee.

**H.B. 9, Sales and Use Tax – Agricultural Exemption Vehicle Limitation** (R. Menlove), read the first time by short title and referred to the Rules Committee.

**H.B. 10, Employment Security Act Amendments** (D. Cox), read the first time by short title and referred to the Rules Committee.

**H.B. 11, Economic Development Incentives** (B. Dee), read the first time by short title and referred to the Rules Committee.

**H.B. 12, Health Care Assistants** (R. Lockhart), read the first time by short title and referred to the Rules Committee.

**H.B. 13, Occupational and Professional Licensing Sunset Amendment** (R. Lockhart), read the first time by short title and referred to the Rules Committee.

**H.B. 14, Bond Election Process Amendments** (F. Hunsaker), read the first time by short title and referred to the Rules Committee.

**H.B. 15, Repeal of State Debt Collection Advisory Board** (D. Aagard), read the first time by short title and referred to the Rules Committee.

**H.B. 16, Repeal of Vehicle Equipment Safety Commission** (N. Hendrickson), read the first time by short title and referred to the Rules Committee.

**H.B. 17, Motion Picture Incentive Fund** (S. Allen), read the first time by short title and referred to the Rules Committee.

**H.B. 18, Transportation Investment Act** (R. Lockhart), read the first time by short title and referred to the Rules Committee.

**H.B. 19, Procurement Code Renumbering** (R. Bigelow), read the first time by short title and referred to the Rules Committee.

**H.B. 20, Calling Local Special Elections for Sales and Use Tax Purposes** (S. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 21, Automobile Crime Prevention** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 22, Intercountry Adoption Accreditation** (R. McGee), read the first time by short title and referred to the Rules Committee.

**H.B. 23, Department of Workforce Services – Work Experience and Training Programs** (D. Cox), read the first time by short title and referred to the Rules Committee.

**H.B. 24, Traffic Code Amendments** (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

**H.B. 25, Direct-entry Midwife Act** (J. Biskupski), read the first time by short title and referred to the Rules Committee.

**H.B. 26, Conveyances of Property** (J. Adams), read the first time by short title and referred to the Rules Committee.

**H.B. 27, Health Insurance Fair Marketing Standards** (S. Mascaro), read the first time by short title and referred to the Rules Committee.

**H.B. 28, Juvenile Justice Recodification** (D. Aagard), read the first time by short title and referred to the Rules Committee.

**H.B. 29, State Engineer's Powers and Duties Amendments** (M. Styler), read the first time by short title and referred to the Rules Committee.

**H.B. 30, Consumer Sales Practices Act Amendments** (T. Kiser), read the first time by short title and referred to the Rules Committee.

**H.B. 31, Vision Care for Medicaid Recipient** (S. Mascaro), read the first time by short title and referred to the Rules Committee.

**H.B. 32, Dental Services for Adults on Medicaid** (S. Mascaro), read the first time by short title and referred to the Rules Committee.

**H.B. 33, Assistance for People with Bleeding Disorders** (D. Litvack), read the first time by short title and referred to the Rules Committee.

**H.B. 34, Emergency Related Amendments** (S. Allen), read the first time by short title and referred to the Rules Committee.

**H.B. 35, Telecommunications Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

**H.B. 36, Charter School Construction Amendments** (J. Ferrin), read the first time by short title and referred to the Rules Committee.

**H.B. 37, Administrative Rules Reauthorization** (D. Ure), read the first time by short title and referred to the Rules Committee.

**H.B. 38, Water Law – Criminal Penalties Amendments** (M. Styler), read the first time by short title and referred to the Rules Committee.

**H.B. 39, Tuition Tax Credits** (J. Ferrin), read the first time by short title and referred to the Rules Committee.

**H.B. 40, Repeal of Sunset of Township Provision** (M. Lawrence), read the first time by short title and referred to the Rules Committee.

**H.B. 41, Special District for Police Services** (T. McCartney), read the first time by short title and referred to the Rules Committee.

**H.B. 42, Medical Recommendations for Children** (M. Morley), read the first time by short title and referred to the Rules Committee.

**H.B. 43, School Land Trust Program Funding Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

**H.B. 44, Additional State Retirement Benefit** (L. Shurtliff), read the first time by short title and referred to the Rules Committee.

**H.B. 45, Assessment of Property Affected by Business Interruption** (G. Hughes), read the first time by short title and referred to the Rules Committee.

**H.B. 46, Public Education Capital Outlay Act Amendments** (D. Cox), read the first time by short title and referred to the Rules Committee.

**H.B. 47, New Automobile Franchise Act Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

**H.B. 48, Motor Vehicle Registration and Safety Inspection Amendments** (B. Daw), read the first time by short title and referred to the Rules Committee.

**H.B. 49, Bicycle Safety Provisions** (R. McGee), read the first time by short title and referred to the Rules Committee.

**H.B. 50, Criminal Penalty Amendment** (D. Litvack), read the first time by short title and referred to the Rules Committee.

**H.B. 51, Electronic Payments to Local Government Entities** (J. Murray), read the first time by short title and referred to the Rules Committee.

**H.B. 52, Fire Prevention Amendments** (J. Murray), read the first time by short title and referred to the Rules Committee.

**H.B. 53, Tax Treatment of Personal Property** (L. Shurtliff), read the first time by short title and referred to the Rules Committee.

**H.B. 54, Criminal Appeal Amendments** (S. Wyatt), read the first time by short title and referred to the Rules Committee.

**H.B. 55, Drug Offense Penalty Enhancements** (B. Dee), read the first time by short title and referred to the Rules Committee.

**H.B. 56, Divorce Amendments** (P. Wallace), read the first time by short title and referred to the Rules Committee.

**H.B. 57, Alcoholic Beverage Control Task Force** (D. Ure), read the first time by short title and referred to the Rules Committee.

**H.B. 58, Government Efficiency and Effectiveness Review Committee** (P. Wallace), read the first time by short title and referred to the Rules Committee.

**H.B. 59, Domestic Violence Enhancement** (C. Moss), read the first time by short title and referred to the Rules Committee.

**H.B. 60, Producer Licensing Amendments** (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

**H.B. 61, State School Board Elections and Filling of Vacancies** (J. Ferrin), read the first time by short title and referred to the Rules Committee.

**H.B. 62, Amendments to Intermediate Care Facilities for Mentally Retarded** (R. Lockhart), read the first time by short title and referred to the Rules Committee.

**H.B. 63, School District Amendments** (D. Cox), read the first time by short title and referred to the Rules Committee.

**H.B. 64, Criminal Background Checks for Personal Care Attendants** (F. Hunsaker), read the first time by short title and referred to the Rules Committee.

**H.B. 65, Driver License and Commercial Driver License Amendments** (D. Bowman), read the first time by short title and referred to the Rules Committee.

**H.B. 66, Naturopathic Physician Amendments** (J. Ferrin), read the first time by short title and referred to the Rules Committee.

**H.B. 67, Abandoned Vehicles Amendments** (J. Gowans), read the first time by short title and referred to the Rules Committee.

**H.B. 68, Motor Vehicle Enforcement Division Amendments** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 69, Federal Health Care Tax Credit Program Act** (C. Oda), read the first time by short title and referred to the Rules Committee.

**H.B. 70, Health Discount Program Consumer Protection Act** (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

**H.B. 71, Licensing of Estheticians and Nail Technicians** (J. Fisher), read the first time by short title and referred to the Rules Committee.

**H.B. 160, Wildlife License Agents Amendments** (J. Fisher), read the first time by short title and referred to the Rules Committee.

**H.B. 161, Injury Reporting Requirement Amendments** (J. Murray), read the first time by short title and referred to the Rules Committee.

**H.B. 162, Municipal Weed Abatement** (M. Morley), read the first time by short title and referred to the Rules Committee.

**H.B. 163, Garnishment Fees** (S. Mascaro), read the first time by short title and referred to the Rules Committee.

**H.B. 164, Repeal of Utah Personal Introduction Services Protection Act** (S. Allen), read the first time by short title and referred to the Rules Committee.

**H.B. 165, Utah Commission on Aging** (P. Jones), read the first time by short title and referred to the Rules Committee.

**H.B. 166, Utah Indoor Clean Air Act Amendments** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 167, Elder Protection Provisions** (P. Jones), read the first time by short title and referred to the Rules Committee.

**H.B. 168, Cooperative Wildlife Management Unit Amendments** (J. Gowans), read the first time by short title and referred to the Rules Committee.

**H.B. 169, Appropriation for School Districts Impacted by Fee Waivers** (L. Shurtliff), read the first time by short title and referred to the Rules Committee.

**H.B. 170, Extension of Utah Low-income Housing Tax Credits** (S. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 171, Calculation of Mining Severance Tax on Beryllium** (M. Styler), read the first time by short title and referred to the Rules Committee.

**H.B. 172, Notary Public Amendments** (L. Shurtliff), read the first time by short title and referred to the Rules Committee.

**H.B. 173, State Employee Amendments** (A. Hardy), read the first time by short title and referred to the Rules Committee.

**H.B. 174, Child Protection Registry Amendments** (M. Styler), read the first time by short title and referred to the Rules Committee.

**H.B. 175, Education Achievement Gap Task Force** (D. Litvack), read the first time by short title and referred to the Rules Committee.

**H.B. 176, Revisor's Statute** (R. Lockhart), read the first time by short title and referred to the Rules Committee.

**H.B. 177, Wildlife License Refund Amendments** (M. Dayton), read the first time by short title and referred to the Rules Committee.

**H.B. 178, Mental Health Services Coordinator** (D. Hogue), read the first time by short title and referred to the Rules Committee.

**H.B. 179, Utah Venture Capital Enhancement Act Amendments** (P. Wallace), read the first time by short title and referred to the Rules Committee.

**H.B. 180, Retirement Office Amendments** (A. Hardy), read the first time by short title and referred to the Rules Committee.

**H.B. 181, Duplicate Wildlife Licensing Amendments** (M. Dayton), read the first time by short title and referred to the Rules Committee.

**H.B. 182, Historical Livestock Trails** (B. Johnson), read the first time by short title and referred to the Rules Committee.

**H.B. 183, Verification of Eligibility for Fee Waivers** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.B. 184, Domestic Violence – Change of Locks on Rental Property** (L. Shurtliff), read the first time by short title and referred to the Rules Committee.

**H.B. 185, Utah Computer Crimes Act Amendments** (B. Daw), read the first time by short title and referred to the Rules Committee.

**H.B. 186, Consumer Protection Amendments** (S. Allen), read the first time by short title and referred to the Rules Committee.

**H.B. 187, Capital Outlay Foundation Program – Participation Requirements** (J. Ferrin), read the first time by short title and referred to the Rules Committee.

**H.B. 188, Beginning Teacher Enhancements** (B. Johnson), read the first time by short title and referred to the Rules Committee.

**H.B. 189, Applied Technology Program Amendments** (J. Ferrin), read the first time by short title and referred to the Rules Committee.

**H.B. 190, Individual Income Tax – Electronic Filing Requirements** (S. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 191, Captive Insurance Law Amendments** (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

**H.B. 192, Utah High Cost Home Loan Act Amendments** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.B. 193, Deregulation of General Building Contractors** (G. Hughes), read the first time by short title and referred to the Rules Committee.

**H.B. 194, Fair Housing for Domestic Violence Victims and Landlord Protection Act** (L. Shurtliff), read the first time by short title and referred to the Rules Committee.

**H.B. 195, Insurance Law Amendments** (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

**H.B. 196, Legislators Involvement in Public Schools** (D. Bourdeaux), read the first time by short title and referred to the Rules Committee.

**H.B. 197, Individual Income Tax Amendments for Education Funding** (P. Jones), read the first time by short title and referred to the Rules Committee.

**H.C.R. 1, Resolution Promoting Moderately Sized Schools** (D. Cox), read the first time by short title and referred to the Rules Committee.

**H.C.R. 2, Cowboy Hall of Fame Resolution** (L. Shurtliff), read the first time by short title and referred to the Rules Committee.

**H.C.R. 4, Utah Athletic Foundation Resolution** (D. Ure), read the first time by short title and referred to the Rules Committee.

**H.C.R. 5, Resolution Honoring Utah Military Service Personnel** (F. Hunsaker), read the first time by short title and referred to the Rules Committee.

**H.C.R. 6, Resolution Recognizing Utah's Legislators Back to School Program** (M. Dayton), read the first time by short title and referred to the Rules Committee.

**H.C.R. 7, Concurrent Resolution Opposing Nuclear Testing** (M. Noel), read the first time by short title and referred to the Rules Committee.

**H.J.R. 1, Joint Resolution Related to Financial Institutions** (J. Alexander), read the first time by short title and referred to the Rules Committee.

**H.J.R. 2, Joint Rules Resolution – Family Impact Statement on Legislation** (C. Frank), read the first time by short title and referred to the Rules Committee.



**H.J.R. 3, Resolution Regarding Federal No Child Left Behind** (K. Holdaway), read the first time by short title and referred to the Rules Committee.

**H.J.R. 4, Joint Rules Resolution – Conflict of Interest Amendments** (D. Ure), read the first time by short title and referred to the Rules Committee.

**H.J.R. 5, Resolution Clarifying Removal Provisions** (D. Hogue), read the first time by short title and referred to the Rules Committee.

**H.J.R. 6, Resolution Approving Compensation of In-session Employees** (M. Newbold), read the first time by short title and referred to the Rules Committee.

**H.J.R. 7, Resolution Amending State Auditor Qualifications** (R. Romero), read the first time by short title and referred to the Rules Committee.

**H.J.R. 8, Joint Rules Resolution – Use of Legislative Seals** (R. Lockhart), read the first time by short title and referred to the Rules Committee.

**H.J.R. 9, Resolution Amending Joint Rules Regarding Conflicts of Interest** (J. Dougall), read the first time by short title and referred to the Rules Committee.

**H.J.R. 10, Joint Rules Resolution – Amendments in Context** (R. Lockhart), read the first time by short title and referred to the Rules Committee.

**H.R. 1, House Rules Resolution – Lobbyist Code of Ethics Amendments** (D. Ure), read the first time by short title and referred to the Rules Committee.

**H.R. 2, Resolution Supporting Permanent Repeal of Federal Inheritance Tax** (M. Morley), read the first time by short title and referred to the Rules Committee.

**H.R. 3, Resolution Supporting Congressional Privatization of Social Security** (M. Morley), read the first time by short title and referred to the Rules Committee.

#### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to saunter.

On motion of Representative Alexander, the House voted to cease to saunter.

### COMMITTEE OF THE WHOLE

On motion of Representative Alexander, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from the Martin Luther King Commission. Phyllis Carroon introduced commission members. Mr. Darius A. Gray spoke.

On motion of Representative Alexander, the Committee of the Whole was dissolved.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

### AFTERNOON SESSION

The House was called to order by Speaker Curtis at 2:00 p.m.

### RULES COMMITTEE REPORT

Mr. Speaker: January 17, 2005

The Rules Committee recommends that, under suspension of the rules, the following bills and resolutions be considered read for the second time and placed on the Third Reading Calendar.

<b>H.C.R. 5</b>	Resolution Honoring Utah Military Service Personnel (Rep. F. Hunsaker)
<b>H.J.R. 6</b>	Resolution Approving Compensation of In-session Employees (M. Newbold)
<b>H.B. 176</b>	Revisor's Statute (Rep. R. Lockhart)
<b>H.J.R. 8</b>	Joint Rules Resolution – Use of Legislative Seals (Rep. R. Lockhart)
<b>H.J.R. 9</b>	Resolution Amending Joint Rules Regarding Conflicts of Interest (Rep. J. Dougall)
<b>H.J.R. 10</b>	Joint Rules Resolution – Amendments in Context (Rep. R. Lockhart)
<b>H.B. 5</b>	Person with a Disability Motorcycle Parking (Rep. T. Kiser)
<b>H.B. 6</b>	Master Highway Designation Amendments (Rep. J. Murray)
<b>H.B. 8</b>	Child Protection Team Meetings (Rep. A. Tilton)
<b>H.B. 10</b>	Employment Security Act Amendments (Rep. D. Cox)

<b>H.B. 12</b>	Health Care Assistants (Rep. R. Lockhart)
<b>H.B. 13</b>	Occupational and Professional Licensing Sunset Amendment (Rep. R. Lockhart)
<b>H.B. 15</b>	Repeal of State Debt Collection Advisory Board (Rep. D. Aagard)
<b>H.B. 16</b>	Repeal of Vehicle Equipment Safety Commission (Rep. N. Hendrickson)
<b>H.B. 19</b>	Procurement Code Renumbering (Rep. R. Bigelow)
<b>H.B. 20</b>	Calling Local Special Elections for Sales and Use Tax Purposes (Rep. S. Clark)
<b>H.B. 26</b>	Conveyances of Property (Rep. J. S. Adams)
<b>H.B. 28</b>	Juvenile Justice Recodification (Rep. D. Aagard)
<b>H.B. 30</b>	Consumer Sales Practices Act Amendments (Rep. T. Kiser)
<b>H.B. 34</b>	Emergency Related Amendments (Rep. S. Allen)
<b>H.B. 36</b>	Charter School Construction Amendments (Rep. J. Ferrin)
<b>H.B. 37</b>	Administrative Rules Reauthorization (Rep. D. Ure)
<b>H.B. 24</b>	Traffic Code Amendments (Rep. J. Dunnigan)

Becky Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

### **RULES COMMITTEE REPORT**

Mr. Speaker:

January 17, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

#### **BUSINESS AND LABOR**

<b>H.B. 45</b>	Assessment of Property Affected by Business Interruption (Rep. G. Hughes)
<b>H.B. 52</b>	Fire Prevention Amendments (Rep. J. Murray)
<b>H.B. 172</b>	Notary Public Amendments (Rep. L. Shurtliff)
<b>H.J.R. 1</b>	Joint Resolution Related to Financial Institutions (Rep. J. Alexander)

#### **EDUCATION**

<b>H.B. 43</b>	School Land Trust Program Funding Amendments (Rep. S. Urquhart)
<b>H.B. 46</b>	Public Education Capital Outlay Act Amendments (Rep. D. Cox)

- H.B. 183** Verification of Eligibility for Fee Waivers  
(Rep. W. Harper)
- H.B. 187** Capital Outlay Foundation Program – Participation  
Requirements (Rep. J. Ferrin)
- H.C.R. 6** Resolution Recognizing Utah’s Legislators Back to  
School Program (Rep. M. Dayton)

#### **GOVERNMENT OPERATIONS**

- H.B. 14** Bond Election Process Amendments (Rep. F. Hunsaker)
- H.B. 58** Government Efficiency and Effectiveness Review  
Committee (Rep. P. Wallace)

#### **HEALTH AND HUMAN SERVICES**

- H.B. 25** Direct-entry Midwife Act (Rep. J. Biskupski)
- H.B. 161** Injury Reporting Requirement Amendments  
(Rep. J. Murray)
- H.B. 178** Mental Health Services Coordinator (Rep. D. Hogue)

#### **JUDICIARY**

- H.B. 4** Divorce Mediation Program (Rep. B. Ferry)
- H.B. 54** Criminal Appeal Amendments (Rep. S. Wyatt)
- H.B. 55** Drug Offense Penalty Enhancements (Rep. B. Dee)

#### **NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT**

- H.B. 177** Wildlife License Refund Amendments (Rep. M. Dayton)
- H.B. 181** Duplicate Wildlife Licensing Amendments  
(Rep. M. Dayton)
- H.B. 182** Historical Livestock Trails (Rep. B. Johnson)
- H.C.R. 7** Concurrent Resolution Opposing Nuclear Testing  
(Rep. M. Noel)

#### **POLITICAL SUBDIVISIONS**

- H.B. 40** Repeal of Sunset of Township Provision  
(Rep. M. S. Lawrence)
- H.B. 51** Electronic Payments to Local Government Entities  
(Rep. J. Murray)
- H.B. 162** Municipal Weed Abatement (Rep. M. Morley)

#### **PUBLIC UTILITIES AND TECHNOLOGY**

- H.B. 185** Utah Computer Crimes Act Amendments (Rep. B. Daw)

**H.B. 186** Consumer Protection Amendments (Rep. S. Allen)

**RETIREMENT AND INDEPENDENT ENTITIES**

**H.B. 44** Additional State Retirement Benefit (Rep. L. Shurtliff)

**H.B. 173** State Employee Amendments (Rep. A. Hardy)

**H.B. 180** Retirement Office Amendments (Rep. A. Hardy)

**REVENUE AND TAXATION**

**H.B. 53** Tax Treatment of Personal Property (Rep. L. Shurtliff)

**H.B. 170** Extension of Utah Low-income Housing Tax Credits  
(Rep. S. Clark)

**WORKFORCE SERVICES AND COMMUNITY & ECONOMIC  
DEVELOPMENT**

**H.B. 11** Economic Development Incentives (Rep. B. Dee)

**H.B. 179** Utah Venture Capital Enhancement Act Amendments  
(Rep. P. Wallace)

**H.C.R. 4** Utah Athletic Foundation Resolution (Rep. D. Ure)

Becky Lockhart, Chair

Report filed. Representative Lockhart moved to adopt the Rules Committee Report. Representative Harper made a substitute motion to adopt the Rules Committee Report without **H.J.R. 1** included. Representative Harper's motion failed on the following roll call:

**Yeas, 36; Nays, 37; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Barrus	Biskupski
Bourdeaux	Bowman	Buxton	S. Clark
Cosgrove	Dee	Donnelson	Duckworth
Dunnigan	Ferrin	Fisher	Gibson
Goodfellow	Gowans	Hansen	Harper
Hendrickson	Holdaway	E. Hutchings	King
Lawrence	Litvack	Mascaro	Mathis
McGee	Morgan	Moss	Murray
Ray	Shurtliff	Ure	Wallace

**Voting in the negative were:** Representatives

Adams	Alexander	Becker	Bigelow
Buttars	Christensen	D. Clark	D. Cox
Daw	Dougall	Ferry	Fowlke
Frank	Hardy	Hogue	Hughes

Hunsaker	B. Johnson	Jones	Kiser
Last	Lockhart	McCartney	Menlove
Morley	Newbold	Noel	Oda
Painter	Romero	G. Snow	Tilton
Urquhart	Walker	Wheatley	Wyatt
Curtis			

**Absent or not voting were:** Representatives  
Dayton                      Styler

On motion of Representative Lockhart, the report of the Rules Committee was adopted.

### COMMITTEE OF THE WHOLE

On motion of Representative Alexander, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from Chief Justice Durham on the State of the Judiciary.

On motion of Representative Alexander, the Committee of the Whole was dissolved.

### THIRD READING CALENDAR

**H.C.R. 5, RESOLUTION HONORING UTAH MILITARY SERVICE PERSONNEL**, read the third time by short title and placed on its final passage.

### COMMITTEE OF THE WHOLE

On motion of Representative Hunsaker, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of honoring the National Guard.

On motion of Representative Hunsaker, the Committee of the Whole was dissolved.

**H.C.R. 5** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton

Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McCartney	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Dayton	Gowans	Styler
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**H.C.R. 5** transmitted to the Senate for its consideration.

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On motion of Representative Alexander, the House voted to saunter.

On motion of Representative Alexander, the House voted to cease to saunter.

**COMMUNICATIONS FROM THE GOVERNOR**

Mr. Wheeler: January 17, 2005, 2005

It is my pleasure to appoint you to the Utah State Legislature to fill the seat in Legislative District 68, which was recently vacated by Representative Michael R. Styler. I am confident that as a legislator you will serve the citizens in you district with discernment and decorum.

I very much look forward to working with you in the future.

JON M. HUNTSMAN, JR.  
GOVERNOR

Communication filed. Speaker Curtis administered the oath of office to Richard W. Wheeler, District 68.

### COMMUNICATION FROM THE SENATE

Mr. Speaker:

January 17, 2005

The Senate passed **S.C.R. 3, RESOLUTION HONORING SEARCHERS**, by Senator L. Hillyard, and it is transmitted for consideration.

Annette B. Moore

Secretary of the Senate

Communication filed. **S.C.R. 3**, read the first time by short title. On motion of Representative Alexander, under suspension of the rules, the House voted to consider **S.C.R. 3** read the second time by short title and placed on the calendar for third reading.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to move to the Senate Third Reading Calendar.

### THIRD READING CALENDAR

**S.C.R. 3, RESOLUTION HONORING SEARCHERS**, read the third time by short title and placed on its final passage.

### COMMITTEE OF THE WHOLE

On motion of Representative Alexander, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of honoring searchers from the landfill search for Lori Hacking.

On motion of Representative Alexander, the Committee of the Whole was dissolved.

**S.C.R. 3** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank



Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	Menlove	Morgan	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

S. Allen	B. Johnson	McCartney	McGee
Morley	Styler		

**S.C.R. 3** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until January 18, 2005, at 10:00 a.m.

## SECOND DAY

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### MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present except Representative Painter, excused.

Pledge of Allegiance and prayer by Representative DeMar “Bud” Bowman.

#### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: January 17, 2005

The Senate passed, **H.C.R. 5**, RESOLUTION HONORING UTAH MILITARY SERVICE PERSONNEL, by Representative F. Hunsaker, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed **S.C.R. 1**, RESOLUTION ENCOURAGING MANAGED LANES STUDY, by Senator C. Walker, and it is transmitted for consideration; and

The Senate passed **S.J.R. 1**, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE AUDITOR GENERAL, by Senator J. Valentine, and it is transmitted for consideration; and

The Senate passed **S.J.R. 5**, RESOLUTION APPROVING CONTRACT FOR STATE CAPITOL RENOVATION, by Senator L. A. Mansell, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 100**, ACCESS TO HIGH SPEED INTERNET AT STATE CAPITOL COMPLEX, by Senator S. Killpack, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.C.R. 5** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

**S.C.R. 1, S.J.R. 1, S.J.R. 5**, and **S.B. 100**, read the first time by short title and referred to the Rules Committee.

## INTRODUCTION OF BILLS

**H.B. 72, School Curriculum Amendments** (C. Moss), read the first time by short title and referred to the Rules Committee.

**H.B. 73, Local Referendum Requirements** (D. Hogue), read the first time by short title and referred to the Rules Committee.

**H.B. 74, Tuition Reimbursement Program for Students Seeking Teacher Licensure in Disability or Special Education** (R. Menlove), read the first time by short title and referred to the Rules Committee.

**H.B. 75, Government Records Access and Management Task Force** (D. Aagard), read the first time by short title and referred to the Rules Committee.

**H.B. 159, Motor Assisted Scooter and Mini-motorcycle Amendments** (B. Dee), read the first time by short title and referred to the Rules Committee.

**H.B. 198, Naturopathic Formulary Peer Committee Amendments** (J. Ferrin), read the first time by short title and referred to the Rules Committee.

**H.B. 199, Special Election Dates** (D. Hogue), read the first time by short title and referred to the Rules Committee.

**H.B. 200, Property and Casualty Insurance Law Amendments** (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

**H.B. 201, Life Insurance and Annuities Law Amendments** (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

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Speaker Curtis introduced the interns and House staff.

## MISCELLANEOUS BUSINESS

On motion of Representative Alexander, under suspension of the rules, the house voted to lift **S.J.R. 1** and **S.B. 100** from the Rules Committee, consider them read for the second time and placed on the calendar for third reading.

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On motion of Representative Alexander, under suspension of the rules, the House voted to move to the Senate Third Reading Calendar.

**THIRD READING CALENDAR**

**S.J.R. 1**, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE AUDITOR GENERAL, read the third time by short title and placed on its final passage.

**S.J.R. 1** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Litvack
Lockhart	Mascaro	Mathis	McCartney
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Becker	Ferrin	Hunsaker	Lawrence
Painter			

**S.J.R. 1** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

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**S.B. 100**, ACCESS TO HIGH SPEED INTERNET AT STATE CAPITOL COMPLEX, read the third time by short title and placed on its final passage.

**S.B. 100** then passed on the following roll call:

**Yeas, 67; Nays, 2; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mathis
McCartney	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Bigelow	Donnelson
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**Absent or not voting were:** Representatives

S. Allen	Buttars	Ferrin	Hardy
Mascaro	Painter		

**S.B. 100** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to move to the House Third Reading Calendar.

### THIRD READING CALENDAR

**H.J.R. 6**, RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES, read the third time by short title and placed on its final passage.

On motion of Representative Newbold, the House voted to circle **H.J.R. 6**.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to recess until 11:30 a.m.

Speaker Curtis called the House to order at 11:35 a.m.

### THIRD READING CALENDAR

**H.B. 176**, REVISOR'S STATUTE, read the third time by short title and placed on its final passage.

On motion of Representative Urquhart, the House voted to circle **H.B. 176**.

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**H.J.R. 8**, JOINT RULES RESOLUTION – USE OF LEGISLATIVE SEALS, read the third time by short title and placed on its final passage.

On motion of Representative Urquhart, the House voted to circle **H.J.R. 8**.

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**H.J.R. 9**, RESOLUTION AMENDING JOINT RULES REGARDING CONFLICTS OF INTEREST, read the third time by short title and placed on its final passage.

On motion of Representative Urquhart, the House voted to circle **H.J.R. 9**.

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**H.J.R. 10**, JOINT RULES RESOLUTION – AMENDMENTS IN CONTEXT, read the third time by short title and placed on its final passage.

On motion of Representative Urquhart, the House voted to circle **H.J.R. 10**.

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**H.B. 5**, PERSON WITH A DISABILITY MOTORCYCLE PARKING, read the third time by short title and placed on its final passage.

**H.B. 5** then passed on the following roll call:

**Yeas, 64; Nays, 2; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Agard	Barrus	Becker	Bigelow
Biskupski	Bourdeaux	Bowman	Buttars
Buxton	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Dougall	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Litvack	Lockhart	Mathis	McCartney
McGee	Menlove	Morgan	Moss
Murray	Newbold	Noel	Oda
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wyatt	Curtis

**Voting in the negative were:** Representatives

Donnelson	Ray
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**Absent or not voting were:** Representatives

Adams	Alexander	S. Allen	Christensen
Duckworth	Lawrence	Mascaro	Morley
Painter			

**H.B. 5** transmitted to the Senate for its consideration.

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**H.B. 6**, MASTER HIGHWAY DESIGNATION AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 6** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall

Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	Jones	King
Kiser	Last	Litvack	Lockhart
Mathis	McCartney	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Bigelow	Christensen	Duckworth	B. Johnson
Lawrence	Mascaro	Morley	Painter

**H.B. 6** transmitted to the Senate for its consideration.

### **RULES COMMITTEE REPORT**

Mr. Speaker:

January 18, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

#### **BUSINESS AND LABOR**

<b>H.B. 27</b>	Health Insurance Fair Marketing Standards (Rep. S. Mascaro)
<b>H.B. 60</b>	Producer Licensing Amendments (Rep. J. Dunnigan)
<b>H.B. 191</b>	Captive Insurance Law Amendments (Rep. J. Dunnigan)

#### **EDUCATION**

<b>H.C.R. 1</b>	Resolution Promoting Moderately Sized Schools (Rep. D. Cox)
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#### **LAW ENFORCEMENT AND CRIMINAL JUSTICE**

<b>H.B. 49</b>	Bicycle Safety Provisions (Rep. R. McGee)
<b>H.B. 164</b>	Repeal of Utah Personal Introduction Services Protection Act (Rep. S. Allen)



**NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT**

**H.B. 168** Cooperative Wildlife Management Unit Amendments  
(Rep. J. Gowans)

**REVENUE AND TAXATION**

**H.B. 9** Sales and Use Tax – Agricultural Exemption Vehicle  
Limitation (Rep. R. Menlove)

**H.R. 2** Resolution Supporting Permanent Repeal of Federal  
Inheritance Tax (Rep. M. Morley)

**TRANSPORTATION**

**H.B. 48** Motor Vehicle Registration and Safety Inspection  
Amendments (Rep. B. Daw)

**H.C.R. 2** Cowboy Hall of Fame Resolution (Rep. L. Shurtliff)

Becky Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until January 19, 2005, at 10:00 a.m.

## THIRD DAY

\* \* \*

### MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present.

Prayer by Father James Thompson, St. Catherine of Siena, Newman Center Parish.

Pledge of Allegiance by Anita Bruce, Representative Ross Romero's mother.

#### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: January 18, 2005

The Senate passed, as amended, **S.B. 5**, TRAFFIC CODE RECODIFICATION AND REVISIONS, by Senator S. Killpack, and it is transmitted for consideration; and

The Senate passed **S.B. 6**, SALES AND USE TAX AGRICULTURE EXEMPTIONS, by Senator R. Allen, and it is transmitted for consideration; and

The Senate passed **S.B. 12**, DEPARTMENT OF WORKFORCE SERVICES AMENDMENTS, by Senator S. Jenkins, and it is transmitted for consideration; and

The Senate passed **S.B. 17**, FOSTER CARE CITIZEN REVIEW BOARD, by Senator D. Eastman, and it is transmitted for consideration; and

The Senate passed **S.B. 18**, REGULATING PROPRIETARY POSTSECONDARY SCHOOLS, by Senator D. Eastman, and it is transmitted for consideration.

Annette B. Moore

Secretary of the Senate

Communications filed. **S.B. 5**, **S.B. 6**, **S.B. 12**, **S.B. 17**, and **S.B. 18**, read the first time by short title and referred to the Rules Committee.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 18, 2005

The Business and Labor Committee reports a favorable recommendation on **H.B. 52**, FIRE PREVENTION AMENDMENTS, by Representative J. Murray, with the following amendments:

1. Page 3, Lines 81 through 83:

81 58-55-308(3); and

82 (C) installation, repair, or replacement of water-based fire protection systems must be

83 performed by a licensed fire suppression systems contractor or a licensed journeyman plumber ;

The Business and Labor Committee reports a favorable recommendation on **H.B. 172**, NOTARY PUBLIC AMENDMENTS, by Representative L. Shurtliff; and

The Business and Labor Committee reports a favorable recommendation on **H.J.R. 1**, JOINT RESOLUTION RELATED TO FINANCIAL INSTITUTIONS, by Representative J. Alexander.

Stephen D. Clark, Chair

Reports filed. Representative Clark moved to adopt the reports of the Business and Labor Committee. The motion was divided and each bill was voted separately.

**H.B. 52**, as amended, read the second time by short title and placed on the calendar for third reading.

**H.B. 172**, read the second time by short title and placed on the calendar for third reading.

**H.J.R. 1**, read the second time by short title and placed on the calendar for third reading.

Attached to the Business and Labor standing committee report was a Minority Report. Speaker Curtis ruled that the Minority Report needed a vote of the body to be attached to the Majority Report (standing committee report) and printed in the House Journal. Representative Christensen challenged the Speaker’s ruling but it failed on a voice vote. The vote on whether to allow the Minority Report to be attached to the Majority Report and printed in the House Journal passed on the following roll call:

**Yeas, 58; Nays, 14; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski

Bourdeaux	Bowman	Buttars	Buxton
S. Clark	Cosgrove	D. Cox	Daw
Dee	Donnelson	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hunsaker	Jones	King	Kiser
Lawrence	Litvack	Mascaro	Mathis
McCartney	McGee	Morgan	Murray
Newbold	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wyatt		

**Voting in the negative were:** Representatives

Christensen	D. Clark	Dayton	Dougall
Ferrin	Frank	Hughes	E. Hutchings
B. Johnson	Last	Morley	Noel
Tilton	Curtis		

**Absent or not voting were:** Representatives

Lockhart	Menlove	Moss
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**MINORITY REPORT H.J.R. 1**

Mr. Speaker:

January 18, 2005

In accordance with House Rule 24.16, we respectfully dissent from the majority committee report for **H.J.R. 1**, JOINT RESOLUTION RELATED TO FINANCIAL INSTITUTIONS, by Representative Jeff Alexander for the following reasons:

The Financial Institutions Task Force met twice in 2003 and not again until near the deadline for the Task Force report. Banks and credit unions were never asked to make a presentation to the Task Force explaining their position on the Task Force issues. The Task Force did not meet its deadline for making a report to the Business and Labor Interim Committee.

The Task Force had a statutory charge to address the “competitive equity assessment” (Section 20 of H.B. 162) and to study fourteen questions related not only to credit unions but also banks, other financial institutions, and the Department of Financial Institutions. No analysis or discussion took place on the Task Force’s charge.

Input from the National Credit Union Administration, even testimony from the agency, could have been sought by the Task Force but wasn't. Input from our Congressional delegation could have (and still can be) requested by letter. A Resolution is not going to provide any information to congress that could not be achieved in a letter written by the chairs of the Task Force. If HJR 1 passes, it puts the Utah Legislature on record of favoring credit union taxation and criticizing federal credit union regulators.

Jackie Biskupski  
Committee Member

Carl W. Duckworth  
Committee Member

Neil A. Hansen  
Committee Member

Report filed.

### **REPORTS OF STANDING COMMITTEES**

Mr. Speaker: January 18, 2005

The Health and Human Services Committee reports a favorable recommendation on **H.B. 178**, MENTAL HEALTH SERVICES COORDINATOR, by Representative D. Hogue, with the following amendments:

1. Page 1, Line 17:

17     ▶   {~~-\$57,800-~~}   as an ongoing appropriation subject to future budget constraints, \$57,800   from the General Fund to the Department of Human Services for fiscal year

2. Page 2, Line 39:

39     This bill appropriates {~~-\$57,800~~ } as an ongoing appropriation subject to future budget constraints, \$57,800 from the General Fund to the Department of Human .

Bradley G. Last, Chair

Report filed. On motion of Representative Last, the report of the Health and Human Services committee was adopted.

**H.B. 178**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 18, 2005  
The Education Committee reports a favorable recommendation on **H.B. 43**, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS, by Representative S. Urquhart, et al.

Margaret Dayton, Chair

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

**H.B. 43**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 18, 2005  
The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 186**, CONSUMER PROTECTION AMENDMENTS, by Representative S. Allen; and

The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 185**, UTAH COMPUTER CRIMES ACT AMENDMENTS, by Representative B. Daw, et al.

Sheryl L. Allen, Chair

Reports filed. On motion of Representative Allen, the reports of the Public Utilities and Technology committee were adopted.

**H.B. 186** and **H.B. 185**, read the second time by short title and placed on the calendar for third reading.

### MISCELLANEOUS BUSINESS

On motion of Representative Urquhart, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

### INTRODUCTION OF BILLS

**H.B. 76, Habitual Violent Offenders Amendments** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 77, Provisions for Emancipation of a Minor** (R. McGee), read the first time by short title and referred to the Rules Committee.

**H.B. 78, Corporate Franchise and Income Tax Amendments** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.B. 79, Provision of Services for People with Disabilities** (R. Lockhart), read the first time by short title and referred to the Rules Committee.

**H.B. 80, Services for People with Disabilities** (R. Lockhart), read the first time by short title and referred to the Rules Committee.

**H.B. 202, Revisions to Child Welfare** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.B. 203, Agricultural Advisory Board** (M. Noel), read the first time by short title and referred to the Rules Committee.

**H.B. 204, Statute of Limitations Amendments** (D. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 205, Deer Hunt Opening Season Date Amendments** (S. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 206, Charter School Reporting** (C. Moss), read the first time by short title and referred to the Rules Committee.

**H.B. 207, Prescriptive Easements Act** (G. Hughes), read the first time by short title and referred to the Rules Committee.

**H.B. 208, Unclaimed Property Amendments** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 209, Administrative Rules – Impact on Small Businesses** (G. Hughes), read the first time by short title and referred to the Rules Committee.

**H.R. 4, Resolution Urging United States Senate Support of President’s Supreme Court Nominees** (M. Morley), read the first time by short title and referred to the Rules Committee.

**H.R. 5, House Rules Resolution – Oral Declaration of Conflict of Interest** (D. Ure), read the first time by short title and referred to the Rules Committee.

**H.R. 6, House Rules Resolution – Electronic Voting Board** (D. Ure), read the first time by short title and referred to the Rules Committee.

#### **MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

### THIRD READING CALENDAR

**H.B. 8, CHILD PROTECTION TEAM MEETINGS**, read the third time by short title and placed on its final passage.

**H.B. 8** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Litvack	Lockhart	Mascaro	Mathis
McCartney	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wyatt	Curtis

**Absent or not voting were:** Representatives

S. Allen	Hardy	Lawrence
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**H.B. 8** transmitted to the Senate for its consideration.

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**H.B. 10, EMPLOYMENT SECURITY ACT AMENDMENTS**, read the third time by short title and placed on its final passage.

**H.B. 10** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux



Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McCartney	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wyatt	Curtis

**Absent or not voting were:** Representatives

Alexander	Hansen	King
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**H.B. 10** transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Lockhart, the House voted to uncircle **H.B. 176**.

**H.B. 176**, REVISOR'S STATUTE, was before the House on its final passage.

**H.B. 176** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson

Jones	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McCartney	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wyatt	Curtis

**Absent or not voting were:** Representatives

Alexander	Hansen	King
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**H.B. 176** transmitted to the Senate for its consideration.

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On motion of Representative Lockhart, the House voted to uncircle **H.J.R. 8**.

**H.J.R. 8**, JOINT RULES RESOLUTION – USE OF LEGISLATIVE SEALS, was before the House on its final passage.

**H.J.R. 8** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Gowans	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	B. Johnson	Jones	Kiser
Last	Lawrence	Litvack	Mascaro
Mathis	McCartney	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Walker	Wallace
Wheatley	Wheeler	Wyatt	Curtis

**Absent or not voting were:** Representatives

Alexander	Goodfellow	Hansen	E. Hutchings
King	Lockhart	Urquhart	

**H.J.R. 8** transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Urquhart, under suspension of the rules, the House voted to lift **S.J.R. 5** from the Rules Committee, consider it read the second time by short title and placed on the calendar for third reading.

**UNFINISHED BUSINESS**

On motion of Representative Newbold, the House voted to uncircle **H.J.R. 6**.

**H.J.R. 6, RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES**, was before the House on its final passage.

Representative Newbold proposed the following amendment:

1. Page 2, Line 50:

50	Voting Machine Operator (H)				
	9.27	9.52	9.79	10.06	10.33
	<u>Video Specialist (H-S)</u>				
	<u>8.32</u>	<u>8.54</u>	<u>8.79</u>	<u>9.03</u>	<u>9.27</u>

Representative Newbold's motion to amend passed on a voice vote.

**H.J.R. 6**, as amended, then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings

Jones	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McCartney	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wyatt	Curtis

**Absent or not voting were:** Representatives

Alexander	Bourdeaux	Ferrin	Gowans
Hansen	B. Johnson	King	

**H.J.R. 6**, as amended, transmitted to the Senate for its consideration.

### INTRODUCTION OF BILL

**H.C.R. 8, Resolution Recognizing Utah Manufacturers Association** (J. Alexander), read the first time by short title and referred to the Rules Committee.

### MISCELLANEOUS BUSINESS

On motion of Representative Harper, the House voted to move to the Senate Third Reading Calendar.

### THIRD READING CALENDAR

**S.J.R. 5, RESOLUTION APPROVING CONTRACT FOR STATE CAPITOL RENOVATION**, read the third time by short title and placed on its final passage.

**S.J.R. 5** then passed on the following roll call:

**Yeas, 55; Nays, 0; Absent or not voting, 20.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Bowman
Buxton	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Duckworth	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Harper	Hogue

Holdaway	B. Johnson	Jones	Last
Lawrence	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Walker	Wallace	Wheatley
Wheeler	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Biskupski	Bourdeaux	Buttars	S. Clark
Dougall	Dunnigan	Ferrin	Hardy
Hendrickson	Hughes	Hunsaker	E. Hutchings
King	Kiser	Litvack	Lockhart
Mascaro	McCartney	Ure	Urquhart

**S.J.R. 5** was signed by the Speaker in open session and transmitted to the Senate for the signature of the President.

### COMMITTEE OF THE WHOLE

On motion of Representative Alexander, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from Governor Jon M. Huntsman, Jr.

On motion of Representative Alexander, the Committee of the Whole was dissolved.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

### UNFINISHED BUSINESS

On motion of Representative Dougall, the House voted to uncircle **H.J.R. 9**.

**H.J.R. 9**, RESOLUTION AMENDING JOINT RULES REGARDING CONFLICTS OF INTEREST, was before the House on its final passage.

On motion of Representative Dougall, the House voted to circle **H.J.R. 9**.

### RULES COMMITTEE REPORT

Mr. Speaker:

January 19, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

**H.B. 47** New Automobile Franchise Act Amendments  
(Rep. S. Urquhart)

**EDUCATION**

**H.B. 175** Education Achievement Gap Task Force  
(Rep. D. Litvack)

**HEALTH AND HUMAN SERVICES**

**H.B. 33** Assistance for People with Bleeding Disorders  
(Rep. D. Litvack)

**H.B. 165** Utah Commission on Aging (Rep. P. Jones)

**H.B. 167** Elder Protection Provisions (Rep. P. Jones)

**JUDICIARY**

**H.J.R. 5** Resolution Clarifying Removal Provisions  
(Rep. D. Hogue)

**NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT**

**H.B. 160** Wildlife License Agents Amendments (Rep. J. Fisher)

**PUBLIC UTILITIES AND TECHNOLOGY**

**H.B. 174** Child Protection Registry Amendments (Rep. J. Dougall)

**REVENUE AND TAXATION**

**H.B. 171** Calculation of Mining Severance Tax on Beryllium  
(Rep. R. Wheeler)

**H.B. 190** Individual Income Tax – Electronic Filing Requirements  
(Rep. S. Clark)

**TRANSPORTATION**

**S.C.R. 1** Resolution Encouraging Managed Lanes Study  
(Sen. C. Walker)

**WORKFORCE SERVICES AND COMMUNITY & ECONOMIC DEVELOPMENT**

**H.B. 17** Motion Picture Incentive Fund (Rep. S. Allen)

**H.C.R. 8** Resolution Recognizing Utah Manufacturers Association  
(Rep. J. Alexander)

Becky Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

\* \* \*

Mr. Speaker: January 19, 2005

The Rules Committee recommends that, under suspension of the rules, the following bill and resolution be considered read for the second time and placed on the Third Reading Calendar for Senate bills.

**S.B. 5** Traffic Code Recodification and Revisions  
(Sen. S. Killpack)

Becky Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until January 20, 2005, at 10:00 a.m.

# FOURTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present.

Pledge of Allegiance and prayer by Representative Craig W. Buttars.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: January 19, 2005  
The Senate passed **S.B. 9**, AEROSPACE AND AVIATION DEVELOPMENT ZONE MODIFICATIONS, by Senator M. Dmitrich, and it is transmitted for consideration; and

The Senate passed **S.B. 20**, OFFICE OF LEGISLATIVE AUDITOR – ACCESS TO INFORMATION, by Senator M. Waddoups, and it is transmitted for consideration; and

The Senate passed **S.B. 101**, UTAH ADMINISTRATIVE RULEMAKING ACT REVISION, by Senator H. Stephenson, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 9**, **S.B. 20**, and **S.B. 101**, read the first time by short title and referred to the Rules Committee.

### RULES COMMITTEE REPORTS

Mr. Speaker: January 19, 2005  
The Rules Committee reports a favorable recommendation on **H.R. 5**, HOUSE RULES RESOLUTION – ORAL DECLARATION OF CONFLICT OF INTEREST, by Representative D. Ure, with the following amendments:



1. Page 2, Lines 33 through 36:

33 (1) (a) Before speaking in support of or in opposition to any legislation in a committee or

34 on the floor of the House, a House member who reasonably believes that {~~the member~~} he may have

35 a conflict of interest shall orally declare to the committee or the House that the legislator may

36 have a conflict of interest.

The Rules Committee reports a favorable recommendation on **H.R. 6**, HOUSE RULES RESOLUTION – ELECTRONIC VOTING BOARD, by Representative D. Ure.

Becky Lockhart, Chair

Reports filed. On motion of Representative Lockhart, the reports of the Rules Committee were adopted.

**H.R. 5**, as amended, and **H.R. 6**, read the second time by short title and placed on the calendar for third reading.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 19, 2005

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 51**, ELECTRONIC PAYMENTS TO LOCAL GOVERNMENT ENTITIES, by Representative J. Murray, and recommends it be placed on the Consent Calendar; and

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 162**, MUNICIPAL WEED ABATEMENT, by Representative M. Morley, with the following amendments and recommends it be placed on the Consent Calendar.

1. Page 1, Line 1:

1 MUNICIPAL {~~—WEED—~~} ABATEMENT OF WEEDS AND OTHER NEGLECTED ITEMS ON PROPERTY

2. Page 1, Line 15:

15 is mailed to the property owner; {~~and~~}  
 ► provides for the recovery of administrative costs related to the

abatement of neglected weeds, garbage, refuse, objects, or structure;  
and

3. Page 2, Line 36:

36 (ii) prepare an itemized statement of all expenses including  
administrative expenses, incurred in the removal and

4. Page 2, Line 51:

51 (i) sue for and receive judgment upon all of [~~said~~] the costs of  
removal and destruction including administrative costs,

5. Page 2, Line 56:

56 (i) make, in triplicate, an itemized statement of all  
expenses including administrative expenses, incurred in the  
removal

Brad L. Dee, Chair

Reports filed. On motion of Representative Dee, the reports of the Political Subdivisions committee were adopted.

**H.B. 51** and **H.B. 162**, as amended, read the second time by short title and placed on the Consent Calendar.

\* \* \*

Mr. Speaker:

January 19, 2005

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 53**, TAX TREATMENT OF PERSONAL PROPERTY, by Representative L. Shurtliff; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 170**, EXTENSION OF UTAH LOW-INCOME HOUSING TAX CREDITS, by Representative S. Clark.

Wayne A. Harper, Chair

Reports filed. On motion of Representative Harper, the reports of the Revenue and Taxation committee were adopted.

**H.B. 53** and **H.B. 170**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 19, 2005  
 The Government Operations Committee reports a favorable recommendation on **H.B. 14**, BOND ELECTION PROCESS AMENDMENTS, by Representative F. Hunsaker.

Douglas c. Aagard, Chair

Report filed. On motion of Representative Aagard, the report of the Government Operations committee was adopted.

**H.B. 14**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 19, 2005  
 The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 179**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Representative P. Wallace; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.C.R. 4**, UTAH ATHLETIC FOUNDATION RESOLUTION, by Representative D. Ure, and recommends it be placed on the Consent Calendar.

David N. Cox, Chair

Reports filed. On motion of Representative Cox, the reports of the Workforce Services and Community and Economic Development committee were adopted.

**H.B. 179**, read the second time by short title and placed on the calendar for third reading.

**H.C.R. 4**, read the second time by short title and placed on the Consent Calendar.

\* \* \*

Mr. Speaker: January 19, 2005  
 The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 177**, WILDLIFE LICENSE REFUND AMENDMENTS, by Representative M. Dayton; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 181**, DUPLICATE WILDLIFE LICENSING AMENDMENTS, by Representative M. Dayton, with the following amendments:

1. Page 1, Line 26 through Page 2, Line 31:

26 ~~[Whenever any]~~ If an unexpired license, permit, tag, or certificate of registration issued

27 under the provisions of this code is destroyed, lost, or stolen, the Division of Wildlife

28 Resources and its authorized license agents may ~~{set fees and }~~ issue a duplicate license ~~[at a fee to be determined by the Wildlife~~

29 ~~Board. To obtain the duplicate license]~~, permit, tag, or certificate of registration ~~[, the applicant~~

30 ~~must complete an affidavit testifying to such loss, destruction or theft, and provide such other~~

31 ~~information as required]~~ in accordance with the rules set and fees determined by the Wildlife Board.

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.C.R. 7**, CONCURRENT RESOLUTION OPPOSING NUCLEAR TESTING, by Representative M. Noel.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.

**H.B. 177**, **H.B. 181**, as amended, and **H.C.R. 7**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

January 19, 2005

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 164**, REPEAL OF UTAH PERSONAL INTRODUCTION SERVICES PROTECTION ACT, by Representative S. Allen.

DeMar "Bud" Bowman, Chair

Report filed. On motion of Representative Bowman, the report of the Law Enforcement and Criminal Justice committee was adopted.

**H.B. 164**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 19, 2005

The Judiciary Committee reports a favorable recommendation on **H.B. 54**, CRIMINAL APPEAL AMENDMENTS, by Representative S. Wyatt, with the following amendments:

1. Page 3, Lines 78 through 81:

78       (j) an illegal sentence.

79       (4) In addition to any appeal permitted by Subsection (3), the prosecution may seek

80 discretionary appellate review of any interlocutory order  
{-issued }   entered   before jeopardy attaches.

81       Section 2. Section 78-3a-604 is enacted to read:

The Judiciary Committee reports a favorable recommendation on **H.B. 55**, DRUG OFFENSE PENALTY ENHANCEMENTS, by Representative B. Dee.

James A. Ferrin, Chair

Reports filed. On motion of Representative Ferrin, the reports of the Judiciary committee were adopted.

**H.B. 54**, as amended, and **H.B. 55**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 19, 2005

The Transportation Committee reports a favorable recommendation on **H.B. 48**, MOTOR VEHICLE REGISTRATION AND SAFETY INSPECTION AMENDMENTS, by Representative B. Daw, with the following amendments:

1. Page 1, Lines 13 through 15:

13       ▶       provides that a motor vehicle safety and emissions inspection certificate is valid for

14       {~~six~~}   three months instead of two months for purposes of registration or renewal of

15 registration of a motor vehicle; and

2. Page 2, Lines 34 through 48:

34 registration] ~~{-Subsection }~~ Subsections (2)(b), (c),  
and (d), for purposes of registration or renewal of registration of a  
motor

35 vehicle, a safety inspection certificate is valid for  
~~{-six }~~ three months.

36 ~~{-+ }~~ (b) (i) If the title of a used motor vehicle is being  
transferred, a safety inspection

37 certificate issued for the motor vehicle during the previous  
~~{-two- }~~ three months may be used to satisfy

38 the requirement under Subsection (1). ~~{-+ }~~

39 ~~{-+ }~~ (ii) If the transferor is a licensed and bonded used  
motor vehicle dealer, a safety

40 inspection certificate issued for the motor vehicle in a licensed and  
bonded motor vehicle

41 dealer's name during the previous six months may be used to satisfy  
the requirement under

42 Subsection (1). ~~{-+ }~~

43 ~~{-+ }~~ (c) If the title of a leased vehicle is being transferred  
to the lessee of the vehicle, a

44 safety inspection certificate issued during the previous six months  
may be used to satisfy the

45 requirement under Subsection (1). ~~{-+ }~~

46 ~~{-+ }~~ (d) ~~{-+ }~~ ~~{-(b) }~~ If the motor vehicle is  
part of a fleet of 101 or more vehicles, ~~[the safety~~

47 ~~inspection required under this section may be made no more than 11~~  
~~months prior to the~~

48 ~~renewal of registration]~~ a safety inspection certificate is valid for 11  
months.

Joseph G. Murray, Chair

Report filed. On motion of Representative Murray, the report of the  
Transportation committee was adopted.

**H.B. 48**, as amended, read the second time by short title and placed on the calendar for third reading.

### INTRODUCTION OF BILLS

**H.B. 81, Workers' Compensation Coverage of Fire Department Employees** (J. Murray), read the first time by short title and referred to the Rules Committee.

**H.B. 82, Contractors Bonds and Letters of Credit** (S. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 83, Weights and Measures Amendments** (D. Ure), read the first time by short title and referred to the Rules Committee.

**H.B. 84, Reading Requirements for Student Advancement** (K. Morgan), read the first time by short title and referred to the Rules Committee.

**H.B. 85, Health Insurance High Risk Pool – Eligibility Amendments** (D. Litvack), read the first time by short title and referred to the Rules Committee.

**H.B. 157, Water Enforcement Procedures and Penalties** (D. Ure), read the first time by short title and referred to the Rules Committee.

**H.B. 158, Election Requirements for County Candidates** (R. Romero), read the first time by short title and referred to the Rules Committee.

**H.B. 210, Residential Mortgages Practices – Employment Security Revisions** (M. Walker), read the first time by short title and referred to the Rules Committee.

**H.B. 211, Integrity of Election Results Amendments** (J. Dougall), read the first time by short title and referred to the Rules Committee.

**H.B. 212, Traffic Violations by Diplomats** (D. Hogue), read the first time by short title and referred to the Rules Committee.

**H.B. 213, Unused Sick Leave At Retirement Amendments** (D. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 214, Emerging Technologies and Open Government** (D. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 215, Property Tracking Amendments** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 216, Global Positioning Reference Network** (K. Holdaway), read the first time by short title and referred to the Rules Committee.

**H.B. 217, Public Safety Retirement – Exemption of Certain Employees** (D. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 218, Second District Juvenile Judge** (J. S. Adams), read the first time by short title and referred to the Rules Committee.

**H.B. 219, Traffic Enforcement Amendments** (R. McGee), read the first time by short title and referred to the Rules Committee.

### MISCELLANEOUS BUSINESS

On motion of Representative Ferry, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

### THIRD READING CALENDAR

**H.B. 12, HEALTH CARE ASSISTANTS**, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **H.B. 12**.

\* \* \*

**H.B. 13, OCCUPATIONAL AND PROFESSIONAL LICENSING SUNSET AMENDMENT**, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle **H.B. 13**.

\* \* \*

**H.B. 15, REPEAL OF STATE DEBT COLLECTION ADVISORY BOARD**, read the third time by short title and placed on its final passage.

On motion of Representative Hogue, the House voted to circle **H.B. 15**.

\* \* \*

**H.B. 16, REPEAL OF VEHICLE EQUIPMENT SAFETY COMMISSION**, read the third time by short title and placed on its final passage.

**H.B. 16** then passed on the following roll call:



**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McCartney	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wyatt	Curtis

**Absent or not voting were:** Representatives

Becker	Hansen	Shurtliff
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**H.B. 16** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 19, PROCUREMENT CODE RENUMBERING**, read the third time by short title and placed on its final passage.

**H.B. 19** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Biskupski	Bowman
Buttars	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher

Fowlke	Frank	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	McCartney	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Becker	Bourdeaux	Buxton	Gibson
Mathis			

**H.B. 19** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 20**, CALLING LOCAL SPECIAL ELECTIONS FOR SALES AND USE TAX PURPOSES, read the third time by short title and placed on its final passage.

**H.B. 20** then passed on the following roll call:

**Yeas, 70; Nays, 1; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McCartney	McGee	Menlove	Morgan

Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wyatt		

**Voting in the negative was:** Representative  
Ure

**Absent or not voting were:** Representatives  
Buttars Hardy B. Johnson Curtis

**H.B. 20** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 26**, CONVEYANCES OF PROPERTY, read the third time by short title and placed on its final passage.

**H.B. 26** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Hughes	Hunsaker	E. Hutchings	Jones
King	Kiser	Last	Lawrence
Litvack	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt			

**Absent or not voting were:** Representatives

S. Allen	Holdaway	B. Johnson	Lockhart
McCartney	Curtis		

**H.B. 26** transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Aagard, the House voted to uncircle **H.B. 15**.

**H.B. 15**, REPEAL OF STATE DEBT COLLECTION ADVISORY BOARD, was before the House on its final passage.

**H.B. 15** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Hughes
Hunsaker	E. Hutchings	Jones	King
Kiser	Last	Lawrence	Litvack
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt

**Absent or not voting were:** Representatives

S. Allen	Dougall	Holdaway	B. Johnson
Lockhart	McCartney	Curtis	

**H.B. 15** transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.B. 28**, JUVENILE JUSTICE RECODIFICATION, read the third time by short title and placed on its final passage.

On motion of Representative Aagard, the House voted to circle **H.B. 28**.

\* \* \*

**H.B. 30, CONSUMER SALES PRACTICES ACT AMENDMENTS**, read the third time by short title and placed on its final passage.

On motion of Representative Hogue, the House voted to circle **H.B. 30**.

\* \* \*

**H.B. 34, EMERGENCY RELATED AMENDMENTS**, read the third time by short title and placed on its final passage.

On motion of Representative Allen, the House voted to circle **H.B. 34**.

\* \* \*

**H.B. 36, CHARTER SCHOOL CONSTRUCTION AMENDMENTS**, read the third time by short title and placed on its final passage.

On motion of Representative Ferrin, the House voted to circle **H.B. 36**.

\* \* \*

**H.B. 37, ADMINISTRATIVE RULES REAUTHORIZATION**, read the third time by short title and placed on its final passage.

**H.B. 37** then passed on the following roll call:

**Yeas, 69; Nays, 1; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hardy	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack

Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Voting in the negative was:** Representative  
Harper

**Absent or not voting were:** Representatives

S. Allen	Gowans	Hansen	McCartney
G. Snow			

**H.B. 37** transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Dougall, the House voted to uncircle **H.J.R. 9**.

**H.J.R. 9**, RESOLUTION AMENDING JOINT RULES REGARDING CONFLICTS OF INTEREST, was before the House on its final passage.

**H.J.R. 9** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray

Romero	Shurtliff	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Goodfellow	Mathis	McCartney	G. Snow
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**H.J.R. 9** transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.B. 24**, TRAFFIC CODE AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle **H.B. 24**.

**INTRODUCTION OF RESOLUTION**

**H.C.R. 9**, Resolution Honoring Outgoing USU President Kermit L. Hall (F. Hunsaker), read the first time by short title and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

Mr. Speaker: January 20, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

<b>H.B. 69</b>	Federal Health Care Tax Credit Program Act (Rep. C. Oda)
<b>H.B. 193</b>	Deregulation of General Building Contractors (Rep. G. Hughes)
<b>H.B. 195</b>	Insurance Law Amendments (Rep. J. Dunnigan)
<b>H.B. 200</b>	Property and Casualty Insurance Law Amendments (Rep. J. Dunnigan)
<b>H.B. 201</b>	Life Insurance and Annuities Law Amendments (Rep. J. Dunnigan)

**EDUCATION**

<b>S.B. 18</b>	Regulating Proprietary Postsecondary Schools (Sen. D. Eastman)
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**GOVERNMENT OPERATIONS**

- H.R. 3** Resolution Supporting Congressional Privatization of Social Security (Rep. M. Morley)
- H.R. 4** Resolution Urging United States Senate Support of President's Supreme Court Nominees (Rep. M. Morley)
- S.B. 101** Utah Administrative Rulemaking Act Revision (Sen. H. Stephenson)
- S.B. 20** Office of Legislative Auditor – Access to Information (Sen. M. Waddoups)

**HEALTH AND HUMAN SERVICES**

- H.B. 198** Naturopathic Formulary Peer Committee Amendments (Rep. J. Ferrin)
- S.B. 17** Foster Care Citizen Review Board (Sen. D. Eastman)

**JUDICIARY**

- H.B. 59** Domestic Violence Enhancement (Rep. C. Moss)

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

- H.B. 67** Abandoned Vehicles Amendments (Rep. J. Gowans)

**POLITICAL SUBDIVISIONS**

- S.B. 9** Aerospace and Aviation Development Zone Modifications (Sen. M. Dmitrich)

**REVENUE AND TAXATION**

- S.B. 6** Sales and Use Tax Agriculture Exemptions (Sen. R. Allen)

**WORKFORCE SERVICES AND COMMUNITY & ECONOMIC DEVELOPMENT**

- S.B. 12** Department of Workforce Services Amendments (Sen. S. Jenkins)

Becky Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.



\* \* \*

Mr. Speaker: January 20, 2005

The Rules Committee recommends that, under suspension of the rules, the following resolution be considered read for the second time and placed on the Third Reading Calendar with a time certain for Friday, January 21 at 11:45 a.m.

**H.C.R. 9**                      Resolution Honoring Outgoing USU President Kermit L. Hall (Rep. F. Hunsaker)

Becky Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**H.C.R. 9**, read the second time by short title and placed on the Time Certain calendar for Friday, January 21, at 11:45 a.m.

\* \* \*

Mr. Speaker: January 20, 2005

The Rules Committee recommends that the following bills and resolutions be considered read for the second time and placed on the Third Reading Calendar:

**H.B. 7**                      Individual Income Tax – Contributions for Education (Rep. S. Allen)

**H.B. 23**                     Department of Workforce Services – Work Experience and Training Programs (Rep. D. Cox)

Becky Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**H.B. 7** and **H.B. 23**, read the second time by short title and placed on the calendar for third reading.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until January 21, 2005, at 10:00 a.m.

# FIFTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present.

Pledge of Allegiance and prayer by Representative Ben C. Ferry.

### COMMUNICATION FROM THE SENATE

Mr. Speaker: January 20, 2005  
The Senate passed, as amended, **S.B. 22**, DRUG OFFENDER REFORM ACT, by Senator D. C. Buttars, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 22**, read the first time by short title and referred to the Rules Committee.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 20, 2005  
The Business and Labor Committee reports a favorable recommendation on **H.B. 60**, PRODUCER LICENSING AMENDMENTS, by Representative J. Dunnigan; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 191**, CAPTIVE INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, with the following amendments:

1. Page 1, Lines 24 through 25:

24 Other Special Clauses:

25 ~~{None}~~ This bill has retrospective operation to January 1, 2005.

2. Page 3, Lines 86 through 87:

86 (b) At the end of each fiscal year, funds received by the  
department in excess of  
87 \$250,000 shall be treated as free revenue in the General Fund.  
Section 2. Retrospective operation.  
This bill has retrospective operation to January 1, 2005.

Stephen D. Clark, Chair

Reports filed. On motion of Representative Clark, the reports of the Business and Labor committee were adopted.

**H.B. 60** and **H.B. 191**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

January 20, 2005

The Education Committee reports a favorable recommendation on **H.B. 183**, VERIFICATION OF ELIGIBILITY FOR FEE WAIVERS, by Representative W. Harper, with the following amendments:

1. Page 3, Lines 67 through 72:

67 (a) requiring a parent or guardian of a student applying for a fee  
waiver to provide  
68 documentation and certification to the school verifying ;  
(i) the student's eligibility to receive the  
69 waiver; and  
(ii) that the alternatives for satisfying the fee requirements under  
Subsection (2) have been complied with to the fullest extent reasonably  
possible according to the individual circumstances of both the fee waiver  
applicant and the school; and  
70 (b) specifying the acceptable forms of documentation for the  
requirement under  
71 Subsection (5)(a), which shall include verification based on income  
tax returns if the parent or  
72 guardian was required to file a return.

Margaret Dayton, Chair

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

**H.B. 183**, as amended, read the second time by short title and placed on the calendar for third reading.

### INTRODUCTION OF BILLS

**H.B. 86, Utah College of Applied Technology Amendments** (R. Bigelow), read the first time by short title and referred to the Rules Committee.

**H.B. 87, Liability Insurance for County Recordors** (S. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 88, Air Conditioned Buses for Students with Disabilities** (D. Hogue), read the first time by short title and referred to the Rules Committee.

**H.B. 89, Presumption of Responsibility for Abuse or Neglect** (L. Christensen), read the first time by short title and referred to the Rules Committee.

**H.B. 90, Search and Rescue Advisory Board – Amendments** (J. S. Adams), read the first time by short title and referred to the Rules Committee.

**H.B. 156, Dairy Promotion Act Amendments** (D. Ure), read the first time by short title and referred to the Rules Committee.

**H.B. 197, Individual Income Tax Amendments for Education Funding** (P. Jones), read the first time by short title and referred to the Rules Committee.

**H.B. 220, Sales and Use Tax Exemption for Textbooks for Higher Education** (D. Bourdeaux), read the first time by short title and referred to the Rules Committee.

**H.B. 221, Electronic Communication Harassment** (J. Dougall), read the first time by short title and referred to the Rules Committee.

**H.B. 222, Pilot Program Repeal Clean-up** (R. Romero), read the first time by short title and referred to the Rules Committee.

**H.B. 223, Amendments to Driver License and Identification Cards** (C. Oda), read the first time by short title and referred to the Rules Committee.

**H.B. 224, Permanent Community Impact Fund – Board Membership** (J. Mathis), read the first time by short title and referred to the Rules Committee.

**H.B. 225, Boat Registration Fee** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

**H.B. 226, Government Records Access and Management Act Requirements Regarding Animal Identification Program** (C. Buttars), read the first time by short title and referred to the Rules Committee.

**H.B. 227, Corporate Franchise and Income Taxes – Exemption for Banks** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.J.R. 11, Resolution Encouraging Schools to Adopt Nutrition and Physical Activity Policies** (P. Jones), read the first time by short title and referred to the Rules Committee.

**UNFINISHED BUSINESS**

On motion of Representative Kiser, the House voted to uncircle **H.B. 30**.

**H.B. 30, CONSUMER SALES PRACTICES ACT AMENDMENTS**, was before the House on its final passage.

Representative Hogue proposed the following amendment:

- 1. Page 4, Lines 110 through 114

110 (t) solicits for the sale of a product or service by providing a consumer with an

111 unsolicited check or negotiable instrument the presentment or negotiation of which obligates

112 the consumer to purchase a product or service, unless the supplier is:

113 (i) a depository institution under Section 7-1-103; {~~or~~ }

114 (ii) an affiliate of a depository institution {~~;~~ }; or

(iii) an entity regulated under Title 7, Financial Institutions Act.

Representative Hogue’s motion to amend passed on a voice vote.

**H.B. 30**, as amended, then passed on the following roll call:

**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove

D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McCartney	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

**Absent or not voting was:** Representative  
Hughes

**H.B. 30**, as amended, transmitted to the Senate for its consideration.

\* \* \*

On motion of Representative Dunnigan, the House voted to uncircle **H.B. 24**.

**H.B. 24**, TRAFFIC CODE AMENDMENTS, was before the House on its final passage.

Representative Dunnigan proposed the following amendment:

1. Page 1, Lines 14 through 15
  - 14       ▶ requires the operator of a vehicle to provide insurance provider information to
  - 15 persons involved in an accident;
  - ▶ allows the operator of a vehicle to provide accident information to an investigating peace officer in lieu of providing the information to persons involved in the accident;
2. Page 2, Lines 40 through 48:
  - 40       (1) The operator of a vehicle involved in an accident resulting in injury to or death of

41 any person or damage to any vehicle or other property, if the vehicle or other property is

42 operated, occupied, or attended by any person or if the owner of the vehicle or property is

43 present, shall:

44 (a) except as provided under Subsection (1)(d), give to the persons involved [his];

45 (i) the operator's name, address, and the registration number of the vehicle [he is

46 ~~operating;~~ being operated; and

47 (ii) the name of the insurance provider covering the vehicle being operated including

48 the phone number of the agent or provider;

3. Page 3, Lines 59 through 60:

59 (d) The operator of a vehicle that provides the information required under Subsection (1)(a) to an investigating peace officer at the scene of the accident is exempt from providing the information to persons involved in the accident.

(2) The operator of a vehicle involved in an accident resulting in injury to or death of

60 any person or property damage to an apparent extent of \$1,000 or more shall immediately and

Representative Dunnigan's motion to amend passed on a voice vote.

**H.B. 24**, as amended, then passed on the following roll call:

**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans

Hansen	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McCartney	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

**Absent or not voting was:** Representative  
Hardy

**H.B. 24**, as amended, transmitted to the Senate for its consideration.

### THIRD READING CALENDAR

**H.B. 52**, FIRE PREVENTION AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 52** then passed on the following roll call:

**Yeas, 63; Nays, 8; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	S. Clark	Cosgrove	D. Cox
Daw	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Gibson
Goodfellow	Gowans	Hansen	Harper
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wyatt	Curtis	



**Voting in the negative were:** Representatives

D. Clark	Dayton	Donnelson	Ferrin
Frank	Hughes	Morley	Ure

**Absent or not voting were:** Representatives

Dee	Hardy	Lockhart	McCartney
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**H.B. 52** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 172**, NOTARY PUBLIC AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Shurtliff, the House voted to circle **H.B. 172**.

\* \* \*

**H.J.R. 1**, JOINT RESOLUTION RELATED TO FINANCIAL INSTITUTIONS, read the third time by short title and placed on its final passage.

Representative Harper proposed the following amendment:

1. Page 1, Lines 12 through 15:
  - 12 This resolution:
  - 13 { ~~► affirms the Legislature’s decision to establish a classification of “nonexempt credit~~
  - 14  ~~unions” and encourages Congress to adopt a similar approach; - }~~
  - 15 ► urges Congress to examine the rulings of the National Credit Union Administration
  
2. Page 3, Lines 79 through 84:
  - 79 WHEREAS, the broad field of membership established by the National Credit Union
  - 80 Administration allows state chartered credit unions to easily convert to a federal charter, allowing for:
  - { ~~-81- putting state chartered credit unions at a disadvantage because of factors such as:- }~~
  - 82 (1) differences in tax treatment of federally chartered credit unions; and

83 (2) differences in the regulations of member business lending;

3. Page 4, Lines 95 through 99:

95 WHEREAS, federally chartered credit unions do not pay sales and use taxes;

{~~96 WHEREAS, if a state or Congress were to find that taxation of some credit unions is~~

~~97 justified, the General Accounting Office has reported that as a cooperative, credit unions can~~

~~98 avoid all such taxation by returning excess funds to its members either directly or indirectly by~~

~~99 reducing loan rates, increasing deposit rates, or both; }~~

4. Page 4, Line 120 through Page 5, Line 125:

{~~120 WHEREAS, by creating the classification of “nonexempt” credit unions in H.B. 162,~~

~~121 Financial Institutions Amendments (2003 Gen. Sess.), the Utah Legislature has recognized that~~

~~122 some credit unions have grown so large that there may no longer be a meaningful affinity or~~

~~123 common bond;~~

~~124 WHEREAS, any credit union in the state that would have been a “nonexempt” credit~~

~~125 union as of May 2003, has since converted to a federal charter; }~~  
and

5. Page 5, Lines 130 through 140:

{~~130 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah~~

~~131 affirms its decision to establish a classification of “nonexempt credit unions” because of the~~

~~132 foreseeable need to potentially differentiate between small credit unions and those that may~~

~~133 grow so large as to have lost a meaningful affinity or bond and encourages Congress to adopt a~~

~~134 similar approach. }~~

135 NOW THEREFORE, BE IT ~~{FURTHER}~~  
 RESOLVED that the Legislature urges Congress to examine the  
 136 rulings of the National Credit Union Administration regarding  
 “common bond” and field of  
 137 membership to determine whether those rulings are overbroad and  
 inconsistent with the  
 138 original intent of the Federal Credit Union Act ~~{and take~~  
~~appropriate action, including~~  
 139 ~~examining whether there should be a restructuring of the National~~  
~~Credit Union~~  
 140 ~~Administration}~~ and whether the economic circumstances  
have changed since the enactment of the Federal Credit Union Act such  
that credit unions should have a broader role in the current financial  
marketplace .

Representative Harper’s motion to amend passed on the following roll call:

**Yeas, 40; Nays, 35; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Barrus	Becker
Biskupski	Bourdeaux	Cosgrove	Daw
Dayton	Dee	Donnelson	Duckworth
Dunnigan	Ferrin	Fisher	Gibson
Gowans	Hansen	Hardy	Harper
Hendrickson	E. Hutchings	Jones	King
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Moss
Murray	Newbold	Romero	Shurtliff
Ure	Wallace	Wheatley	Wyatt

**Voting in the negative were:** Representatives

Adams	Alexander	Bigelow	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	D. Cox	Dougall	Ferry
Fowlke	Frank	Goodfellow	Hogue
Holdaway	Hughes	Hunsaker	B. Johnson
Kiser	Last	Lockhart	McCartney
Morley	Noel	Oda	Painter
Ray	G. Snow	Tilton	Urquhart
Walker	Wheeler	Curtis	

On motion of Representative Urquhart, the House voted to circle **H.J.R. 1**.

**UNFINISHED BUSINESS**

On motion of Representative Aagard, the House voted to uncircle **H.B. 28**.

On motion of Representative Aagard, the House voted to delete **H.B. 28** in title and body and insert **Sub. H.B. 28** in lieu thereof.

On motion of Representative Aagard, the House voted to circle **Sub. H.B. 28**.

\* \* \*

On motion of Representative Allen, the House voted to uncircle **H.B. 34**.

**H.B. 34, EMERGENCY RELATED AMENDMENTS**, was before the House on its final passage.

Representative Allen proposed the following amendment:

1. Page 11, Lines 323 through 331

323 (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

324 Division of Emergency Services and Homeland Security the  
disclosure of which would

325 jeopardize:

326 (a) the safety of the general public; or

327 (b) the security of:

328 (i) governmental property;

329 (ii) governmental programs; or

330 (iii) the property of a private person who provides the Division  
of Emergency Services

331 and Homeland Security information.

Representative Allen's motion to amend passed on a voice vote.

**H.B. 34**, as amended, then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Gibson
Goodfellow	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McCartney
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Ferrin	Frank	Gowans	Jones
Ure			

**H.B. 34**, as amended, transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.B. 178**, MENTAL HEALTH SERVICES COORDINATOR, read the third time by short title and placed on its final passage.

On motion of Representative Urquhart, the House voted to circle **H.B. 178**.

**SPECIAL ORDER OF BUSINESS**

**H.C.R. 9**, RESOLUTION HONORING OUTGOING USU PRESIDENT KERMIT L. HALL, read the third time by short title and placed on its final passage.

**COMMITTEE OF THE WHOLE**

On motion of Representative Hunsaker, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from Kermit L. Hall, Utah State University President.

On motion of Representative Hunsaker, the Committee of the Whole was dissolved.

**H.C.R. 9** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McCartney	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Ferrin                      G. Snow

**H.C.R. 9** transmitted to the Senate for its consideration.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker:

January 21, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.C.R. 8**, RESOLUTION RECOGNIZING UTAH MANUFACTURERS ASSOCIATION, by Representative J. Alexander; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 17**, MOTION PICTURE INCENTIVE FUND, by Representative S. Allen, et al.

David N. Cox, Chair

Reports filed. On motion of Representative Cox, the reports of the Workforce Services and Community and Economic Development committee were adopted.

**H.C.R. 8** and **H.B. 17**, read the second time by short title and placed on the calendar for third reading.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to set **H.C.R. 8** for Time Certain on January 24, 2005 at 11:00 a.m.

### RULES COMMITTEE REPORT

Mr. Speaker: January 21, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

#### BUSINESS AND LABOR

**H.B. 66** Naturopathic Physician Amendments (Rep. J. Ferrin)

**H.B. 71** Licensing of Estheticians and Nail Technicians  
(Rep. J. Fisher)

#### EDUCATION

**H.B. 189** Applied Technology Program Amendments  
(Rep. J. Ferrin)

#### GOVERNMENT OPERATIONS

**H.B. 75** Government Records Access and Management Task  
Force (Rep. D. Aagard)

#### HEALTH AND HUMAN SERVICES

**H.B. 22** Intercountry Adoption Accreditation (Rep. R. McGee)

**H.B. 64** Criminal Background Checks for Personal Care  
Attendants (Rep. F. Hunsaker)

#### JUDICIARY

**H.B. 73** Local Referendum Requirements (Rep. D. Hogue)

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

**S.B. 22** Drug Offender Reform Act (Sen. D. C. Buttars)

**RETIREMENT AND INDEPENDENT ENTITIES**

**H.B. 217** Public Safety Retirement – Exemption of Certain  
Employees (Rep. D. Clark)

Becky Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until January 24, 2005, at 10:00 a.m.



# EIGHTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present.

Pledge of Allegiance and prayer by Representative James R. Gowans.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: January 21, 2005

The Senate passed, as amended, **S.B. 7**, FUNDING FOR TOURISM, by Senator S. Jenkins, and it is transmitted for consideration; and

The Senate passed **S.B. 11**, INITIATIVE PETITIONS AMENDMENTS, by Senator B. Evans, and it is transmitted for consideration; and

The Senate passed **S.B. 16**, DEPARTMENT OF WORKFORCE SERVICES – ACCESS TO FINANCIAL RECORDS, by Senator S. Jenkins, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 23**, PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 36**, SALES AND USE TAXATION OF PAWN TRANSACTIONS, by Senator R. Allen, and it is transmitted for consideration; and

The Senate passed **S.B. 76**, AMENDMENTS TO NAVAJO TRUST FUND, by Senator B. Evans, and it is transmitted for consideration; and

The Senate passed **S.B. 78**, OPTIONAL FORMS OF COUNTY GOVERNMENT AMENDMENT, by Senator D. Thomas, and it is transmitted for consideration; and

The Senate passed **S.B. 95**, OFFICE OF MUSEUM SERVICES AMENDMENTS, by Senator R. Allen, and it is transmitted for consideration; and

The Senate passed **S.J.R. 4**, JOINT RULES RESOLUTION – INTERIM RULES RECODIFICATION, by Senator M. Waddoups, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 7, S.B. 11, S.B. 16, Sub. S.B. 23, S.B. 36, S.B. 76, S.B. 78, S.B. 95,** and **S.J.R. 4**, read the first time by short title and referred to the Rules Committee.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 21, 2005

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 9, SALES AND USE TAX – AGRICULTURAL EXEMPTION VEHICLE LIMITATION**, by Representative R. Menlove, with the following amendments:

1. Page 1, Lines 12 through 14:

12       ▶       amends a sales and use tax exemption relating to certain tangible personal property

13       used in agriculture to provide that a vehicle is not included under the exemption if

14       the vehicle is required to be registered; and

2. Page 7, Lines 197 through 199:

“197       (C) [any] a vehicle required to be registered   {~~—~~} by the laws of this state   {~~—~~} [~~without regard to~~

198 ~~the use to which the vehicle is put]   {~~in accordance with Title 41, Chapter 1a, Part 2,~~~~

199 Registration }   during the period ending two years after the date of the vehicle's purchase ; or

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 171, CALCULATION OF MINING SEVERANCE TAX ON BERYLLIUM**, by Representative R. Wheeler; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 190, INDIVIDUAL INCOME TAX – ELECTRONIC FILING REQUIREMENTS**, by Representative S. Clark; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.R. 2, RESOLUTION SUPPORTING PERMANENT REPEAL OF FEDERAL INHERITANCE TAX**, by Representative M. Morley.

Wayne A. Harper, Chair

Reports filed. On motion of Representative Donnelson, the reports of the Revenue and Taxation committee were adopted.

**H.B. 9**, as amended, **H.B. 171**, **H.B. 190**, and **H.R. 2**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

January 21, 2005

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 173**, STATE EMPLOYEE AMENDMENTS, by Representative A. Hardy, and recommends it be placed on the Consent Calendar; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 180**, RETIREMENT OFFICE AMENDMENTS, by Representative A. Hardy, and recommends it be placed on the Consent Calendar.

Michael T. Morley, Chair

Reports filed. On motion of Representative Morley, the reports of the Retirement and Independent Entities committee were adopted.

**H.B. 173** and **H.B. 180**, read the second time by short title and placed on the Consent Calendar.

#### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to saunter.

On motion of Representative Alexander, the House voted to cease to saunter.

#### INTRODUCTION OF BILLS

**H.B. 91, License Plate for Disabled American Veterans** (R. Bigelow), read the first time by short title and referred to the Rules Committee.

**H.B. 228, Removal or Defacement of Political Signs** (G. Hughes), read the first time by short title and referred to the Rules Committee.

#### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the Senate Third Reading Calendar.

#### THIRD READING CALENDAR

**S.B. 5, TRAFFIC CODE RECODIFICATION AND REVISION**, read the third time by short title and placed on its final passage.

Representative Dee proposed the following amendment:

1. Page 81, Lines 2496 through 2498

2496 (4) (a) The department shall, upon request, supply to law enforcement agencies,

2497 {~~justices of the peace~~ } justice court judges , sheriffs,

2498 garages, and other appropriate agencies or individuals forms for accident reports required under this part.

Representative Dee's motion to amend passed on a voice vote.

On motion of Representative Urquhart, the House voted to circle **S.B. 5**.

### MISCELLANEOUS BUSINESS

On motion of Representative Ferry, the House voted to move to the House Third Reading Calendar.

### THIRD READING CALENDAR

**H.B. 43, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS**, read the third time by short title and placed on its final passage.

**H.B. 43** then passed on the following roll call:

**Yeas, 71; Nays, 3; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold

Noel	Oda	Painter	Ray
Romero	Shurtliff	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Buxton	Ferry	G. Snow
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**Absent or not voting was:** Representative

McCartney

**H.B. 43** transmitted to the Senate for its consideration.

**SPECIAL ORDER OF BUSINESS**

**H.C.R. 8**, RESOLUTION RECOGNIZING UTAH MANUFACTURERS ASSOCIATION, read the third time by short title and placed on its final passage.

**H.C.R. 8** then passed on the following roll call:

**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

**Absent or not voting was:** Representative

McCartney

**H.C.R. 8** transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Lockhart, the House voted to uncircle **H.J.R. 10**.

**H.J.R. 10**, JOINT RULES RESOLUTION – AMENDMENTS IN CONTEXT, was before the House on its final passage.

**H.J.R. 10** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Absent or not voting were:** Representatives

McCartney            Ure

**H.J.R. 10** transmitted to the Senate for its consideration.

### THIRD READING CALENDAR

**H.B. 186**, CONSUMER PROTECTION AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Allen proposed the following amendment:

1. Page 10, Lines 301 through 305

301 (b) The bond, letter of credit, or certificate of deposit shall be payable to the division

302 for the benefit of any consumer who incurs damages as the result of:

303 (i) the health spa's violation of this chapter; or

304 (ii) ~~[as the result of]~~ the health spa's going out of business or relocating and failing to

305 offer an alternate location within ~~{ten}~~ five miles.

2. Page 13, Lines 384 through 388:

384 (3) (a) In addition to any other penalty available under this chapter, a person who

385 violates this chapter is subject to:

386 (i) a cease and desist order; and

387 (ii) an administrative fine of up to \$2,500 for each separate violation that is not a

388 violation described in Subsection 13-23-5(2)(e) up to \$10,000 for any series of violations arising out of the same operative facts .

3. Page 14, Lines 421 through 424:

421 13-25a-107.2. Requests to a specific telephone solicitor.

422 (1) A telephone solicitor may not make or cause to be made a telephone solicitation to a

423 person who has informed the telephone solicitor, either in writing or orally, that the person

424 does not wish to receive a telephone call from the telephone solicitor.

(2) A telephone solicitor is not liable for a violation of this section if the telephone solicitor complies with 16 C.F.R. Part 310.4(b)(3) and (4).

4. Page 16, Line 491 through Page 17, Line 498:

491 13-26-3. Registration and bond required.

492 (1) (a) ~~{ Each }~~ Unless exempt under Section 13-26-4,  
each telephone soliciting business ~~[engaging in telephone solicitation~~  
~~or sales in~~

493 ~~this state]~~ shall register annually with the ~~[Division of Consumer~~  
~~Protection prior to doing or~~

494 ~~continuing to do business in this state]~~ division before engaging in  
telephone solicitations if:

495 (i) the telephone soliciting business engages in telephone  
solicitations that:

496 (A) originate in Utah; or

497 (B) are received in Utah; or

498 (ii) the telephone soliciting business conducts any business  
operations in Utah.

5. Page 19, Lines 577 through 578:

577 (f) to fail to orally advise a purchaser of the purchaser's right to  
cancel under Section

578 13-26-5 unless the solicitor is exempt under Section 13-26-4 .

Representative Allen's motion to amend passed on a voice vote.

**H.B. 186**, as amended, then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley



Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Bourdeaux	Frank	Litvack	McCartney
Ure	Urquhart		

**H.B. 186**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 185**, UTAH COMPUTER CRIMES ACT AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **H.B. 185**.

**UNFINISHED BUSINESS**

On motion of Representative Ferrin, the House voted to uncircle **H.B. 36**.

**H.B. 36**, CHARTER SCHOOL CONSTRUCTION AMENDMENTS, was before the House on its final passage.

On motion of Representative Ferrin, the House voted to delete **H.B. 36** in title and body and insert **Sub. H.B. 36** in lieu thereof.

Representative Harper proposed the following amendment:

1. Page 6, Lines 169 through 171

169 (3) Subject to Section 53A-20-108, a school district or charter school shall coordinate

170 the siting of a new school with the municipality in which the school is to be located, to :

(a) avoid or

171 mitigate existing and potential traffic hazards , including consideration of the impacts between the new school and future highways; and

(b) to maximize school and student safety.

(4) Notwithstanding Subsection (2)(d), a municipality may, at its

discretion:

(a) provide a walk-through of school construction at no cost and at a time convenient to the district or charter school; and

(b) provide recommendations based upon the walk-through.

2. Page 13, Lines 387 through 389:

387 (3) Subject to Section 53A-20-108, a school district or charter  
school shall coordinate

388 the siting of a new school with the county in which the school is to  
 be located, to :

(a) avoid or

389 mitigate existing and potential traffic hazards , including  
consideration of the impacts between the new school and future  
highways; and

(b) to maximize school and student safety.

(4) Notwithstanding Subsection (2)(d), a county may, at its discretion :

(a) provide a walk-through of school construction at no cost and at a time  
convenient to the district or charter school; and

(b) provide recommendations based upon the walk-through.

3. Page 18, Lines 522 through 528:

522 (1) (a) A school district or charter school shall notify the  
 affected local governmental

523 entity without delay prior to the purchase of a school site or  
 construction of a school building

524 of its intent to purchase or construct.

(b) Representatives of the local governmental entity and the school  
 district or charter school shall meet as soon as possible after delivery of  
 the notice under Subsection (1)(a) to:

(i) discuss concerns that each may have, including potential community  
 impacts;

(ii) assess the availability of infrastructure for the site; and

(iii) discuss any fees that might be charged by the local governmental  
 entity in connection with a building project.

Representative Harper's motion to amend passed on a voice vote.

**Sub. H.B. 36**, as amended, then passed on the following roll call:

**Yeas, 65; Nays, 5; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hardy	Harper	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Litvack	Mathis	McCartney
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Curtis			

**Voting in the negative were:** Representatives

Christensen	Dougall	Hansen	Shurtliff
Wyatt			

**Absent or not voting were:** Representatives

Adams	Hendrickson	B. Johnson	Lockhart
Mascaro			

**Sub. H.B. 36**, as amended, transmitted to the Senate for its consideration.

### RULES COMMITTEE REPORT

Mr. Speaker:

January 24, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

#### EDUCATION

<b>H.B. 63</b>	School District Amendments (Rep. D. Cox)
<b>H.B. 188</b>	Beginning Teacher Enhancements (Rep. B. Johnson)
<b>H.J.R. 3</b>	Resolution Regarding Federal No Child Left Behind (Rep. K. Holdaway)
<b>H.J.R. 11</b>	Resolution Encouraging Schools to Adopt Nutrition and Physical Activity Policies (Rep. P. Jones)

**GOVERNMENT OPERATIONS**

- H.B. 199** Special Election Dates (Rep. D. Hogue)  
**S.B. 11** Initiative Petitions Amendments (Sen. B. Evans)  
**S.B. 76** Amendments to Navajo Trust Fund (Sen. B. Evans)

**HEALTH AND HUMAN SERVICES**

- H.B. 62** Amendments to Intermediate Care Facilities for Mentally Retarded (Rep. R. Lockhart)

**JUDICIARY**

- H.B. 76** Habitual Violent Offenders Amendments (Rep. P. Ray)  
**H.B. 204** Statute of Limitations Amendments (Rep. D. Clark)  
**H.B. 222** Pilot Program Repeal Clean-up (Rep. R. Romero)

**POLITICAL SUBDIVISIONS**

- H.B. 159** Motor Assisted Scooter and Mini-motorcycle Amendments (Rep. B. Dee)

**REVENUE AND TAXATION**

- H.B. 78** Corporate Franchise and Income Tax Amendments (Rep. W. Harper)  
**1st Sub. S.B. 23** Property Tax Treatment of Tangible Personal Property (Sen. C. Bramble)  
**S.B. 36** Sales and Use Taxation of Pawn Transactions (Sen. R. Allen)

**WORKFORCE SERVICES AND COMMUNITY & ECONOMIC DEVELOPMENT**

- S.B. 16** Department of Workforce Services – Access to Financial Records (Sen. S. Jenkins)  
**S.B. 95** Office of Museum Services Amendments (Sen. R. Allen)

Becky Lockhart, Chair

Report filed. On motion of Representative Hardy, the report of the Rules Committee was adopted.

**RULES COMMITTEE REPORT**

Mr. Speaker:

January 24, 2005

The Rules Committee recommends that, under suspension of the rules, the following resolution be considered read for the second time and placed at the top of the Third Reading Calendar for Senate bills.

**S.J.R. 4** Joint Rules Resolution – Interim Rules Recodification  
(Sen. M. Waddoups)

Becky Lockhart, Chair

Report filed. On motion of Representative Hardy, the report of the Rules Committee was adopted.

**S.J.R. 4**, read the second time by short title and placed on the calendar for third reading.

#### **MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until January 25, 2005, at 10:00 a.m.

# NINTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present.

Pledge of Allegiance and prayer by Representative D. Gregg Buxton.

### COMMUNICATION FROM THE SENATE

Mr. Speaker: January 24, 2005

The Senate passed, **H.C.R. 8**, RESOLUTION RECOGNIZING UTAH MANUFACTURERS ASSOCIATION, by Representative J. Alexander, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.C.R. 8** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 24, 2005

The Business and Labor Committee reports a favorable recommendation on **H.B. 69**, FEDERAL HEALTH CARE TAX CREDIT PROGRAM ACT, by Representative C. Oda, and recommends it be placed on the Consent Calendar; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 195**, INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, and recommends it be placed on the Consent Calendar; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 201**, LIFE INSURANCE AND ANNUITIES LAW AMENDMENTS, by Representative J. Dunnigan, with the following amendments:

1. Page 1, Lines 11 through 13:

11 This bill: {–

12 ~~—▶— defines a two-tier annuity;~~

13 ~~—▶— exempts two-tier annuities from certain cash-surrender value requirements;–}~~

2. Page 9, Lines 250 through 260:

250 (b) For a contract {~~–, other than a two-tier annuity as defined in Subsection (10)(d),~~ } that

251 provides cash surrender benefits [~~on or past the maturity date~~], the cash surrender value on or

252 past the maturity date shall be equal to the amount used to determine the annuity benefit

253 payments.

254 (c) A surrender charge may not be imposed on or past maturity.

255 {~~–(d) As used in this Subsection (10), “two-tier annuity” means an annuity contract under~~

256 which:

257 (i) cash surrender value is an accumulation, at interest, of percentages of premiums

258 specified in the contract; and

259 (ii) cash surrender value cannot be derived from the amount used to determine the

260 annuity benefit payments. }

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the Business and Labor committee were adopted.

**H.B. 69** and **H.B. 195**, read the second time by short title and placed on the Consent Calendar.

**H.B. 201**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 24, 2005

The Education Committee reports a favorable recommendation on **H.B. 189**, APPLIED TECHNOLOGY PROGRAM AMENDMENTS, by Representative J. Ferrin; and

The Education Committee reports a favorable recommendation on **H.C.R. 1**, RESOLUTION PROMOTING MODERATELY SIZED SCHOOLS, by Representative D. Cox; and

The Education Committee reports a favorable recommendation on **S.B. 18**, REGULATING PROPRIETARY POSTSECONDARY SCHOOLS, by Senator D. Eastman; and

The Education Committee reports a favorable recommendation on **H.C.R. 6**, RESOLUTION RECOGNIZING UTAH'S LEGISLATORS BACK TO SCHOOL PROGRAM, by Representative M. Dayton, with the following amendments and recommends it be placed on the Consent Calendar.

1. Page 2, Lines 34 through 35:

34        WHEREAS, Utah legislators met personally with  
       ~~{-16,500-}~~ 17,200 students in ~~{-165-}~~ 200 schools  
 and

35        ~~{-545-}~~ 575 classrooms in ~~{-2003-}~~ 2004 to  
 answer questions and listen to concerns on issues

Margaret Dayton, Chair

Reports filed. On motion of Representative Dayton, the reports of the Education committee were adopted.

**H.B. 189**, **H.C.R. 1**, and **S.B. 18**, read the second time by short title and placed on the calendar for third reading.

**H.C.R. 6**, as amended, read the second time by short title and placed on the Consent Calendar.

\* \* \*

Mr. Speaker: January 24, 2005

The Health and Human Services Committee reports a favorable recommendation on **H.B. 165**, UTAH COMMISSION ON AGING, by Representative P. Jones, with the following amendments:



- 1. Page 1, Line 26 through Page 2, Line 30:

26       ▶       provides that, for the fiscal years 2005–06 and 2006–07,  
the Department of Human

27       {~~Resources~~}       Services shall:

28       •       pay the salary of the executive director of the Utah  
Commission on Aging out of

29       the department’s existing budget; and

30       •       provide staff support to the executive director and the  
commission; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 198**, NATUROPATHIC FORMULARY PEER COMMITTEE AMENDMENTS, by Representative J. Ferrin.

Bradley G. Last, Chair

Reports filed. On motion of Representative Last, the reports of the Health and Human Services committee were adopted.

**H.B. 165**, as amended, and **H.B. 198**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 24, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 168**, COOPERATIVE WILDLIFE MANAGEMENT UNIT AMENDMENTS, by Representative J. Gowans; and

The Natural Resources, Agriculture, and Environment Committee recommends **H.B. 182**, HISTORICAL LIVESTOCK TRAILS, by Representative B. Johnson, be replaced and reports a favorable recommendation on **1st Sub. H.B. 182**, HISTORICAL LIVESTOCK TRAILS with the following amendments:

- 1. Page 2, Lines 40 through 46:

40       (3) Notwithstanding Subsections (1) and (2), the owner of any  
neat cattle, horse, ass,

41       mule, sheep, goat, or swine that trespasses upon the premises of  
another person is not liable in

42       a civil action to the owner or occupant of the premises for damage  
inflicted by the trespass if:

43 (a) the animal enters the premises from an historic livestock trail, as defined in Section

44 57-13b-102; and

45 (b) the premises that was trespassed is not enclosed by  
{ a } an adequate fence at the time the trespass

46 occurs.

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 160, WILDLIFE LICENSE AGENTS AMENDMENTS**, by Representative J. Fisher, and recommends it be placed on the Consent Calendar.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.

**H.B. 168** and **Sub. H.B. 182**, as amended, read the second time by short title and placed on the calendar for third reading.

**H.B. 160**, read the second time by short title and placed on the Consent Calendar.

### INTRODUCTION OF BILLS

**H.B. 92, Safety Belt Law Requirement Amendments** (M. Noel), read the first time by short title and referred to the Rules Committee.

**H.B. 93, Emission Inspection Amendments** (K. Gibson), read the first time by short title and referred to the Rules Committee.

**H.B. 94, Youth Corrections Amendments** (C. Moss), read the first time by short title and referred to the Rules Committee.

**H.B. 95, Sex Offender Registration Amendments** (M. S. Lawrence), read the first time by short title and referred to the Rules Committee.

**H.B. 152, County Option Sales and Use Tax for Agricultural Land, Open Land, and Recreational Facilities Act** (C. Buttars), read the first time by short title and referred to the Rules Committee.

**H.B. 153, Security for Public Schools** (K. Holdaway), read the first time by short title and referred to the Rules Committee.

**H.B. 154, School and Institutional Trust Lands Amendments** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.B. 155, Agricultural Coop Amendments** (C. Buttars), read the first time by short title and referred to the Rules Committee.

**H.B. 229, Water Rights in Irrigation Companies** (P. Painter), read the first time by short title and referred to the Rules Committee.

**H.B. 230, Recycling of Waste Tires** (D. Ure), read the first time by short title and referred to the Rules Committee.

**H.B. 231, School District Boundaries** (M. Noel), read the first time by short title and referred to the Rules Committee.

**H.B. 232, Utah Basic Skills Competency Test Alternatives** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 233, Adoption Law Revisions** (R. McGee), read the first time by short title and referred to the Rules Committee.

**H.B. 234, Telephone Surcharge for Education and Training Programs At Prison** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

**H.B. 235, Insurance Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

**H.B. 236, Health Insurance Law Amendments** (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

**H.J.R. 12, Resolution Eliminating Property Tax on Personal Property** (J. Dougall), read the first time by short title and referred to the Rules Committee.

#### CONSENT CALENDAR

**H.B. 51, ELECTRONIC PAYMENTS TO LOCAL GOVERNMENT ENTITIES**, read the third time by short title and placed on its final passage.

**H.B. 51** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux

Buttars	Buxton	Christensen	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McCartney
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Bigelow	Bowman	D. Clark	Gowans
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**H.B. 51** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 162**, MUNICIPAL ABATEMENT OF WEEDS AND OTHER NEGLECTED ITEMS ON PROPERTY, read the third time by short title and placed on its final passage.

**H.B. 162**, as amended, then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings

B. Johnson	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McCartney	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Absent or not voting were:** Representatives

D. Clark                      Jones

**H.B. 162**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.C.R. 4**, UTAH ATHLETIC FOUNDATION RESOLUTION, read the third time by short title and placed on its final passage.

On motion of Representative Ure, the House voted to lift **H.C.R. 4** from the Consent Calendar and place it at the bottom of the Third Reading Calendar.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the Senate Third Reading Calendar.

**UNFINISHED BUSINESS**

On motion of Representative Dee, the House voted to uncircle **S.B. 5**.

**S.B. 5**, TRAFFIC CODE RECODIFICATION AND REVISIONS, was before the House on its final passage.

**S.B. 5**, as amended, then passed on the following roll call:

**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove

D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Lockhart
Mascaro	Mathis	McCartney	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

**Absent or not voting was:** Representative  
Litvack

**S.B. 5**, as amended, returned to the Senate for further consideration.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to move to the House Third Reading Calendar.

### UNFINISHED BUSINESS

On motion of Representative Daw, the House voted to uncircle **H.B. 185**.

**H.B. 185**, UTAH COMPUTER CRIMES ACT AMENDMENTS, was before the House on its final passage.

Representative Daw proposed the following amendment:

1. Page 1, Lines 12 through 15

12 This bill:

13 ► amends the definition of “computer network” in the  
Utah Computer Crimes Act to

14 include wireless networks; {~~and~~}

clarifies prohibited conduct under the Utah Computer Crimes Act;

and

- 15       ▶       makes technical changes.
2. Page 1, Lines 22 through 23:  
 22       76-6-702, as last amended by Chapter 300, Laws of Utah 1997  
        76-6-703, as last amended by Chapter 300, Laws of Utah  
        1997
3. Page 2, Lines 35 through 36:  
 35       (3) “Computer” means any electronic device or communication  
        facility [~~with data~~  
 36       ~~processing ability~~] that stores, retrieves, {~~or~~} ~~processes~~ ~~or transmits~~ ~~data.~~
4. Page 2, Line 52:  
 52       others without the owner’s or custodian’s permission.  
        (8) “Information” does not include information obtained:  
        (a) through use of:  
        (i) an electronic product identification or tracking system; or  
        (ii) other technology used by a retailer to identify, track, or price  
        goods held for sale; and  
        (b) by a retailer through the use of equipment located entirely  
        within the retailer’s retail location.
5. Page 2, Line 53:  
 53       {~~(8)~~}       (9)       “License or entitlement” includes:
6. Page 3, Line 62:  
 62       {~~(9)~~}       (10)       “Security system” means a computer,  
        computer system, network, or computer
7. Page 3, Line 66:  
 66       {~~(10)~~}       (11)       “Services” include[, ~~but are not limited~~  
        ~~to~~] computer time, data manipulation, and
8. Page 3, Line 68:  
 68       {~~(11)~~}       (12)       “Financial instrument” includes[, ~~but is~~  
        ~~not limited to~~] any check, draft, money

## 9. Page 3, Line 71:

71            {-(12)-}    (13)    “Software” or “program” means a series of instructions or statements in a form

## 10. Page 3, Line 74:

74 ~~limited to,~~] system control programs, application programs, or copies of any of them.

Section 2. Section 76-6-703 is amended to read:

76-6-703. Computer crimes and penalties.

(1) A person who without authorization gains or attempts to gain access to and alters, damages, destroys, discloses, or modifies any computer, computer network, computer property, computer system, computer program, computer data or software, and thereby causes damage to another, or obtains money, property, information, or a benefit for any person without legal right, is guilty of:

(a) a class B misdemeanor when:

(i) the damage caused or the value of the money, property, or benefit obtained or sought to be obtained is less than \$300; or

(ii) the information obtained is not confidential;

(b) a class A misdemeanor when the damage caused or the value of the money, property, or benefit obtained or sought to be obtained is or exceeds \$300 but is less than \$1,000;

(c) a third degree felony when the damage caused or the value of the money, property, or benefit obtained or sought to be obtained is or exceeds \$1,000 but is less than \$5,000;

(d) a second degree felony when the damage caused or the value of the money, property, or benefit obtained or sought to be obtained is or exceeds \$5,000; and

(e) a third degree felony when:

(i) the property or benefit obtained or sought to be obtained is a license or entitlement;

(ii) the damage is to the license or entitlement of another person;

or

(iii) the information obtained is confidential; or

(iv) in gaining access the person breaches or breaks through a security system.

(2) { -A- }    (a) Except as provided in Subsection (2)(b),

a person who intentionally or knowingly and without authorization gains or attempts to gain access to a computer, computer network, computer property, or computer system under circumstances not



otherwise constituting an offense under this section is guilty of a class B misdemeanor.

(b) Notwithstanding Subsection (2)(a), a retailer that uses an electronic product identification or tracking system, or other technology to identify, track, or price goods held for sale is not guilty of a violation of Subsection (2)(a) if the computer used by the retailer to identify, track, or price goods held for sale is located entirely within the retailer’s retail location.

(3) A person who uses or knowingly allows another person to use any computer, computer network, computer property, or computer system, program, or software to devise or execute any artifice or scheme to defraud or to obtain money, property, services, or other things of value by false pretenses, promises, or representations, is guilty of an offense based on the value of the money, property, services, or things of value, in the degree set forth in Subsection 76–10–1801(1).

(4) A person who intentionally or knowingly and without authorization, interferes with or interrupts computer services to another authorized to receive the services is guilty of a class A misdemeanor.

(5) It is an affirmative defense to Subsections (1) and (2) that a person obtained access or attempted to obtain access in response to, and for the purpose of protecting against or investigating, a prior attempted or successful breach of security of a computer, computer network, computer property, computer system whose security the person is authorized or entitled to protect, and the access attempted or obtained was no greater than reasonably necessary for that purpose.

Representative Daw’s motion to amend passed on a voice vote.

**H.B. 185**, as amended, then passed on the following roll call:

**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue

Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McCartney	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

**Absent or not voting was:** Representative  
Dunnigan

**H.B. 185**, as amended, transmitted to the Senate for its consideration.

\* \* \*

On motion of Representative Aagard, the House voted to uncircle  
**Sub. H.B. 28.**

**Sub. H.B. 28**, JUVENILE JUSTICE RECODIFICATION, was before the House on its final passage.

**Sub. H.B. 28** then passed on the following roll call:

**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McCartney	McGee
Menlove	Morgan	Morley	Moss

Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

**Absent or not voting was:** Representative Alexander

**Sub. H.B. 28** transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.R. 5**, HOUSE RULES RESOLUTION – ORAL DECLARATION OF CONFLICT OF INTEREST, read the third time by short title and placed on its final passage.

On motion of Representative Ure, the House voted to circle **H.R. 5**.

\* \* \*

**H.R. 6**, HOUSE RULES RESOLUTION – ELECTRONIC VOTING BOARD, read the third time by short title and placed on its final passage.

On motion of Representative Ure, the House voted to circle **H.R. 6**.

\* \* \*

**H.B. 53**, TAX TREATMENT OF PERSONAL PROPERTY, read the third time by short title and placed on its final passage.

Representative Shurtliff proposed the following amendment:

1. Page 1, Lines 20 through 21:  
20       ▶ provides that the uniform statewide fees on motor homes shall be ~~{imposed}~~ assessed at the ~~{-~~  
21 ~~time of registration and renewal of registration}~~ same time and in the same manner as ad valorem personal property taxes ;
2. Page 10, Line 302 through Page 11, Line 308:  
302       (1) (a) Except as provided in Subsection 59-2-405(4) or  
59-2-405.2(4) , the uniform fee authorized in

303 Sections 59-2-404 {~~and~~} 59-2-405 and  
59-2-405.2 shall be assessed at the same time and in the same manner  
 as

304 ad valorem personal property taxes under Chapter 2, Part 13,  
 Collection of Taxes, except that

305 in listing personal property subject to the uniform fee with real  
 property as permitted by

306 Section 59-2-1302, the assessor or, if this duty has been reassigned  
 in an ordinance under

307 Section 17-16-5.5, the treasurer shall list only the amount of the  
 uniform fee due, and not the

308 taxable value of the property subject to the uniform fee.

3. Page 11, Lines 313 through 316:

313 {~~(c) Except as provided in Subsection 59-2-405.2(4), the~~  
~~uniform statewide fee imposed~~

314 ~~by Section 59-2-405.2 shall be assessed at the time of:~~

315 ~~(i) registration as defined in Section 41-1a-102; and~~

316 ~~(ii) renewal of a registration. }~~

4. Page 14, Lines 402 through 404:

402 (B) increased by the amount necessary to offset the county's  
 reduction in revenue from

403 uniform fees on tangible personal property under Section  
 59-2-404, 59-2-405, {~~or~~} 59-2-405.1 , or 59-2-405.2 as

404 a result of the decrease in the certified tax rate under Subsection  
 (2)(d)(i)(A).

Representative Shurtliff's motion to amend passed on a voice vote.

**H.B. 53**, as amended, then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Buxton	Christensen

D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McCartney	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Bourdeaux                      Ferrin

**H.B. 53**, as amended, transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Alexander, the House voted to uncircle **H.J.R. 1**.

**H.J.R. 1**, JOINT RESOLUTION RELATED TO FINANCIAL INSTITUTIONS, was before the House on its final passage.

Representative Alexander proposed the following amendment:

1. Page 5, Line 134:  
After line 134 insert:  
“NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah affirms its decision to differentiate between traditional credit unions and those that have lost a meaningful affinity or bond and encourages Congress to consider a similar approach.”
2. Page 5, Line 140:  
House Floor Amendments,  
1–20–2005:  
After line 140 delete “ and whether the economic circumstances have

changed since the enactment of the Federal Credit Union Act such that credit unions should have a broader role in the current financial marketplace ”

- 3. Page 5, Line 148:  
After line 148 insert:  
“BE IT FURTHER RESOLVED that once a principled, fair, and equitable tax structure for financial institutions is adopted, Congress should examine whether the economic circumstances have changed since the enactment of the Federal Credit Union Act such that credit unions should have a broader role in the current financial marketplace.”
- 4. Page 5–6, Lines 149–152:  
Amend line 151 as follows:  
“BE IT FURTHER RESOLVED that the Legislature requests that if Congress elects to retain the current tax structure for financial institutions unchanged, it provide Utah and other states with a {~~thorough, detailed, and~~} reasoned explanation for maintaining that tax structure without alteration.”

Representative Donnelson proposed **H.J.R. 1** be referred to the Rules Committee and request the chair and co-chair of the Financial Institutions Task Force to draft a letter and send it to the congressional delegation regarding this matter. The motion failed on the following roll call:

**Yeas, 15; Nays, 58; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Bigelow	Dayton	Donnelson
Ferrin	Hansen	Hardy	Harper
Lawrence	McGee	Morgan	Moss
Murray	Shurtliff	Wallace	

**Voting in the negative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings

B. Johnson	Jones	King	Kiser
Last	Litvack	Lockhart	Mascaro
Mathis	McCartney	Menlove	Morley
Newbold	Noel	Oda	Painter
Romero	G. Snow	Tilton	Ure
Urquhart	Walker	Wheatley	Wheeler
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Gowans                      Ray

Representative Alexander's proposed amendment was before the House.

Representative Harper moved to divide the motion. Item 1 passed on a voice vote and Items 2 through 4 passed on a voice vote.

**H.J.R. 1**, as amended, then passed on the following roll call:

**Yeas, 41; Nays, 34; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Bowman
Buttars	Christensen	D. Clark	S. Clark
D. Cox	Daw	Dougall	Ferrin
Ferry	Fowlke	Frank	Goodfellow
Hogue	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	Kiser	Last
Lockhart	Mathis	McCartney	Menlove
Morley	Noel	Oda	Painter
Romero	G. Snow	Tilton	Urquhart
Walker	Wheatley	Wheeler	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Agard	Barrus	Becker	Bigelow
Biskupski	Bourdeaux	Buxton	Cosgrove
Dayton	Dee	Donnelson	Duckworth
Dunnigan	Fisher	Gibson	Gowans
Hansen	Hardy	Harper	Hendrickson
Holdaway	King	Lawrence	Litvack
Mascaro	McGee	Morgan	Moss
Murray	Newbold	Ray	Shurtliff
Ure	Wallace		

**H.J.R. 1**, as amended, transmitted to the Senate for its consideration.

\* \* \*

On motion of Representative Lockhart, the House voted to uncircle **H.B. 12**.

**H.B. 12**, HEALTH CARE ASSISTANTS, was before the House on its final passage.

**H.B. 12** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McCartney	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Bourdeaux	Hardy
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**H.B. 12** transmitted to the Senate for its consideration.

### **RULES COMMITTEE REPORT**

Mr. Speaker:

January 25, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:



**BUSINESS AND LABOR**

**H.B. 209** Administrative Rules – Impact on Small Businesses  
(Rep. G. Hughes)

**EDUCATION**

**H.B. 206** Charter School Reporting (Rep. C. Moss)

**HEALTH AND HUMAN SERVICES**

**H.B. 79** Provision of Services for People with Disabilities  
(Rep. R. Lockhart)

**JUDICIARY**

**H.B. 218** Second District Juvenile Judge (Rep. J. S. Adams)

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

**H.B. 68** Motor Vehicle Enforcement Division Amendments  
(Rep. P. Ray)

**NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT**

**H.B. 29** State Engineer’s Powers and Duties Amendments  
(Rep. D. Clark)

**H.B. 38** Water Law – Criminal Penalties Amendments  
(Rep. B. Ferry)

**H.B. 157** Water Enforcement Procedures and Penalties  
(Rep. D. Ure)

**H.B. 224** Permanent Community Impact Fund – Board Membership  
(Rep. J. Mathis)

**POLITICAL SUBDIVISIONS**

**H.B. 207** Prescriptive Easements Act (Rep. G. Hughes)

**PUBLIC UTILITIES AND TECHNOLOGY**

**H.B. 214** Emerging Technologies and Open Government  
(Rep. D. Clark)

**H.B. 221** Electronic Communication Harassment (Rep. J. Dougall)

**REVENUE AND TAXATION**

**H.B. 227** Corporate Franchise and Income Taxes – Exemption for  
Banks (Rep. W. Harper)

**TRANSPORTATION**

**H.B. 65** Driver License and Commercial Driver License  
Amendments (Rep. D. Bowman)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until January 26, 2005, at 10:00 a.m.

# TENTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:10 a.m.

Roll call showed all members present except Representative Richard W. Wheeler, excused.

Pledge of Allegiance and prayer by Representative Jackie Biskupski.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: January 24, 2005

The Senate passed, as amended, **S.B. 21**, LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS, by Senator D. Eastman, and it is transmitted for consideration; and

The Senate passed **S.B. 27**, SUNSET REAUTHORIZATIONS, by Senator L. A. Mansell, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 32**, LIMITATION OF LANDOWNER LIABILITY FOR PUBLIC RECREATION, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 83**, MEDICAL DECISIONS OF A PARENT OR GUARDIAN, by Senator D. Thomas, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 103**, LIENS ON AIRCRAFT, by Senator T. Hatch, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 21**, **S.B. 27**, **S.B. 32**, **S.B. 83**, and **S.B. 103**, read the first time by short title and referred to the Rules Committee.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 25, 2005

The Political Subdivisions Committee reports a favorable recommendation on **S.B. 9**, AEROSPACE AND AVIATION DEVELOPMENT ZONE

MODIFICATIONS, by Senator M. Dmitrich, et al, and recommends it be placed on the Consent Calendar; and

The Political Subdivisions Committee recommends **H.B. 40, REPEAL OF SUNSET OF TOWNSHIP PROVISION**, by Representative M. S. Lawrence, be replaced and reports a favorable recommendation on **1st Sub. H.B. 40, SUNSET OF TOWNSHIP PROVISION** with the following amendments:

1. Page 2, Lines 39 through 43:

39        (2) each county of the first class and each municipality that is in a county of the first

40        class and is adjacent to a township area shall jointly . by July 1, 2008, provide appropriate public

41        information and funding to conduct a survey of residents and property owners within each

42        township in the county to determine their desires about whether all or portions of

43        unincorporated areas within the township should:

Brad L. Dee, Chair

Reports filed. On motion of Representative Dee, the reports of the Political Subdivisions committee were adopted.

**S.B. 9**, read the second time by short title and placed on the Consent Calendar.

**Sub. H.B. 40**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

January 25, 2005

The Government Operations Committee reports a favorable recommendation on **H.B. 75, GOVERNMENT RECORDS ACCESS AND MANAGEMENT TASK FORCE**, by Representative D. Aagard, with the following amendments:

1. Page 3, Lines 61 through 65:

61        (i) information that would disclose both an individual's name and that individual's:

62        (A) home address:

- 63        (B) home telephone number;  
 64        (C) birthdate;  
           (D) Social Security number; or  
 65        {-~~(D)~~ } (E) marital status; or

The Government Operations Committee reports a favorable recommendation on **H.R. 3**, RESOLUTION SUPPORTING CONGRESSIONAL PRIVATIZATION OF SOCIAL SECURITY, by Representative M. Morley, with the following amendments:

1. Page 1, Line 23 through Page 2, Line 28:

- 23        WHEREAS, without significant changes to the system, costs  
 will exceed revenues  
 24        starting in 2018 and the system ~~{-will-}~~ may not be able  
 to pay any benefits by 2042;  
 25        WHEREAS, anyone born after the year 1970 will not receive  
~~{-any-}~~ full Social Security  
 26        benefits if changes are not made to the system;  
 27        WHEREAS, not reforming the system will require a  
~~{-50%-}~~ tax increase on every working  
 28        American or a ~~{-30%-}~~ benefit cut; and

The Government Operations Committee reports a favorable recommendation on **H.R. 4**, RESOLUTION URGING UNITED STATES SENATE SUPPORT OF PRESIDENT'S SUPREME COURT NOMINEES, by Representative M. Morley; and

The Government Operations Committee reports a favorable recommendation on **S.B. 20**, OFFICE OF LEGISLATIVE AUDITOR – ACCESS TO INFORMATION, by Senator M. Waddoups; and

The Government Operations Committee reports a favorable recommendation on **H.B. 199**, SPECIAL ELECTION DATES, by Representative D. Hogue; and

The Government Operations Committee reports a favorable recommendation on **S.B. 11**, INITIATIVE PETITIONS AMENDMENTS, by Senator B. Evans; and

The Government Operations Committee reports a favorable recommendation on **S.B. 76**, AMENDMENTS TO NAVAJO TRUST FUND, by Senator B. Evans; and

Mr. Speaker: January 25, 2005

The Government Operations Committee reports a favorable recommendation on **S.B. 101**, UTAH ADMINISTRATIVE RULEMAKING ACT REVISION, by Senator H. Stephenson, and recommends it be placed on the Consent Calendar.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Government Operations committee were adopted.

**H.B. 75**, as amended, **H.R. 3**, as amended, **H.R. 4**, **S.B. 20**, **H.B. 199**, **S.B. 11**, and **S.B. 76**, read the second time by short title and placed on the calendar for third reading.

**S.B. 101**, read the second time by short title and placed on the Consent Calendar.

\* \* \*

Mr. Speaker: January 25, 2005

The Public Utilities and Technology Committee recommends **H.B. 174**, CHILD PROTECTION REGISTRY AMENDMENTS, by Representative J. Dougall, be replaced and favorably recommends **1st Sub. H.B. 174**, CHILD PROTECTION REGISTRY AMENDMENTS.

Sheryl L. Allen, Chair

Report filed. On motion of Representative Holdaway, the report of the Public Utilities and Technology committee was adopted.

**Sub. H.B. 174**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 25, 2005

The Transportation Committee reports a favorable recommendation on **H.C.R. 2**, COWBOY HALL OF FAME RESOLUTION, by Representative L. Shurtliff; and

The Transportation Committee reports a favorable recommendation on **S.C.R. 1, RESOLUTION ENCOURAGING MANAGED LANES STUDY**, by Senator C. Walker.

Joseph G. Murray, Chair

Reports filed. On motion of Representative Murray, the reports of the Transportation committee were adopted.

**H.C.R. 2** and **S.C.R. 1**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

January 25, 2005

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 49, BICYCLE SAFETY PROVISIONS**, by Representative R. McGee, with the following amendments:

1. Page 1, Line 16:

- 16 • maintain the clearance until safely past the bicycle;  
     {~~and~~}
- ▶ provides that the three foot passing distance requirement does not apply if the road is too narrow to safely pass the bicycle;
- ▶ provides that an operator of a vehicle may not be cited for a violation if:
  - the operator and of the vehicle is involved in an accident with the bicyclist; and
  - the bicyclist was operating the bicycle in a negligent manner; and

2. Page 2, Lines 35 through 39:

- 35 (3) (a) An operator of a vehicle proceeding in the opposite direction shall when passing a bicycle :
- 36 {~~(a) pass a bicycle~~ } (i) travel at a safe distance of no less than three feet between any part of the
- 37 passing vehicle and the bicycle; and
- 38 {~~(b)~~ } (ii) maintain the clearance required under Subsection (3)(a) until safely past the
- 39 bicycle.
- (b) The provisions of Subsection (3)(a) do not apply if a lane is

too narrow for an operator of a vehicle to safely pass the bicycle at the distance required under Subsection (3)(a)(i).

(4) An operator of a vehicle may not be issued a citation for a violation of Subsection (3) if:

(a) the operator of the vehicle is involved in an accident with a bicyclist; and

(b) the bicyclist was operating the bicycle in a negligent manner.

3. Page 2, Line 53 through Page 3, Line 58:

53 (c) the operator of a vehicle overtaking a bicycle proceeding in the same direction

54 shall:

55 (i) leave a safe distance of no less than three feet between any part of the overtaking

56 vehicle and the bicycle; and

57 (ii) maintain the clearance required under Subsection (1)(c)(i) until safely past the

58 overtaken bicycle.

(2) The provisions of Subsection (1)(c) do not apply if a lane is too narrow for an operator of a vehicle to safely pass the bicycle at the distance required under Subsection (1)(c)(i).

4. Page 3, Line 59:

59 ~~{-(2)-}~~ (3) On a highway having more than one lane in the same direction, the operator of a

5. Page 3, Line 71:

71 (v) when following direction signs that direct use of a designated lane.

(4) An operator of a vehicle may not be issued a citation for a violation of Subsection (1)(c) if:

(a) the operator of the vehicle is involved in an accident with a bicyclist; and

(b) the bicyclist was operating the bicycle in a negligent manner.

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 67**, ABANDONED VEHICLES AMENDMENTS, by Representative J. Gowans; and



The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **S.B. 22**, DRUG OFFENDER REFORM ACT, by Senator D. C. Buttar.

DeMar “Bud” Bowman, Chair

Reports filed. On motion of Representative Bowman, the reports of the Law Enforcement and Criminal Justice committee were adopted.

**H.B. 49**, as amended, and **H.B. 67**, read the second time by short title and placed on the calendar for third reading.

**S.B. 22**, read the second time by short title and referred to the Rules Committee due to fiscal impact

\* \* \*

Mr. Speaker: January 25, 2005

The Judiciary Committee reports a favorable recommendation on **H.B. 59**, DOMESTIC VIOLENCE ENHANCEMENT, by Representative C. Moss.

James A. Ferrin, Chair

Reports filed. On motion of Representative Ferry, the reports of the Judiciary committee were adopted.

**H.B. 59**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 25, 2005

The Health and Human Services Committee reports a favorable recommendation on **H.B. 33**, ASSISTANCE FOR PEOPLE WITH BLEEDING DISORDERS, by Representative D. Litvack, with the following amendments:

- 1. Page 5, Line 131:

131 program { ~~in the same manner as an in network~~  
~~provider~~ } subject to all applicable plan benefits and limitations ;  
and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 64**, CRIMINAL BACKGROUND CHECKS FOR PERSONAL CARE ATTENDANTS, by Representative F. Hunsaker; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 17**, FOSTER CARE CITIZEN REVIEW BOARD, by Senator D. Eastman.

Bradley G. Last, Chair

Reports filed. On motion of Representative Last, the reports of the Health and Human committee were adopted.

**H.B. 33**, as amended, **H.B. 64**, and **S.B. 17**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 25, 2005

The Business and Labor Committee reports a favorable recommendation on **H.B. 66**, NATUROPATHIC PHYSICIAN AMENDMENTS, by Representative J. Ferrin; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 47**, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, by Representative S. Urquhart, with the following amendments:

1. Page 1, Lines 11 through 23:

11 This bill:

12 ► defines terms;

13 ► ~~{expands the prohibition on a franchisor that requires a franchisee to release the~~

14 ~~franchisor from liability;-}~~

15 ► ~~{prohibits a franchisor from controlling of a franchisee's funds without a description~~

16 ~~of the franchisor's claim to the funds and written approval from the franchisee;~~

17 ► prohibits a franchisor from requiring written approval for the franchisor to control a

18 ~~franchisee's funds as a condition of a franchise agreement or delivery of products~~

19 ~~and services;-}~~

addresses requirements for a franchisor's taking or controlling of a franchisee's funds;

- 20 ▶ prohibits a franchisor from conditioning preferential  
status on the sale of {~~a product~~  
21 ~~originating from a third-party supplier~~} certain products if  
the franchisor receives a financial benefit  
22 from the franchisee's sale of that product; and  
23 ▶ makes technical changes.
2. Page 5, Lines 126 through 131:  
126 (d) require a franchisee to refrain from participating in the  
management of, investment  
127 in, or acquisition of any other line of new motor vehicles or related  
products, if the franchisee :  
128 (i) {~~the franchisee~~} maintains a reasonable line of credit  
for each make or line of  
129 vehicles; and  
130 (ii) {~~the franchisee~~} complies with reasonable capital  
and facilities requirements of the  
131 franchisor;
3. Page 5, Lines 134 through 135:  
134 (i) relieve a franchisor from any liability {~~, duty, or~~  
responsibility} imposed {~~on the~~  
135 franchisor} by this chapter; or
4. Page 9, Line 274 through Page 10, Line 289:  
274 {~~(gg) take or assert control over funds belonging to a~~  
franchisee without:  
275 (i) fully identifying in writing the basis for the franchisor's  
claim; and  
276 (ii) obtaining the franchisee's written approval for the  
franchisor taking or asserting  
277 control over the funds;  
278 (hh) require execution of the written approval required by  
Subsection (1)(gg) by a  
279 franchisee or prospective franchisee as a condition precedent to:

- 280 (i) a franchise agreement; or
- 281 (ii) delivery of a product or service by the franchisor under a franchise agreement;
- 282 (ii) condition a franchisor's preferential status for the acquisition of a new motor
- 283 vehicle, product, or service upon the franchisee's sale of an aftermarket product if:
- 284 (i) the aftermarket product is:
- 285 (A) manufactured by the franchisor; or
- 286 (B) obtained by the franchisor for resale from a third party supplier; and
- 287 (ii) the franchisor or its affiliate derives a financial benefit from the franchisee's sale of
- 288 the aftermarket product; or }
- (gg) (i) take control over funds owned or under the control of a franchisee based on the findings of a warranty audit or sales incentive audit unless the following conditions are satisfied:
- (A) the franchisor fully identifies in writing the basis for the franchisor's claim or charge back arising from the audit, including notifying the franchisee that the franchisee has 20 days from the day on which the franchisee receives the franchisor's claim or charge back to assert a protest in writing to the franchisor identifying the basis for the protest;
- (B) the franchisee's protest shall inform the franchisor that the protest shall be submitted to a mediator in the state who is identified by name and address in the franchisee's notice to the franchisor;
- (C) if mediation is requested under Subsection (gg)(i)(B), mediation shall occur no later than 30 days after the day on which the franchisor receives the franchisee's protest of a claim or charge back;
- (D) if mediation does not lead to a resolution of the protest, the protest shall be set for binding arbitration in the same venue in which the mediation occurred;
- (E) binding arbitration under Subsection (gg)(i)(D) shall be conducted;
- (I) by an arbitrator mutually agreed upon by the franchisor and the franchisee; and
- (II) on a date mutually agreed upon by the franchisor and the franchisee, but shall be held no later than 90 days after the franchisor's

receipt of the franchisee's notice of protest;

(F) this Subsection (1)(gg)(i) applies exclusively to warranty audits and sales incentive audits;

(G) Subsections (1)(gg)(i)(A) through (E) do not apply if the franchisor reasonably believes that the amount of the claim or charge back is related to a fraudulent act by the franchisee; and

(H) The costs of the mediator or arbitrator instituted under this Subsection (1)(gg) shall be shared equally by the franchisor and the franchisee.

(ii) A franchisor may not require a franchisee to execute a written waiver of the requirements of Subsection (gg)(i);

(hh) coerce, or attempt to coerce a franchisee to purchase or sell an aftermarket product manufactured by the franchisor, or obtained by the franchisor for resale from a third-party supplier and the franchisor or its affiliate derives a financial benefit from the franchisee's sale or purchase of the aftermarket product as a condition to obtaining preferential status from the franchisor; or

289        {~~(jj)~~ }        (ii) through an affiliate, take any action that would otherwise be prohibited under this

The Business and Labor Committee reports a favorable recommendation on **H.B. 71, LICENSING OF ESTHETICIANS AND NAIL TECHNICIANS**, by Representative J. Fisher, with the following amendments:

1. Page 2, Line 31:

31 AMENDS:

58-11a-102, as last amended by Chapter 204, Laws of Utah 2001

2. Page 2, Line 37:

37 Be it enacted by the Legislature of the state of Utah:

Section 1. Section 58-11A-102 is amended to read:

58-11a-102. Definitions.

(1) "Approved cosmetologist/barber apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(1) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(2) "Approved esthetician apprenticeship" means an apprenticeship that meets the requirements of Subsection 58-11a-306(2) and the requirements established by rule by the division

in collaboration with the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(3) “Approved master esthetician apprenticeship” means an apprenticeship that meets the requirements of Subsection 58–11a–306(3) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(4) “Approved nail technician apprenticeship” means an apprenticeship that meets the requirements of Subsection 58–11a–306(4) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(5) “Board” means the Cosmetology/Barbering, Esthetics, Electrology, and Nail Technology Licensing Board created in Section 58–11a–201.

(6) “Cosmetologist/barber” means a person who is licensed under this chapter to engage in the practice of cosmetology/barbering.

(7) “Cosmetologist/barber instructor” means a cosmetologist/barber who is licensed under this chapter to teach cosmetology/barbering at a licensed cosmetology/barber school.

(8) “Direct supervision” means that the supervisor of an apprentice or the instructor of a student is immediately available for consultation, advice, instruction, and evaluation.

(9) “Electrologist” means a person who is licensed under this chapter to engage in the practice of electrology.

(10) “Electrologist instructor” means an electrologist who is licensed under this chapter to teach electrology at a licensed electrology school.

(11) “Esthetician” means a person who is licensed under this chapter to engage in the practice of esthetics.

(12) “Esthetician instructor” means a master esthetician who is licensed under this chapter to teach the practice of esthetics and the practice of master–level esthetics at a licensed esthetics school.

(13) “Fund” means the Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Education and Enforcement Fund created in Section 58–11a–103.

(14) “Licensed cosmetology/barber school” means a cosmetology/barber school licensed under this chapter.

(15) “Licensed electrology school” means an electrology school licensed under this chapter.

(16) “Licensed esthetics school” means an esthetics school licensed under this chapter.

(17) “Licensed nail technology school” means a nail technology school licensed under this chapter.

(18) “Master esthetician” means an individual who is licensed under this chapter to engage in the practice of master-level esthetics.

(19) “Nail technician” means an individual who is licensed under this chapter to engage in the practice of nail technology.

(20) “Nail technician instructor” means a nail technician licensed under this chapter to teach the practice of nail technology in a licensed nail technology school.

(21) (a) “Practice of cosmetology/barbering” means:

(i) styling, arranging, dressing, curling, waving, permanent waving, cleansing, singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a person;

(ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or other appliances;

(iii) arching eyebrows, or tinting eyebrows or eyelashes, or both;

(iv) removing hair from the face, neck, shoulders, arms, back, bikini line, or legs of a person by the use of depilatories, waxing, or shaving equipment;

(v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces or both on the human head; or

(vi) practicing hair weaving or hair fusing or servicing previously medically implanted hair.

(b) The term “practice of cosmetology/barbering” includes:

(i) the practice of esthetics; and

(ii) the practice of nail technology.

(22) “Practice of cosmetology/barbering instruction” means instructing cosmetology/barbering in a licensed cosmetology/barber school.

(23) “Practice of electrolylogy” means the removal of superfluous hair from the body of a person by the use of electricity.

(24) “Practice of electrolylogy instruction” means instructing electrolylogy in a licensed electrolylogy school.

(25) “Practice of esthetics” means any one of the following skin care procedures done on the head, face, neck, torso, abdomen, back, arms, hands, legs, feet, eyebrows, or eyelashes for cosmetic purposes and not for the treatment of medical, physical, or mental ailments:

(a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or masks, extraction, depilatories, waxes, tweezing, natural nail manicures or pedicures, or callous removal by buffing or filing;

(b) manual lymphatic massage of the face and neck;

(c) limited chemical exfoliation as defined by rule;

(d) removing superfluous hair by means other than electrolysis or laser procedures; or

(e) other esthetic preparations or procedures with the use of the hands, a high-frequency or galvanic electrical apparatus, or a heat lamp for beautifying or similar work performed on the body for cosmetic purposes and not for the treatment of medical, physical, or mental ailments.

(26) “Practice of esthetics instruction” means instructing esthetics or master-level esthetics in a licensed esthetics school.

(27) (a) “Practice of master-level esthetics” means:

(i) any of the following when done for cosmetic purposes and not for the treatment of medical, physical, or mental ailments:

(A) body wraps as defined by rule;

(B) hydrotherapy as defined by rule;

(C) chemical exfoliation as defined by rule;

(D) advanced pedicures as defined by rule;

(E) sanding, including microdermabrasion; or

(F) other esthetic preparations or procedures with the use of:

(I) the hands; or

(II) a mechanical or electrical apparatus which is approved for use by division rule for beautifying or similar work performed on the body for cosmetic purposes and not for the treatment of a medical, physical, or mental ailment; and

(ii) lymphatic massage by manual or other means.

(b) Notwithstanding the provisions of Subsection (27)(a), a master-level esthetician may perform procedures listed in Subsection (27)(a)(i) for noncosmetic purposes if done under the supervision of a licensed health care practitioner acting within the scope of his or her license.

(c) The term “practice of master-level esthetics” includes the practice of esthetics.

(28) “Practice of nail technology” means to trim, cut, clean, manicure, shape, massage, or enhance the appearance of the ~~{-nails of the-}~~ hands ~~{-or-}~~ and feet and nails of an



individual by the use of hands, mechanical, or electrical preparation, antiseptic, lotions, or creams, including the application and removal of sculptured or artificial nails.

(29) “Practice of nail technology instruction” means instructing nail technology in a licensed nail technician school.

(30) “Recognized cosmetology/barber school” means a cosmetology/barber school located in another state, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.

(31) “Recognized electrology school” means an electrology school located in another state, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.

(32) “Recognized esthetics school” means an esthetics school located in another state, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.

(33) “Recognized nail technology school” means a nail technology school in another state, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that state.

(34) “Salon” means a place, shop, or establishment in which cosmetology/barbering, esthetics, electrology, or nail technology is practiced.

(35) “Unlawful conduct” is as defined in Sections 58–1–501 and 58–11a–502.

(36) “Unprofessional conduct” is as defined in Sections 58–1–501 and 58–11a–501 and as may be further defined by rule by the division in collaboration with the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

Renumber remaining sections accordingly.

3. Page 8, Lines 227 through 230:

227 (b) be conducted by a supervisor who:

228 (i) is licensed under this chapter as a nail technician instructor;  
and

229 (ii) provides direct ~~one-on-~~ {~~one~~} two supervision of the nail technician apprentice during the

230 apprenticeship program.

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the Business and Labor committee were adopted.

**H.B. 66, H.B. 47**, as amended, and **H.B. 71**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

January 26, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 95**, OFFICE OF MUSEUM SERVICES AMENDMENTS, by Senator R. Allen; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 16**, DEPARTMENT OF WORKFORCE SERVICES – ACCESS TO FINANCIAL RECORDS, by Senator S. Jenkins, et al; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 12**, DEPARTMENT OF WORKFORCE SERVICES AMENDMENTS, by Senator S. Jenkins, et al; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 11**, ECONOMIC DEVELOPMENT INCENTIVES, by Representative B. Dee, et al.

David N. Cox, Chair

Reports filed. On motion of Representative Mascaro, the reports of the Workforce Services and Community and Economic Development committee were adopted.

**S.B. 95, S.B. 16, S.B. 12**, and **H.B. 11**, read the second time by short title and placed on the calendar for third reading.

### INTRODUCTION OF BILLS

**H.B. 96, Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels** (F. Hunsaker), read the first time by short title and referred to the Rules Committee.

**H.B. 97, State Budget Provisions** (G. Curtis), read the first time by short title and referred to the Rules Committee.

**H.B. 98, Offenses Committed Against Correctional and Peace Officers** (C. Oda), read the first time by short title and referred to the Rules Committee.

**H.B. 99, State Fleet Vehicle Classification** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.B. 150, Water Rights Fees** (J. Gowans), read the first time by short title and referred to the Rules Committee.

**H.B. 151, School Community Councils** (J. Dougall), read the first time by short title and referred to the Rules Committee.

**H.B. 237, State Benefit Provider Revisions** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.C.R. 10, Concurrent Resolution Honoring Waldo Wilcox for Preservation of Range Creek Area** (B. King), read the first time by short title and referred to the Rules Committee.

### THIRD READING CALENDAR

**S.J.R. 4, JOINT RULES RESOLUTION – INTERIM RULES RECODIFICATION**, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **S.J.R. 4**.

\* \* \*

**S.B. 18, REGULATING PROPRIETARY POSTSECONDARY SCHOOLS**, read the third time by short title and placed on its final passage.

**S.B. 18** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke

Frank	Gibson	Goodfellow	Gowans
Hardy	Harper	Hendrickson	Hogue
Hughes	Hunsaker	B. Johnson	King
Kiser	Last	Lawrence	Litvack
Mascaro	Mathis	McCartney	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Urquhart	Walker
Wallace	Wheatley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Hansen	Holdaway	E. Hutchings	Jones
Lockhart	Ure	Wheeler	

**S.B. 18** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### MISCELLANEOUS BUSINESS

On motion of Representative Ferry, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

### THIRD READING CALENDAR

**H.B. 170**, EXTENSION OF UTAH LOW-INCOME HOUSING TAX CREDITS, read the third time by short title and placed on its final passage.

**H.B. 170** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker

E. Hutchings	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

B. Johnson	Jones	Lockhart	McCartney
Ure	Wheeler		

**H.B. 170** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 14**, BOND ELECTION PROCESS AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Tilton proposed the following amendment:

1. Pages 21–22, Lines 647–656:  
Reinstate the bracketed language on lines 647–656
2. Page 22, Line 657:  
After “Subsection” reinstate “(3)” and delete “(2)”

Renumber remaining subsections accordingly

Representative Tilton’s motion to amend passed on a voice vote.

**H.B. 14**, as amended, then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank

Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McCartney	McGee
Menlove	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Dayton	Morgan	Wheeler
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**H.B. 14**, as amended, held for possible reconsideration.

\* \* \*

**H.B. 179**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 179** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff

G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wyatt
Curtis			

**Absent or not voting were:** Representatives  
 McCartney Wheeler

**H.B. 179** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 177, WILDLIFE LICENSE REFUND AMENDMENTS**, read the third time by short title and placed on its final passage.

**H.B. 177** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wyatt	Curtis	

**Absent or not voting were:** Representatives  
 Lockhart McCartney Morley Wheeler

**H.B. 177** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 181, DUPLICATE WILDLIFE LICENSING AMENDMENTS**, read the third time by short title and placed on its final passage.

**H.B. 181** then passed on the following roll call:

**Yeas, 66; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wyatt		

**Absent or not voting were:** Representatives

Barrus	Biskupski	Goodfellow	Gowans
McCartney	Morley	Shurtliff	Wheeler
Curtis			

**H.B. 181** transmitted to the Senate for its consideration.

\* \* \*

**H.C.R. 7, CONCURRENT RESOLUTION OPPOSING NUCLEAR TESTING,** read the third time by short title and placed on its final passage.

**H.C.R. 7** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Biskupski	Bourdeaux
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw



Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hunsaker	E. Hutchings	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Becker	Bowman	Hughes	B. Johnson
McCartney	McGee	Shurtliff	Wheeler

**H.C.R. 7** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 164**, REPEAL OF UTAH PERSONAL INTRODUCTION SERVICES PROTECTION ACT, read the third time by short title and placed on its final passage.

**H.B. 164** then passed on the following roll call:

**Yeas, 56; Nays, 0; Absent or not voting, 19.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Bigelow	Bourdeaux	Bowman	Buxton
Christensen	D. Clark	Cosgrove	D. Cox
Daw	Dee	Donnelson	Duckworth
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Harper	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	Jones
King	Last	Lawrence	Mascaro
Mathis	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel

Oda	Painter	Ray	Romero
G. Snow	Tilton	Urquhart	Walker
Wallace	Wheatley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Adams	Becker	Biskupski	Buttars
S. Clark	Dayton	Dougall	Dunnigan
Hardy	Hendrickson	B. Johnson	Kiser
Litvack	Lockhart	McCartney	McGee
Shurtliff	Ure	Wheeler	

**H.B. 164** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 54**, CRIMINAL APPEAL AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 54** then passed on the following roll call:

**Yeas, 58; Nays, 0; Absent or not voting, 17.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Last	Lawrence	Mascaro	Mathis
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	G. Snow	Tilton
Urquhart	Walker	Wallace	Wheatley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Adams	Biskupski	S. Clark	Dougall
Dunnigan	Hardy	Hendrickson	Hughes
Kiser	Litvack	Lockhart	McCartney
McGee	Romero	Shurtliff	Ure
Wheeler			

**H.B. 54** transmitted to the Senate for its consideration.

**RULES COMMITTEE REPORT**

Mr. Speaker: January 26, 2005  
The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

**H.B. 70** Health Discount Program Consumer Protection Act  
(Rep. J. Dunnigan)

**EDUCATION**

**H.B. 74** Tuition Reimbursement Program for Students Seeking  
Teacher Licensure in Disability or Special Education  
(Rep. R. Menlove)

**H.B. 88** Air Conditioned Buses for Students with Disabilities  
(Rep. D. Hogue)

**H.B. 196** Legislators Involvement in Public Schools  
(Rep. D. Bourdeaux)

**GOVERNMENT OPERATIONS**

**H.B. 90** Search and Rescue Advisory Board – Amendments  
(Rep. J. S. Adams)

**H.B. 211** Integrity of Election Results Amendments  
(Rep. J. Dougall)

**HEALTH AND HUMAN SERVICES**

**H.B. 80** Services for People with Disabilities (Rep. R. Lockhart)

**JUDICIARY**

**S.B. 21** Limitation on Liability Regarding Liquefied Petroleum  
Gas (Sen. D. Eastman)

**S.B. 32** Limitation of Landowner Liability for Public Recreation  
(Sen. G. Bell)

**S.B. 103** Liens on Aircraft (Sen. T. Hatch)

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

**H.B. 184** Domestic Violence – Change of Locks on Rental Property  
(Rep. L. Shurtliff)

**H.B. 212** Traffic Violations by Diplomats (Rep. D. Hogue)

**NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT**

- H.B. 156** Dairy Promotion Act Amendments (Rep. D. Ure)  
**H.B. 203** Agricultural Advisory Board (Rep. M. Noel)  
**H.B. 226** Government Records Access and Management Act  
Requirements Regarding Animal Identification Program  
(Rep. C. Buttars)

**POLITICAL SUBDIVISIONS**

- H.J.R. 7** Resolution Amending State Auditor Qualifications  
(Rep. R. Romero)  
**S.B. 78** Optional Forms of County Government Amendment  
(Sen. D. Thomas)  
**S.B. 27** Sunset Reauthorizations (Sen. L. A. Mansell)

**REVENUE AND TAXATION**

- H.B. 225** Boat Registration Fee (Rep. B. Goodfellow)  
**H.J.R. 12** Resolution Eliminating Property Tax on Personal Property  
(Rep. J. Dougall)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until January 27, 2005, at 10:00 a.m.

# ELEVENTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present except Representative Ty McCartney, absent.

Prayer by Representative LaVar Christensen. Pledge of Allegiance by Parker Jensen.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: January 26, 2005

The Senate passed **S.B. 81**, LOCAL GOVERNMENT APPROVAL FOR SOLID NONHAZARDOUS AND HAZARDOUS WASTE DISPOSAL, by Senator B. Evans, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 15**, CHILDREN'S JUSTICE CENTER AMENDMENTS, by Senator D. C. Buttars, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 14**, UNIFORM PARENTAGE ACT, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 35**, RELATIONSHIPS WITH VENTURE CAPITAL ENTITIES, by Senator D. Thomas, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 37**, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, by Senator D. Eastman, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 79**, EXTENSION OF SUNSET DATE ON RESOURCE DEVELOPMENT COORDINATING COMMITTEE, by Senator B. Evans, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 81**, **S.B. 15**, **S.B. 14**, **Sub. S.B. 35**, **S.B. 37**, and **S.B. 79**, read the first time by short title and referred to the Rules Committee.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 26, 2005

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 159**, MOTOR ASSISTED SCOOTER AND MINI-MOTORCYCLE AMENDMENTS, by Representative B. Dee, with the following amendments:

1. Page 3, Lines 69 through 70:

69        (9) "Direct supervision" means oversight at a distance within  
which    ;

(a) visual contact is

70        maintained    { for the purpose of advising and assisting }    ;  
and

(b) advice and assistance can be given and received    .

2. Page 4, Lines 112 through 118:

112        (21) (a) "Mini-motorcycle" means a motorcycle or  
motor-driven cycle that has a seat or

113        saddle that is less than 24 inches from the ground as measured on a  
level surface with properly

114        inflated tires.

115        (b) "Mini-motorcycle" does not include a moped or a motor  
assisted scooter.

116        (c) "Mini-motorcycle" does not include a motorcycle that is:  
(i) legally licensed and registered for highway use; or

117        { -(i) }    (ii) (A) designed for off-highway use; and

118        { -(ii) }    (B) registered as an off-highway vehicle  
under Section 41-22-3.

- 3. Page 9, Lines 270 through 271:

270 (e) carrying more persons at one time than the number for which  
it is designed { ~~—except~~

271 an adult operator may carry a child securely attached to the operator  
in a pack or sling } ; or

Brad L. Dee, Chair

Reports filed. On motion of Representative Lawrence, the reports of the Political Subdivisions committee were adopted.

**H.B. 159**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

January 26, 2005

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 78**, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, by Representative W. Harper, with the following amendments:

- 1. Page 1, Lines 18–20:  
Delete lines 18 – 20
- 2. Page 3, Line 68:  
Delete “\$250” and insert “\$100”
- 3. Page 4, Line 93:  
Delete “\$250” and insert “\$100”; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. S.B. 23**, PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY, by Senator C. Bramble, with the following amendments:

- 1. Page 8, Line 214:  
214 (e) “other motorcycle” means a motor vehicle  
that { ~~—~~ } ;
- 2. Page 14, Line 421 through Page 15, Line 429:  
421 is not equal to the length of the vessel determined by reference to  
the model number; and

- 422 (ii) (A) is determined at the time of the:
- 423 (I) first registration as defined in Section 41-1a-102 that occurs  
on or after January 1,
- 424 2006; or
- 425 (II) first renewal of registration that occurs on or after January 1,  
2006; and
- 426 (B) may be determined after the time described in Subsection  
(6)(c)(ii)(A) only if the
- 427 commission requests that a dealer or an owner submit a form to the  
commission in accordance
- 428 with Subsection (6)(d) {~~and~~ } =
- 429 {~~(iii) is subject to appeal in accordance with Subsection~~  
~~(7).~~}

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 6, SALES AND USE TAX AGRICULTURE EXEMPTIONS**, by Senator R. Allen; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 36, SALES AND USE TAXATION OF PAWN TRANSACTIONS**, by Senator R. Allen.

Wayne A. Harper, Chair

Reports filed. On motion of Representative Harper, the reports of the Revenue and Taxation committee were adopted.

**H.B. 78**, as amended, **Sub. S.B. 23**, as amended, **S.B. 6**, and **S.B. 36**, read the second time by short title and placed on the calendar for third reading.

### INTRODUCTION OF BILLS

**H.B. 100, Consumer Credit Bureau Notice Requirements** (K. Morgan), read the first time by short title and referred to the Rules Committee.

**H.B. 142, Issues Submitted to Voters** (G. Hughes), read the first time by short title and referred to the Rules Committee.

**H.B. 143, National Guard Amendments** (E. Hutchings), read the first time by short title and referred to the Rules Committee.



**H.B. 144, Ban on Gifts to Elected Officials** (R. Becker), read the first time by short title and referred to the Rules Committee.

**H.B. 145, Amendments to Hearing and Speech Impaired Telecommunications Program** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

**H.B. 146, Vaccine Restrictions** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.B. 147, Property Tax Exemption for Veterans** (G. Hughes), read the first time by short title and referred to the Rules Committee.

**H.B. 148, School Truancy Amendments** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.B. 149, Vehicle Identification Number Inspectors** (C. Frank), read the first time by short title and referred to the Rules Committee.

**H.B. 238, Utah Technology Commission Membership** (J. Dougall), read the first time by short title and referred to the Rules Committee.

### COMMITTEE OF THE WHOLE

On motion of Representative Oda, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from the Counsel General of Japan.

On motion of Representative Oda, the Committee of the Whole was dissolved.

### CONSENT CALENDAR

**H.B. 173, STATE EMPLOYEE AMENDMENTS**, read the third time by short title and placed on its final passage.

**H.B. 173** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	Christensen

D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	Jones
King	Kiser	Last	Litvack
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wyatt	Curtis

**Absent or not voting were:** Representatives

Buttars	Goodfellow	B. Johnson	Lawrence
Lockhart	McCartney	Oda	

**H.B. 173** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 180**, RETIREMENT OFFICE AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 180** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis

McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Gibson	B. Johnson	Lockhart	McCartney
Oda			

**H.B. 180** transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**S.B. 20**, OFFICE OF LEGISLATIVE AUDITOR – ACCESS TO INFORMATION, read the third time by short title and placed on its final passage.

**S.B. 20** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Absent or not voting were:** Representatives

McCartney            Oda

**S.B. 20** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### UNFINISHED BUSINESS

On motion of Representative Lockhart, the House voted to uncircle **S.J.R. 4**.

**S.J.R. 4**, JOINT RULES RESOLUTION – INTERIM RULES RECODIFICATION, was before the House on its final passage.

**S.J.R. 4** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Buttars	Gowans	Hansen	Mascaro
McCartney	Oda		

**S.J.R. 4** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**THIRD READING CALENDAR**

**S.C.R. 1**, RESOLUTION ENCOURAGING MANAGED LANES STUDY, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **S.C.R. 1**.

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**S.B. 17**, FOSTER CARE CITIZEN REVIEW BOARD, read the third time by short title and placed on its final passage.

On motion of Representative Christensen, the House voted to circle **S.B. 17**.

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**S.B. 11**, INITIATIVE PETITIONS AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **S.B. 11**.

\* \* \*

**S.B. 76**, AMENDMENTS TO NAVAJO TRUST FUND, read the third time by short title and placed on its final passage.

**S.B. 76** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan

Morley	Moss	Murray	Newbold
Noel	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Adams	E. Hutchings	McCartney	Oda
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**S.B. 76** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

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**S.B. 95**, OFFICE OF MUSEUM SERVICES AMENDMENTS, read the third time by short title and placed on its final passage.

**S.B. 95** then passed on the following roll call:

**Yeas, 65; Nays, 7; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferry	Fisher
Fowlke	Gibson	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Buttars	Dayton	Ferrin	Frank
Harper	Morley	Oda	

**Absent or not voting were:** Representatives

E. Hutchings          McCartney          Noel

**S.B. 95** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 16**, DEPARTMENT OF WORKFORCE SERVICES – ACCESS TO FINANCIAL RECORDS, read the third time by short title and placed on its final passage.

**S.B. 16** then passed on the following roll call:

**Yeas, 68; Nays, 1; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Moss
Murray	Newbold	Noel	Oda
Painter	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt

**Voting in the negative was:** Representative

Morley

**Absent or not voting were:** Representatives

S. Allen          E. Hutchings          Lockhart          McCartney  
Ray          Curtis

**S.B. 16** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 12**, DEPARTMENT OF WORKFORCE SERVICES AMENDMENTS, read the third time by short title and placed on its final passage.

**S.B. 12** then passed on the following roll call:

**Yeas, 57; Nays, 11; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buxton	Christensen	S. Clark	Cosgrove
D. Cox	Daw	Dee	Duckworth
Dunnigan	Ferrin	Ferry	Fowlke
Gibson	Goodfellow	Hardy	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt			

**Voting in the negative were:** Representatives

Dayton	Donnelson	Dougall	Fisher
Frank	Gowans	Hansen	Harper
Hendrickson	Morley	Tilton	

**Absent or not voting were:** Representatives

Alexander	Bourdeaux	Buttars	D. Clark
McCartney	Ure	Curtis	

**S.B. 12** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.



**MISCELLANEOUS BUSINESS**

On motion of Representative Urquhart, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

**THIRD READING CALENDAR**

**H.B. 55, DRUG OFFENSE PENALTY ENHANCEMENTS**, read the third time by short title and placed on its final passage.

**H.B. 55** then passed on the following roll call:

**Yeas, 46; Nays, 26; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buxton	S. Clark	Cosgrove	D. Cox
Daw	Dee	Duckworth	Ferrin
Fisher	Fowlke	Gibson	Goodfellow
Hansen	Hardy	Hendrickson	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Lawrence	Litvack
Mascaro	McGee	Menlove	Morgan
Moss	Murray	Noel	Ray
Romero	Shurtliff	Wallace	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Bigelow	Buttars	Christensen	D. Clark
Dayton	Donnelson	Dunnigan	Ferry
Frank	Gowans	Harper	Hughes
Kiser	Last	Lockhart	Mathis
Morley	Newbold	Oda	Painter
G. Snow	Tilton	Ure	Urquhart
Walker	Wheatley		

**Absent or not voting were:** Representatives

Alexander	Dougall	McCartney
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**H.B. 55** transmitted to the Senate for its consideration.

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**H.B. 48, MOTOR VEHICLE REGISTRATION AND SAFETY INSPECTION AMENDMENTS**, read the third time by short title and placed on its final passage.

**H.B. 48**, as amended, then passed on the following roll call:

**Yeas, 65; Nays, 3; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Barrus	Becker
Biskupski	Bourdeaux	Bowman	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morley	Moss	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt			

**Voting in the negative were:** Representatives

Morgan	Murray	G. Snow
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**Absent or not voting were:** Representatives

Adams	Alexander	Bigelow	Buttars
McCartney	Tilton	Curtis	

**H.B. 48**, as amended, transmitted to the Senate for its consideration.

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**H.B. 7, INDIVIDUAL INCOME TAX – CONTRIBUTIONS FOR EDUCATION**, read the third time by short title and placed on its final passage.

**H.B. 7** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux

Bowman	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Wallace	Wheatley	Wheeler	Wyatt

**Absent or not voting were:** Representatives

Bigelow	Buttars	Hardy	McCartney
Ray	Walker	Curtis	

**H.B. 7** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 23**, DEPARTMENT OF WORKFORCE SERVICES – WORK EXPERIENCE AND TRAINING PROGRAMS, read the third time by short title and placed on its final passage.

Representative Cox proposed the following amendment:

- 1. Page 2, Lines 35 through 36

35 funded by the department is considered to be a volunteer  
government worker of the department as provided in Title 67, Chapter  
20, Volunteer Government Workers Act.

36 solely for the purpose of receiving workers' compensation medical  
benefits.

Representative Cox' motion to amend passed on a voice vote.

**H.B. 23**, as amended, then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Goodfellow	Gowans	Hardy	Harper
Hendrickson	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wyatt	

**Absent or not voting were:** Representatives

Bigelow	Gibson	Hansen	Hogue
Holdaway	McCartney	Ure	Curtis

**H.B. 23**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 14**, transmitted to the Senate for its consideration.

### RULES COMMITTEE REPORT

Mr. Speaker:

January 27, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

#### **BUSINESS AND LABOR**

**S.B. 37**                      Motor Vehicle Business Regulation Act Amendments  
(Sen. D. Eastman)

#### **EDUCATION**

**H.B. 86**                      Utah College of Applied Technology Amendments  
(Rep. R. Bigelow)

**GOVERNMENT OPERATIONS**

**S.B. 79** Extension of Sunset Date on Resource Development Coordinating Committee (Sen. B. Evans)

**JUDICIARY**

**H.B. 163** Garnishment Fees (Rep. S. Mascaro)  
**H.B. 235** Insurance Amendments (Rep. S. Urquhart)  
**S.B. 15** Children's Justice Center Amendments  
(Sen. D. C. Buttars)

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

**H.B. 89** Presumption of Responsibility for Abuse or Neglect  
(Rep. L. Christensen)  
**H.B. 208** Unclaimed Property Amendments (Rep. P. Ray)  
**H.B. 215** Property Tracking Amendments (Rep. P. Ray)

**NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT**

**H.B. 83** Weights and Measures Amendments (Rep. D. Ure)  
**H.B. 150** Water Rights Fees (Rep. J. Gowans)  
**H.B. 155** Agricultural Coop Amendments (Rep. C. Buttars)  
**H.B. 229** Water Rights in Irrigation Companies (Rep. P. Painter)  
**H.C.R. 10** Concurrent Resolution Honoring Waldo Wilcox for Preservation of Range Creek Area (Rep. B. King)

**POLITICAL SUBDIVISIONS**

**S.B. 81** Local Government Approval for Solid Nonhazardous and Hazardous Waste Disposal (Sen. B. Evans)

**REVENUE AND TAXATION**

**H.B. 220** Sales and Use Tax Exemption for Textbooks for Higher Education (Rep. D. Bourdeaux)

**TRANSPORTATION**

**H.B. 91** License Plate for Disabled American Veterans  
(Rep. R. Bigelow)  
**H.B. 93** Emission Inspection Amendments (Rep. K. Gibson)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker: January 27, 2005

The Senate concurred in the House amendments and passed **S.B. 5**, TRAFFIC CODE RECODIFICATION AND REVISIONS, by Senator S. Killpack, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 5** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until January 28, 2005, at 10:00 a.m.

# TWELFTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present except Representative David Clark, excused.

Prayer by Representative Tim Cosgrove. Pledge of Allegiance by James Cosgrove, Representative Cosgrove’s son.

### COMMUNICATION FROM THE GOVERNOR

Mr. Larry Wiley: January 27, 2005

It is my pleasure to appoint you to the Utah State Legislature, to fill the seat in Legislative District 31 that was vacated by Ty McCartney. I am confident that as a legislator you will serve our state and the citizens in your district with discernment and decorum.

Jon M. Huntsman, Jr.  
Governor

Communication filed. Speaker Curtis administered the oath of office to Larry Wiley, District 31.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: January 27, 2005

The Senate passed **S.B. 30**, AMENDMENTS TO SEARCH WARRANTS, by Senator D. Thomas, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 40**, REGULATION OF TITLE INSURANCE INDUSTRY, by Senator T. Hatch, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 86**, 2004 GENERAL OBLIGATION BOND AMENDMENTS, by Senator P. Knudson, and it is transmitted for consideration; and

The Senate passed **S.B. 87**, RESIDENCE LIEN RESTRICTION AND LIEN RECOVERY FUND AMENDMENTS, by Senator D. Thomas, and it is transmitted for consideration; and

The Senate passed **S.B. 88**, CREATION OF LOCAL DISTRICTS, by Senator C. Walker, and it is transmitted for consideration; and

The Senate passed **S.B. 90**, COUNTY OFFICERS SERVING ON BOARDS OF COUNTY MENTAL HEALTH AND SUBSTANCE ABUSE PROVIDERS, by Senator D. Thomas, and it is transmitted for consideration; and

The Senate passed **S.B. 91**, INTERSTATE JUVENILE COMPACT, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed **S.B. 93**, CHILDREN'S JUSTICE CENTER ADDITION, by Senator T. Hatch, and it is transmitted for consideration; and

The Senate passed **S.B. 94**, RESTITUTION AMENDMENTS, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 97**, CONSOLIDATION OF CITY AND COUNTY LIBRARY, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed **S.J.R. 3**, RESOLUTION ENCOURAGING MEDIATION, by Senator C. Walker, and it is transmitted for consideration.

Annette B. Moore

Secretary of the Senate

Communications filed. **S.B. 30, S.B. 40, S.B. 86, S.B. 87, S.B. 88, S.B. 90, S.B. 91, S.B. 93, S.B. 94, S.B. 97**, and **S.J.R. 3**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker:

January 27, 2005

The Senate passed, **H.J.R. 6**, RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES, by Representative M. Newbold, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.J.R. 8**, JOINT RULES RESOLUTION – USE OF LEGISLATIVE SEALS, by Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.J.R. 9**, RESOLUTION AMENDING JOINT RULES REGARDING CONFLICTS OF INTEREST, by Representative J. Dougall, which has been signed by the President and it is transmitted for the signature of the Speaker; and



The Senate passed, **H.J.R. 10**, JOINT RULES RESOLUTION – AMENDMENTS IN CONTEXT, by Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.J.R. 6**, **H.J.R. 8**, **H.J.R. 9**, and **H.J.R. 10** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 27, 2005

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 68**, MOTOR VEHICLE ENFORCEMENT DIVISION AMENDMENTS, by Representative P. Ray.

DeMar “Bud” Bowman, Chair

Report filed. On motion of Representative Bowman, the report of the Law Enforcement and Criminal Justice committee was adopted.

**H.B. 68**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 27, 2005

The Judiciary Committee reports a favorable recommendation on **H.B. 76**, HABITUAL VIOLENT OFFENDERS AMENDMENTS, by Representative P. Ray; and

The Judiciary Committee reports a favorable recommendation on **H.B. 218**, SECOND DISTRICT JUVENILE JUDGE, by Representative J. S. Adams; and

The Judiciary Committee reports a favorable recommendation on **H.B. 222**, PILOT PROGRAM REPEAL CLEAN-UP, by Representative R. Romero, and recommends it be placed on the Consent Calendar.

James A. Ferrin, Chair

Reports filed. On motion of Representative Ferrin, the reports of the Judiciary committee were adopted.

**H.B. 76** and **H.B. 218**, read the second time by short title and placed on the calendar for third reading.

**H.B. 222**, read the second time by short title and placed on the Consent Calendar.

\* \* \*

Mr. Speaker:

January 27, 2005

The Transportation Committee reports a favorable recommendation on **H.B. 65**, DRIVER LICENSE AND COMMERCIAL DRIVER LICENSE AMENDMENTS, by Representative D. Bowman, with the following amendments:

1. Page 2, Lines 53 through 54:  
 53 Other Special Clauses:  
 54        ~~{None}~~        This bill takes effect on July 1, 2005.
2. Page 4, Lines 112 through 113:  
 112        ~~(xv) operating or being in actual physical control of a motor vehicle in violation of~~  
 113 Subsection 53-3-227(4) (a)(i)(B) .
3. Page 12, Lines 352 through 353:  
 352        ~~(2) (a) A licensee shall display a CDL or CDIP license certificate upon demand of a~~  
 353 justice ~~{of the peace}~~ court judge ~~, a peace officer, a special function officer, a port-of-entry officer, or a~~ ~~{field deputy or inspector}~~ designee of the division.
4. Page 13, Lines 389 through 391:  
 389        (1) The application for a CDL or CDIP shall include the following information  
 390 regarding the applicant:  
 391        (a) full legal name and current mailing and Utah residential address;
5. Page 20, Lines 611 through 612:  
 611        (b) who is performing official duties as provided in Sections 23-20-1.5 and 76-10-523  
 612 and as otherwise provided by law.  
Section 13. Effective date.  
This bill takes effect on July 1, 2005.

Joseph G. Murray, Chair

Reports filed. On motion of Representative Murray, the reports of the Transportation committee were adopted.

**H.B. 65**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

January 27, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 157**, WATER ENFORCEMENT PROCEDURES AND PENALTIES, by Representative D. Ure; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 29**, STATE ENGINEER'S POWERS AND DUTIES AMENDMENTS, by Representative D. Clark, with the following amendments:

1. Page 2, Lines 33 through 37:

33 (3) ~~{-|-}~~ (a) ~~{-|-}~~ The state engineer shall ~~{-|}~~ }

34 ~~{-(a)}~~ be responsible for the general administrative supervision of the waters of the state

35 and the measurement, appropriation, apportionment, and distribution of those waters~~[-]; and~~

36 (b) the state engineer may secure the equitable apportionment and distribution of the water according to the

37 respective rights of appropriators.

The Natural Resources, Agriculture, and Environment Committee recommends **H.B. 38**, WATER LAW – CRIMINAL PENALTIES AMENDMENTS, by Representative B. Ferry, be replaced and reports a favorable recommendation on **1st Sub. H.B. 38**, WATER LAW – CRIMINAL PENALTIES AMENDMENTS with the following amendments:

1. Page 4, Lines 100 through 112:

100 (2) Under circumstances not amounting to an offense with a greater penalty under

101 Subsection 76-6-106(2)(b)(ii) or Section 76-6-404, violation of a provision listed in Subsection

102 (1) is punishable:

103 (a) as a felony of the third degree if:

104 (i) the value of the water diverted or property damaged or taken  
is \$2,500 or greater;

105 and

106 (ii) the person violating the provision has previously been  
convicted of {~~a provision~~

107 ~~listed in Subsection (1)~~ } violating the same provision ;

108 (b) as a class A misdemeanor if:

109 (i) the value of the water diverted or property damaged or taken  
is \$2,500 or greater; or

110 (ii) the person violating the provision has previously been  
convicted of {~~a provision~~

111 ~~listed in Subsection (1)~~ } violating the same provision ; or

112 (c) as a class B misdemeanor if Subsection (2)(a) or (b) do not  
apply.

2. Page 9, Lines 243 through 250:

243 73-3-26. Violations — Penalty.

244 (1) Any person[~~, firm, copartnership, association, or  
corporation~~] drilling a well or

245 wells in the state or who advertises or holds himself {~~or  
itself~~} out as a well driller, or who

246 follows such business, without first having obtained a {~~well  
permit, license, or well driller bond~~ } license

247 as provided by this act or who drills a well or wells after revocation  
or expiration of his {~~well~~

248 ~~permit, license, or well driller bond~~ } license theretofore  
issued, [~~or who drills a well or wells in~~

249 ~~violation of the rules and regulations~~] is guilty of a [~~class B  
misdemeanor~~] crime punishable

250 under Section 73-2-27.

3. Page 11, Lines 312 through 315:

312 (6) Except as provided in Subsection {~~73-2-29~~} (2), a  
person who knowingly or

313 intentionally relocates any natural stream channel, or alters the bed or bank of any natural

314 stream channel without first obtaining the written approval of the state engineer is guilty of a

315 crime punishable under Section 73-3-27.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.

**H.B. 157, H.B. 29**, as amended, and **Sub. H.B. 38**, as amended, read the second time by short title and placed on the calendar for third reading.

### COMMITTEE OF THE WHOLE

On motion of Representative Becker, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from Congressman Jim Matheson.

On motion of Representative Ferry, the Committee of the Whole was dissolved.

### INTRODUCTION OF BILLS

**H.B. 101, Amendments to the Individual Income Tax** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.B. 102, Higher Education Savings Incentive Program Amendments** (S. Wyatt), read the first time by short title and referred to the Rules Committee.

**H.B. 103, Student Housing Built by Higher Education Institutions** (S. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 135, Implementing Federal Educational Programs** (M. Dayton), read the first time by short title and referred to the Rules Committee.

**H.B. 136, Charter School Enrollment** (J. Ferrin), read the first time by short title and referred to the Rules Committee.

**H.B. 137, Repeal of Prior Amendments to the Voluntary Contributions Act** (N. Hansen), read the first time by short title and referred to the Rules Committee.

**H.B. 138, Nonresident Tuition for Higher Education Amendments** (M. S. Lawrence), read the first time by short title and referred to the Rules Committee.

**H.B. 139, Local School Board Amendments** (M. Dayton), read the first time by short title and referred to the Rules Committee.

**H.B. 140, Individual Income Tax Contribution for Community Spay and Neuter Programs** (M. Noel), read the first time by short title and referred to the Rules Committee.

**H.B. 141, School Breakfast Program** (D. Litvack), read the first time by short title and referred to the Rules Committee.

**H.B. 239, Repeal of Exemption from Nonresident Tuition** (G. Donnelson), read the first time by short title and referred to the Rules Committee.

**H.B. 240, Disaster Loan Program** (R. Bigelow), read the first time by short title and referred to the Rules Committee.

**H.J.R. 13, Resolution Supporting National Bear River Heritage Area Act** (C. Buttars), read the first time by short title and referred to the Rules Committee.

**H.R. 7, House Rules Resolution – Minority Report** (D. Ure), read the first time by short title and referred to the Rules Committee.

### CONSENT CALENDAR

**H.B. 69, FEDERAL HEALTH CARE TAX CREDIT PROGRAM ACT**, read the third time by short title and placed on its final passage.

**H.B. 69** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper

Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lockhart
Mascaro	Mathis	Wiley	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Alexander	D. Clark	Dee	Lawrence
Litvack			

**H.B. 69** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 195**, INSURANCE LAW AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 195** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Lockhart	Mascaro	Mathis
Wiley	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray

Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wyatt	Curtis

**Absent or not voting were:** Representatives

D. Clark	Fowlke	Litvack
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**H.B. 195** transmitted to the Senate for its consideration.

\* \* \*

**H.C.R. 6**, RESOLUTION RECOGNIZING UTAH'S LEGISLATORS BACK TO SCHOOL PROGRAM, read the third time by short title and placed on its final passage.

**H.C.R. 6**, as amended, then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	Christensen	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Lockhart	Mascaro	Mathis	Wiley
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Alexander	Bourdeaux	D. Clark	Litvack
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**H.C.R. 6**, as amended, transmitted to the Senate for its consideration.



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**H.B. 160**, WILDLIFE AGENTS AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 160** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Lockhart	Mascaro
Mathis	Wiley	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Absent or not voting were:** Representatives

D. Clark	Litvack
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**H.B. 160** transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Shurtliff, the House voted to uncircle **H.B. 172**.

**H.B. 172**, NOTARY PUBLIC AMENDMENTS, was before the House on its final passage.

Representative Shurtliff proposed the following amendment:

1. Page 3, Lines 70 through 79

70 (6) (a) Beginning July 1, 2005, each applicant for a notarial  
commission {~~-or applicant to~~

71 renew a notarial commission } must complete at least four hours  
of approved notary education

72 within the six-month period immediately preceding the  
application for a commission {~~-or a~~

73 renewal. }

(b) (i) Beginning July 1, 2005 and until July 1, 2009, each  
applicant for a renewal of a notarial commission shall complete at least  
four hours of approved notary education.

(ii) After July 1, 2009, an applicant for renewal of a notarial  
commission is not required to complete notarial education unless the  
provisions of Subsection (6)(e) apply.

74 {~~(b)~~ } (c) Notary education may either be  
interactive or classroom instruction. All education

75 programs shall be preapproved by the lieutenant governor with a  
core curriculum that includes

76 the duties and responsibilities of the notary office and electronic  
notarization.

77 {~~(e)~~ } (d) An applicant must submit a certificate of  
attendance from the preapproved

78 education program with the application for a commission or a  
renewal.

79 {~~(d)~~ } (e) (i) The office of the lieutenant governor  
may, for good cause, order a commissioned

Representative Shurtliff's motion to amend passed on a voice vote.

###

Representative Kiser proposed the following amendment:

1. Page 1, Line 8:  
Delete "four" and insert "two"
2. Page 1, Line 12:  
Delete "four" and insert "two"

- 3. Page 2, Line 54:  
Delete “four” and insert “two”
- 4. Page 3, Line 71 (pink sheet amendment):  
Delete “four” and insert “two”
- 5. Page 3, Line 73 (pink sheet amendment):  
Delete “four” and insert “two”

Representative Kiser’s motion to amend failed on the following roll call:

**Yeas, 36; Nays, 37; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Buttars	Christensen	S. Clark	D. Cox
Daw	Dayton	Donnelson	Dougall
Ferrin	Fisher	Fowlke	Hardy
Harper	Hogue	Holdaway	Hughes
B. Johnson	Kiser	Last	Lawrence
Lockhart	Mascaro	Morley	Murray
Newbold	Noel	Oda	Painter
Tilton	Ure	Walker	Curtis

**Voting in the negative were:** Representatives

Alexander	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	Cosgrove
Dee	Duckworth	Dunnigan	Ferry
Frank	Gibson	Goodfellow	Gowans
Hansen	Hendrickson	Hunsaker	E. Hutchings
Jones	King	Litvack	Mathis
Wiley	McGee	Menlove	Morgan
Moss	Ray	Romero	Shurtliff
Urquhart	Wallace	Wheatley	Wheeler
Wyatt			

**Absent or not voting were:** Representatives

D. Clark	G. Snow
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**H.B. 172**, as amended, then passed on the following roll call:

**Yeas, 52; Nays, 17; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bowman

Buttars	Buxton	Christensen	S. Clark
Cosgrove	D. Cox	Daw	Dee
Duckworth	Dunnigan	Ferry	Gibson
Goodfellow	Gowans	Hansen	Harper
Hendrickson	Hogue	Holdaway	Hunsaker
Jones	King	Last	Litvack
Mascaro	Mathis	Wiley	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Painter	Ray
Romero	Shurtliff	Ure	Urquhart
Wallace	Wheatley	Wheeler	Wyatt

**Voting in the negative were:** Representatives

S. Allen	Dayton	Donnelson	Dougall
Ferrin	Fisher	Fowlke	Frank
Hardy	E. Hutchings	Kiser	Lawrence
Morley	Oda	Tilton	Walker
Curtis			

**Absent or not voting were:** Representatives

Bourdeaux	D. Clark	Hughes	B. Johnson
Lockhart	G. Snow		

**H.B. 172**, as amended, transmitted to the Senate for its consideration.

### MISCELLANEOUS BUSINESS

On motion of Representative Bigelow, under suspension of the rules, the House voted to lift **H.B. 240** from the Rules Committee, consider it read the second time by short title and placed on the Time Certain calendar for Monday, January 31, 2005, at 10:30 a.m.

### THIRD READING CALENDAR

**H.B. 60**, PRODUCER LICENSING AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Dunnigan proposed the following amendment:

- Page 1, Lines 1 through 2
  - {-PRODUCER} INSURANCE LICENSING AMENDMENTS
  - 2005 GENERAL SESSION

2. Page 1, Lines 7 through 8:

7 General Description:

8 This bill modifies the Insurance Code to address  
{-producer-} licensing.

Representative Dunnigan’s motion to amend passed on a voice vote.

**H.B. 60**, as amended, then passed on the following roll call:

**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bowman
Buttars	Buxton	Christensen	S. Clark
Cosgrove	D. Cox	Daw	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Mascaro	Wiley	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Oda	Painter	Ray
Romero	Shurtliff	Tilton	Urquhart
Walker	Wheatley	Wheeler	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Bigelow	Bourdeaux	D. Clark	Dayton
Lockhart	Mathis	Noel	G. Snow
Ure	Wallace		

**H.B. 60**, as amended, transmitted to the Senate for its consideration.

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**H.B. 191**, CAPTIVE INSURANCE LAW AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Christensen, the House voted to circle **H.B. 191**.

\* \* \*

**H.B. 183**, VERIFICATION OF ELIGIBILITY FOR FEE WAIVERS, read the third time by short title and placed on its final passage.

Representative Harper proposed the following amendment:

1. Page 1, Lines 18 through 20

18 • specifying the acceptable forms of documentation to  
verify eligibility for a fee

19 waiver, which shall include income tax returns {~~-, if the parent or~~  
~~guardian was~~

20 ~~required to file a return-~~} or current pay stubs .

2. Page 3, Lines 70 through 72

House Committee Amendments 1-20-2005:

70 (b) specifying the acceptable forms of documentation for the  
requirement under

71 Subsection (5)(a), which shall include verification based on income  
tax returns {~~-if the parent or~~

72 ~~guardian was required to file a return~~ } or current pay stubs .

Representative Harper’s motion to amend passed on a voice vote.

**H.B. 183**, as amended, then passed on the following roll call:

**Yeas, 63; Nays, 6; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bowman
Buttars	Buxton	Christensen	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Fisher	Fowlke
Frank	Gibson	Gowans	Hansen
Harper	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Lockhart	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray

Newbold	Noel	Oda	Painter
Ray	Shurtliff	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Bourdeaux	Goodfellow	Hendrickson	Litvack
Wiley	Romero		

**Absent or not voting were:** Representatives

Bigelow	D. Clark	Ferry	Hardy
Mascaro	G. Snow		

**H.B. 183**, as amended, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until January 31, 2005, at 10:00 a.m.

# FIFTEENTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:10 a.m.

Roll call showed all members present except Representative M. Susan Lawrence, excused.

Pledge of Allegiance and prayer by Clifford and Claralee Clark, Representative David Clark's parents.

### COMMUNICATION FROM THE SENATE

Mr. Speaker: January 28, 2005

The Senate passed **S.B. 115**, PERMANENT TOTAL DISABILITY AMENDMENTS, by Senator E. Mayne, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 115**, read the first time by short title and referred to the Rules Committee.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 28, 2005

The Education Committee reports a favorable recommendation on **H.B. 46**, PUBLIC EDUCATION CAPITAL OUTLAY ACT AMENDMENTS, by Representative D. Cox.

Margaret Dayton, Chair

Report filed. On motion of Representative Urquhart, the report of the Education committee were adopted.

**H.B. 46**, read the second time by short title and placed on the calendar for third reading.



\* \* \*

Mr. Speaker: January 28, 2005

The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 221**, ELECTRONIC COMMUNICATION HARASSMENT, by Representative J. Dougall.

Sheryl L. Allen, Chair

Report filed. On motion of Representative Allen, the report of the Public Utilities and Technology committee was adopted.

**H.B. 221**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 28, 2005

The Health and Human Services Committee reports a favorable recommendation on **H.B. 25**, DIRECT-ENTRY MIDWIFE ACT, by Representative J. Biskupski, with the following amendments:

1. Page 8, Line 244 through Page 9, Line 249:

244 (i) assist the division in reviewing complaints concerning the  
unlawful or

245 unprofessional conduct of a licensed Direct-entry midwife; and

246 (ii) advise the division in its investigation of these  
complaints.

(c)(i) For the years 2006 through 2011, the board shall present an  
annual report to the Legislature's Health and Human Services Interim  
Committee describing the outcome data of licensed Direct-entry  
midwives practicing in Utah.

(ii) The board shall base its report on data provided in large part  
from the Midwives' Alliance of North America.

247 (4) A board member who has, under Subsection (3), reviewed a  
complaint or advised

248 in its investigation may be disqualified from participating with the  
board when the board serves

249 as a presiding officer in an adjudicative proceeding concerning the  
complaint.

The Health and Human Services Committee reports a favorable recommendation on **H.B. 80, SERVICES FOR PEOPLE WITH DISABILITIES**, by Representative R. Lockhart, with the following amendments:

1. Page 7, Lines 195 through 196:

195 (d) If the division provides direct financial assistance, [~~it~~] the  
 196 division:

196 (i) {~~may~~} shall require the family to account for the  
 use of that financial assistance~~[-]~~; and

Bradley G. Last, Chair

Reports filed. On motion of Representative Last, the reports of the Health and Human Services committee were adopted.

**H.B. 25**, as amended, and **H.B. 80**, as amended, read the second time by short title and placed on the calendar for third reading.

#### NOTICE OF BILL RETURNED TO RULES COMMITTEE

Mr. Speaker: January 28, 2005

The Business and Labor Committee has returned **H.B. 27, HEALTH INSURANCE FAIR MARKETING STANDARDS**, by Representative S. Mascaro, to the Rules Committee with the following amendments:

1. Page 3, Lines 68 through 72:

68 (c) The commissioner [~~may~~] shall adopt rules to implement the  
 disclosure requirements

69 of this Subsection (3), taking into account:

70 (i) recommendations of health insurance  
representatives;

{~~(i)~~} (ii) business confidentiality of the insurer;

71 {~~(ii)~~} (iii) definitions of terms; and

72 {~~(iii)~~} (iv) the method of disclosure to enrollees.

Stephen D. Clark, Chair

Report filed. **H.B. 27**, as amended, returned to the Rules Committee.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 28, 2005

The Business and Labor Committee recommends **H.B. 200, PROPERTY AND CASUALTY INSURANCE LAW AMENDMENTS**, by Representative

J. Dunnigan, be replaced and favorably recommends **1st Sub. H.B. 200**, INSURANCE LAW REVISIONS; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 45**, ASSESSMENT OF PROPERTY AFFECTED BY BUSINESS INTERRUPTION, by Representative G. Hughes, with the following amendments:

- 1. Page 1, Lines 12 through 15:
  - 12 This bill:
  - 13 ► requires a county ~~{-assessor-}~~ board of equalization to take into account the affect of road construction,
  - 14 natural disasters, and other interruptions to business when determining the fair
  - 15 market value of property.
  
- 2. Page 1, Line 27 through Page 2, Line 29:
  - 27 (1) In assessing the fair market value of property, a county
  - 28 {-assessor } board of equalization shall include as
  - 29 part of the assessment the affects on the fair market value of the
  - 30 property caused by the
  - 31 following:
  
- 3. Page 2, Lines 36 through 37:
  - 36 (2) This section does not prohibit a county
  - 37 {-assessor } board of equalization from including as part of an
  - 38 assessment any other factor affecting the fair market value of
  - 39 property.

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the Business and Labor committee were adopted.

**Sub. H.B. 200** and **H.B. 45**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 28, 2005

The Government Operations Committee reports a favorable recommendation on **H.B. 90**, SEARCH AND RESCUE ADVISORY BOARD –

AMENDMENTS, by Representative J. S. Adams, and recommends it be placed on the Consent Calendar; and

The Government Operations Committee reports a favorable recommendation on **S.B. 79**, EXTENSION OF SUNSET DATE ON RESOURCE DEVELOPMENT COORDINATING COMMITTEE, by Senator B. Evans, and recommends it be placed on the Consent Calendar.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Government Operations committee were adopted.

**H.B. 90** and **S.B. 79**, read the second time by short title and placed on the Consent Calendar.

\* \* \*

Mr. Speaker: January 28, 2005

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 225**, BOAT REGISTRATION FEE, by Representative B. Goodfellow.

Wayne A. Harper, Chair

Reports filed. On motion of Representative Harper, the reports of the Revenue and Taxation committee were adopted.

**H.B. 225**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 28, 2005

The Political Subdivisions Committee reports a favorable recommendation on **S.B. 78**, OPTIONAL FORMS OF COUNTY GOVERNMENT AMENDMENT, by Senator D. Thomas, and recommends it be placed on the Consent Calendar; and

The Political Subdivisions Committee reports a favorable recommendation on **S.B. 27**, SUNSET REAUTHORIZATIONS, by Senator L. A. Mansell, with the following amendments:

1. Page 1, Line 26:

26 63–55–263, as last amended by Chapters 37, 90 and 238, Laws of Utah 2004

63–55b–164, as enacted by Chapter 270, Laws of Utah 2002

2. Page 5, Line 128:

128     ~~[(9) Title 63A, Chapter 10, State Olympic Coordination Act, is repealed July 1, 2004.]~~

Section 7. Section 63-55b-164 is amended to read:

63-55b-164. Repeal dates -- Title 64.

Subsection 64-13c-303(1) is repealed July 1, ~~{-2005-}~~ 2010 .

Brad L. Dee, Chair

Reports filed. On motion of Representative Dee, the reports of the Political Subdivisions committee were adopted.

**S.B. 78**, read the second time by short title and placed on the Consent Calendar.

**S.B. 27**, as amended, read the second time by short title and placed on the calendar for third reading.

## INTRODUCTION OF BILLS

**H.B. 1, Annual Appropriations Act** (R. Bigelow), read the first time by short title and referred to the Rules Committee.

**H.B. 3, Minimum School Program Act Amendments** (G. Snow), read the first time by short title and referred to the Rules Committee.

**H.B. 104, Spyware Control Act Revisions** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

**H.B. 105, Construction Filing Amendments** (M. Morley), read the first time by short title and referred to the Rules Committee.

**H.B. 106, Regulation of Noncompete Agreements in Medical Practices** (R. McGee), read the first time by short title and referred to the Rules Committee.

**H.B. 107, Tax Law Amendments** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.B. 108, Telecommunications Taxation** (J. Dougall), read the first time by short title and referred to the Rules Committee.

**H.B. 109, Information Technology Governance Amendments** (D. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 110, Emergency Administration of Epinephrine** (T. Kiser), read the first time by short title and referred to the Rules Committee.

**H.B. 111, Licensing of Child Care Centers – Oversight and Regulation** (D. G. Buxton), read the first time by short title and referred to the Rules Committee.

**H.B. 112, Background Checks in County Government** (B. Dee), read the first time by short title and referred to the Rules Committee.

**H.B. 113, Government Boundary Changes** (K. Holdaway), read the first time by short title and referred to the Rules Committee.

**H.B. 114, Children’s Health Care Coverage Amendments** (D. Hogue), read the first time by short title and referred to the Rules Committee.

**H.B. 115, Utah Child Abuse Prevention Board** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 116, Private Activity Bond Volume Cap Allocation Amendments** (D. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 117, Revisions to State Government** (B. Ferry), read the first time by short title and referred to the Rules Committee.

**H.B. 118, Revise Utility Special Service Districts** (D. Ure), read the first time by short title and referred to the Rules Committee.

**H.B. 119, Navajo Trust Fund Amendments** (B. King), read the first time by short title and referred to the Rules Committee.

**H.B. 120, Crime of Soliciting Sex from a Child** (L. Fowlke), read the first time by short title and referred to the Rules Committee.

**H.B. 121, Property Exempt from Execution** (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

**H.B. 122, Bail Bond Amendments** (K. Gibson), read the first time by short title and referred to the Rules Committee.

**H.B. 123, Restrictions of Advertising Illegal Activities** (S. Wyatt), read the first time by short title and referred to the Rules Committee.

**H.B. 124, Enrollment Growth Program Amendments** (B. Last), read the first time by short title and referred to the Rules Committee.

**H.B. 125, Small Business Economic Stimulus** (C. Frank), read the first time by short title and referred to the Rules Committee.

**H.B. 126, Amendments to Facilities with Regional Impact** (G. Hughes), read the first time by short title and referred to the Rules Committee.

**H.B. 127, Offer of Settlement Provisions** (L. Christensen), read the first time by short title and referred to the Rules Committee.

**H.B. 128, Compensation of Executive Officers** (L. Christensen), read the first time by short title and referred to the Rules Committee.

**H.B. 129, School Uniforms** (C. Frank), read the first time by short title and referred to the Rules Committee.

**H.B. 130, Income Tax Subtraction for Specialized Immigrant Services** (A. Tilton), read the first time by short title and referred to the Rules Committee.

**H.B. 131, Access to Health Care Facilities and Places of Worship** (D. Aagard), read the first time by short title and referred to the Rules Committee.

**H.B. 132, Internet Crimes Against Children** (T. Cosgrove), read the first time by short title and referred to the Rules Committee.

**H.B. 133, Mobile Home Park – Notice of Sale of Underlying Property** (M. Wheatley), read the first time by short title and referred to the Rules Committee.

**H.B. 134, Public Safety Officers – Critical Incident Shooting Provisions** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 241, Veterans Nursing Home** (D. G. Buxton), read the first time by short title and referred to the Rules Committee.

**H.B. 242, Criminal Penalty for Animal Cruelty** (S. Wyatt), read the first time by short title and referred to the Rules Committee.

**H.B. 243, Repeal of Geriatric Care Manager** (R. Lockhart), read the first time by short title and referred to the Rules Committee.

**H.B. 244, Transfer of Prescriptions** (N. Hansen), read the first time by short title and referred to the Rules Committee.

**H.B. 245, Compensation of Constitutional Officers – Benefits and Insurance** (M. Noel), read the first time by short title and referred to the Rules Committee.

**H.B. 246, Waste Fees Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

**H.B. 247, Credit or Refund for Tax Paid on Cigarette or Tobacco Product Destroyed or Returned to the Manufacturer** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.B. 248, Child Support Obligations** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.B. 249, Carson Smith Special Needs Scholarships** (M. Newbold), read the first time by short title and referred to the Rules Committee.

**H.B. 250, Capitol Complex Space** (J. Alexander), read the first time by short title and referred to the Rules Committee.

**H.B. 251, Amendments Related to Public Utilities** (A. Tilton), read the first time by short title and referred to the Rules Committee.

**H.B. 252, Marriage Preparation Education** (R. McGee), read the first time by short title and referred to the Rules Committee.

**H.B. 253, Tax Amendments** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.B. 254, Tax Credit for Tuition** (S. Mascaro), read the first time by short title and referred to the Rules Committee.

**H.B. 255, Investment of Higher Education Institution Endowment Funds** (D. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 256, Local Government Acquisition of Real Property** (A. Hardy), read the first time by short title and referred to the Rules Committee.

**H.B. 257, Transportation General Obligation Bonds Authorization** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

**H.B. 258, Individual Income Tax Credit for Employment-related Expenses** (D. Litvack), read the first time by short title and referred to the Rules Committee.

**H.B. 259, Adoption Amendments** (A. Hardy), read the first time by short title and referred to the Rules Committee.



**H.B. 260, Amendments Related to Pornographic and Harmful Materials** (J. Dougall), read the first time by short title and referred to the Rules Committee.

**H.B. 261, Motorboat Liability Insurance and Uninsured Motorist and Motorboat Identification Database Program Amendments** (K. Gibson), read the first time by short title and referred to the Rules Committee.

**H.B. 262, Licensure of Athletic Trainers** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 263, Insurers Rehabilitation and Liquidation** (J. Dougall), read the first time by short title and referred to the Rules Committee.

**H.B. 264, State Land Use Management Plans Amendments** (M. Noel), read the first time by short title and referred to the Rules Committee.

**H.B. 265, Restrictions on Riders in the Back of Open Vehicle** (C. Buttars), read the first time by short title and referred to the Rules Committee.

**H.B. 266, Changes to Quality Growth Commission** (C. Buttars), read the first time by short title and referred to the Rules Committee.

**H.B. 267, Election Day Voter Registration** (N. Hansen), read the first time by short title and referred to the Rules Committee.

**H.B. 268, Drug Utilization Review Committee Amendments** (R. Lockhart), read the first time by short title and referred to the Rules Committee.

**H.B. 269, Sales Marketing Requirements** (M. Noel), read the first time by short title and referred to the Rules Committee.

**H.B. 270, Temporary Road Closures** (M. Noel), read the first time by short title and referred to the Rules Committee.

**H.B. 271, Commitment to Mental Health Authority** (M. Noel), read the first time by short title and referred to the Rules Committee.

**H.B. 272, Patient Access to Providers and Contracting Amendments** (R. Lockhart), read the first time by short title and referred to the Rules Committee.

**H.B. 273, Real Estate and Mechanics Liens – Security Alternatives** (M. Morley), read the first time by short title and referred to the Rules Committee.

**H.B. 274, Referendum Procedure** (D. Hogue), read the first time by short title and referred to the Rules Committee.

**H.B. 275, Business Entity Amendments** (R. Romero), read the first time by short title and referred to the Rules Committee.

**H.B. 276, Division of Criminal Investigation and Technical Services Amendments** (C. Oda), read the first time by short title and referred to the Rules Committee.

**H.B. 277, Revisions to the Utah Credit Union Act** (L. Christensen), read the first time by short title and referred to the Rules Committee.

**H.B. 278, Termination of Parental Rights for Murder or Attempted Murder** (J. Biskupski), read the first time by short title and referred to the Rules Committee.

**H.B. 279, Clinical Counselor – Title Change** (L. Fowlke), read the first time by short title and referred to the Rules Committee.

**H.B. 280, Joint Custody Amendments** (L. Christensen), read the first time by short title and referred to the Rules Committee.

**H.B. 281, Task Force on Legislative Reforms** (N. Hansen), read the first time by short title and referred to the Rules Committee.

**H.B. 282, State Employee Ethics Amendments** (J. Dougall), read the first time by short title and referred to the Rules Committee.

**H.B. 283, Real Estate Amendments** (G. Snow), read the first time by short title and referred to the Rules Committee.

**H.B. 284, Restructure of State Utility Regulatory Entities** (A. Tilton), read the first time by short title and referred to the Rules Committee.

**H.B. 285, Certified Medication Aide** (R. Lockhart), read the first time by short title and referred to the Rules Committee.

**H.B. 286, Use of Public Education Monies** (P. Jones), read the first time by short title and referred to the Rules Committee.

**H.B. 287, Revenue Bonds and Capital Facilities Authorizations** (D. G. Buxton), read the first time by short title and referred to the Rules Committee.

**H.B. 288, Executive Compensation Amendments** (J. Alexander), read the first time by short title and referred to the Rules Committee.

**H.B. 289, Authority for Design Build Construction for Political Subdivisions** (M. Morley), read the first time by short title and referred to the Rules Committee.

**H.B. 290, Restrictions on Gifts** (J. Ferrin), read the first time by short title and referred to the Rules Committee.

**H.B. 291, Capitol Preservation Board Modifications** (J. Alexander), read the first time by short title and referred to the Rules Committee.

**H.B. 292, Ethnic Fairness Amendments** (D. Bourdeaux), read the first time by short title and referred to the Rules Committee.

**H.B. 293, Materials Harmful to Minors** (D. Hogue), read the first time by short title and referred to the Rules Committee.

**H.B. 294, Regulation of Assisted Living Facility Amendments** (R. Lockhart), read the first time by short title and referred to the Rules Committee.

**H.B. 295, Deferred Deposit Lending Revisions** (L. Fowlke), read the first time by short title and referred to the Rules Committee.

**H.B. 296, Condominium Ownership Act Amendments** (C. Moss), read the first time by short title and referred to the Rules Committee.

**H.B. 297, Aggravated Murder Amendments** (S. Wyatt), read the first time by short title and referred to the Rules Committee.

**H.B. 298, Foster Placements** (N. Hansen), read the first time by short title and referred to the Rules Committee.

**H.B. 299, Motor Vehicle Business Licensing Amendments** (P. Ray), read the first time by short title and referred to the Rules Committee.

**H.B. 300, Health Care Savings Account Act** (M. Dayton), read the first time by short title and referred to the Rules Committee.

**H.B. 301, Supplemental Appropriations III** (R. Bigelow), read the first time by short title and referred to the Rules Committee.

**H.B. 302, Regulation of Construction Industry** (J. S. Adams), read the first time by short title and referred to the Rules Committee.

**H.B. 303, Crime of Child Endangerment** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.B. 304, Premium Assistance Program for Covered-at-Work** (K. Holdaway), read the first time by short title and referred to the Rules Committee.

**H.B. 305, Collection Practices Amendments** (D. Bourdeaux), read the first time by short title and referred to the Rules Committee.

**H.B. 306, Amendment Regarding Controlled Substances** (C. Oda), read the first time by short title and referred to the Rules Committee.

**H.B. 307, Redevelopment Agency Changes** (J. Dougall), read the first time by short title and referred to the Rules Committee.

**H.B. 308, Archeological Resources Amendments** (B. Johnson), read the first time by short title and referred to the Rules Committee.

**H.B. 309, Municipal Budget Amendments** (M. Walker), read the first time by short title and referred to the Rules Committee.

**H.B. 310, Aging and Adult Services Program Amendments** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.B. 311, General Government Amendments** (B. Dee), read the first time by short title and referred to the Rules Committee.

**H.B. 312, Municipal Electrical Entities Amendments** (A. Tilton), read the first time by short title and referred to the Rules Committee.

**H.B. 313, Economic Development Initiative for Higher Education** (K. Holdaway), read the first time by short title and referred to the Rules Committee.

**H.B. 314, Driving Under the Influence Revisions** (M. Noel), read the first time by short title and referred to the Rules Committee.

**H.B. 315, Department of Community Development and Arts Restructure** (D. G. Buxton), read the first time by short title and referred to the Rules Committee.

**H.B. 316, Driver License Requirements for Illegal Aliens** (A. Tilton), read the first time by short title and referred to the Rules Committee.

**H.B. 317, Vehicle Impound Amendments** (J. Gowans), read the first time by short title and referred to the Rules Committee.

**H.B. 318, Expansion of Governor's Oversight** (C. Buttars), read the first time by short title and referred to the Rules Committee.

**H.B. 319, Expansion of Department of Administrative Services Oversight to Include Human Resource Management** (D. G. Buxton), read the first time by short title and referred to the Rules Committee.

**H.B. 320, Utility Regulatory Reform** (J. Gowans), read the first time by short title and referred to the Rules Committee.

**H.B. 321, Criminal Background Check Amendments** (B. Last), read the first time by short title and referred to the Rules Committee.

**H.B. 322, Motor Vehicle Collision Repairs – Consumer Rights** (T. Kiser), read the first time by short title and referred to the Rules Committee.

**H.B. 323, Access to Employment Data** (J. Mathis), read the first time by short title and referred to the Rules Committee.

**H.B. 324, Real Property – Reassessment after a Natural Disaster** (B. Last), read the first time by short title and referred to the Rules Committee.

**H.B. 325, Open Enrollment Amendments** (D. Bourdeaux), read the first time by short title and referred to the Rules Committee.

**H.B. 326, Early High School Graduation** (B. Daw), read the first time by short title and referred to the Rules Committee.

**H.B. 327, Department of Commerce – Demographic Data Tracking** (M. Wheatley), read the first time by short title and referred to the Rules Committee.

**H.B. 328, Rural Health Care Infrastructure Amendments** (M. Noel), read the first time by short title and referred to the Rules Committee.

**H.B. 329, County Contracted Services** (K. Holdaway), read the first time by short title and referred to the Rules Committee.

**H.B. 330, Driver License Qualifications Amendments** (G. Donnelson), read the first time by short title and referred to the Rules Committee.

**H.B. 331, Disaster Relief Provisions** (D. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 332, Possession of a Dangerous Weapon in a Vehicle** (M. Morley), read the first time by short title and referred to the Rules Committee.

**H.B. 333, Open Space Density Credit** (D. Cox), read the first time by short title and referred to the Rules Committee.

**H.B. 334, Divorce Education for Children** (R. McGee), read the first time by short title and referred to the Rules Committee.

**H.B. 335, Disconnecting Territory from a Municipality** (C. Frank), read the first time by short title and referred to the Rules Committee.

**H.B. 336, Voting Requirements** (L. Shurtliff), read the first time by short title and referred to the Rules Committee.

**H.B. 337, Golf Carts Allowed on Certain Highways** (C. Moss), read the first time by short title and referred to the Rules Committee.

**H.B. 338, Child and Family Welfare Revisions** (L. Christensen), read the first time by short title and referred to the Rules Committee.

**H.B. 339, School Trust Lands Revisions** (D. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 340, Office of Recovery Services Fee** (A. Tilton), read the first time by short title and referred to the Rules Committee.

**H.B. 341, Child and Family Services Records** (S. Mascaro), read the first time by short title and referred to the Rules Committee.

**H.B. 342, Civil Legal Aid for Victims of Domestic Violence** (S. Mascaro), read the first time by short title and referred to the Rules Committee.

**H.B. 343, Improving Access to Prenatal Care and Strengthening Self Sufficiency** (M. Wheatley), read the first time by short title and referred to the Rules Committee.

**H.B. 344, Regulation of Phlebotomists** (M. Wheatley), read the first time by short title and referred to the Rules Committee.

**H.B. 345, State School Board Amendments** (K. Morgan), read the first time by short title and referred to the Rules Committee.

**H.B. 346, Schools for the Deaf and the Blind Salary Adjustments** (K. Morgan), read the first time by short title and referred to the Rules Committee.

**H.B. 347, Family Impact Statement** (C. Frank), read the first time by short title and referred to the Rules Committee.

**H.B. 348, Revising General Government** (J. S. Adams), read the first time by short title and referred to the Rules Committee.

**H.B. 349, Money Management Act Amendments** (D. Clark), read the first time by short title and referred to the Rules Committee.

**H.B. 350, State Building Energy Efficiency Program** (F. Hunsaker), read the first time by short title and referred to the Rules Committee.

**H.B. 351, Health Insurance Disclosure Requirements** (B. Last), read the first time by short title and referred to the Rules Committee.

**H.B. 352, Mandatory Minimum Sentencing for Child Molesters** (C. Frank), read the first time by short title and referred to the Rules Committee.

**H.B. 353, Government Operations** (J. Gowans), read the first time by short title and referred to the Rules Committee.

**H.B. 354, Licensure of Wholesale Distributors of Prescription Drugs** (B. Last), read the first time by short title and referred to the Rules Committee.

**H.B. 355, Amendments to Workers Compensation Fund** (D. Ure), read the first time by short title and referred to the Rules Committee.

**H.B. 356, State Government Law Revisions** (D. Ure), read the first time by short title and referred to the Rules Committee.

**H.B. 357, Amendments to Independent Entities** (D. Ure), read the first time by short title and referred to the Rules Committee.

**H.B. 358, Tax Credit for Tuition and Books** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.B. 359, Professional Licensing Amendments** (M. Wheatley), read the first time by short title and referred to the Rules Committee.

**H.B. 360, Protective Order Amendments** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.B. 361, Municipal Authority to Use Collection Agencies** (M. Walker), read the first time by short title and referred to the Rules Committee.

**H.B. 362, Appropriation for Highly Qualified Teachers** (K. Holdaway), read the first time by short title and referred to the Rules Committee.

**H.B. 363, Transportation Amendments** (K. Gibson), read the first time by short title and referred to the Rules Committee.

**H.B. 364, Abusive Attorneys Fees** (B. Last), read the first time by short title and referred to the Rules Committee.

**H.B. 365, Revolving Door Limitation for Public Officials to Become Lobbyists** (C. Moss), read the first time by short title and referred to the Rules Committee.

**H.B. 366, Ethics Commission** (D. Litvack), read the first time by short title and referred to the Rules Committee.

**H.B. 367, Restrictions on High Occupancy Vehicle Lane** (D. Litvack), read the first time by short title and referred to the Rules Committee.

**H.B. 368, Special Function Officers for Division of Occupational and Professional Licensing** (N. Hendrickson), read the first time by short title and referred to the Rules Committee.

**H.B. 369, Lobbyist Regulation** (J. Ferrin), read the first time by short title and referred to the Rules Committee.

**H.B. 370, Contribution Limits on Governor's Campaign** (J. Ferrin), read the first time by short title and referred to the Rules Committee.

**H.B. 371, Designation of Next of Kin with Department of Health** (J. Biskupski), read the first time by short title and referred to the Rules Committee.

**H.B. 372, Power of Attorney Amendments** (M. Newbold), read the first time by short title and referred to the Rules Committee.

**H.B. 373, Education Technology Task Force** (E. Hutchings), read the first time by short title and referred to the Rules Committee.



**H.B. 374, Implements of Husbandry Permit Stickers** (J. Mathis), read the first time by short title and referred to the Rules Committee.

**H.B. 375, Revisions to General State Government** (B. King), read the first time by short title and referred to the Rules Committee.

**H.B. 376, Hill Air Force Museum** (D. G. Buxton), read the first time by short title and referred to the Rules Committee.

**H.B. 377, County Option Funding for Botanical, Cultural, Recreation, and Zoological Organizations or Facilities** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.B. 378, 911 Emergency Response Amendments** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.B. 379, Young Artist Provisions** (G. Hughes), read the first time by short title and referred to the Rules Committee.

**H.B. 380, Amendments to Local Districts** (K. Morgan), read the first time by short title and referred to the Rules Committee.

**H.C.R. 3, Resolution Regarding Washington County Waste Facility** (B. Last), read the first time by short title and referred to the Rules Committee.

**H.C.R. 11, Resolution Honoring the University of Utah Football Team** (J. Alexander), read the first time by short title and referred to the Rules Committee.

**H.C.R. 12, Resolution Urging Congress to Provide Sufficient Funding of Medicaid** (R. Bigelow), read the first time by short title and referred to the Rules Committee.

**H.C.R. 13, Concurrent Resolution Promoting Utah Saves Strategic Initiative** (D. Hogue), read the first time by short title and referred to the Rules Committee.

**H.J.R. 14, Resolution Establishing Redistricting Commission** (R. McGee), read the first time by short title and referred to the Rules Committee.

**H.J.R. 15, Resolution Regarding United States Trade Negotiations** (S. Allen), read the first time by short title and referred to the Rules Committee.

**H.J.R. 16, Joint Resolution Related to the Utah Athletic Foundation** (D. Ure), read the first time by short title and referred to the Rules Committee.

**H.J.R. 17, Resolution Honoring Celebration of Marriage Week** (L. Fowlke), read the first time by short title and referred to the Rules Committee.

**H.J.R. 18, Joint Resolution Supporting Counties Expansion of Correctional Facilities** (D. Hogue), read the first time by short title and referred to the Rules Committee.

**H.J.R. 19, Joint Resolution Urging Health Care for Utah's Indigent and Needy Uninsured** (L. Fowlke), read the first time by short title and referred to the Rules Committee.

**H.J.R. 20, Master Study Resolution** (J. Alexander), read the first time by short title and referred to the Rules Committee.

**H.R. 8, Resolution Encouraging State Research Universities to Focus on Enhancing State Trust Lands** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.R. 9, House Resolution Discouraging Participation in Free Trade Areas of the Americas** (G. Donnelson), read the first time by short title and referred to the Rules Committee.

**H.R. 10, Resolution Supporting Participation of Taiwan in World Health Organization** (B. Last), read the first time by short title and referred to the Rules Committee.

**H.R. 11, Resolution Urging Congress to Pass Balanced Budget Amendment** (N. Hansen), read the first time by short title and referred to the Rules Committee.

### **SPECIAL ORDER OF BUSINESS**

**H.B. 240, DISASTER LOAN PROGRAM**, read the third time by short title and placed on its final passage.

Representative Bigelow proposed the following amendment:

1. Page 2, Line 54 through Page 3, Line 61

54        (b) The director shall ensure that the promissory note contains:

55        (i) an annual percentage rate of 2%;

56        (ii) a requirement that the principal and interest on the note are due on the May 1 in the

- 57 calendar year after the year in which the note is signed;
- 58 (iii) terms allowing the county to prepay some or all of the note's principal, interest, or
- 59 both before the date that the note is due; {~~and~~ }  
(iv) terms that require repayment of the principal and interest on the note be made to the General Fund Budget Reserve Account established in Section 63-38-2.5; and
- 60 {~~(iv)~~ } (v) terms that limit the use of note proceeds to the repair and reconstruction of
- 61 infrastructures owned by local governments located within the county.

Representative Bigelow's motion to amend passed on a voice vote.

**H.B. 240**, as amended, then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Hansen	Lawrence
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**H.B. 240**, as amended, transmitted to the Senate for its consideration.

### COMMITTEE OF THE WHOLE

On motion of Representative Alexander, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from the St. George Mayor and City Manager of Santa Clara.

On motion of Representative Alexander, the Committee of the Whole was dissolved.

### CONSENT CALENDAR

**S.B. 9**, AEROSPACE AND AVIATION DEVELOPMENT ZONE MODIFICATIONS, read the third time by short title and placed on its final passage.

**S.B. 9** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

S. Allen	Lawrence
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**S.B. 9** was signed by the Speaker in open session and transmitted to the Senate for the signature of the President.

\* \* \*

**S.B. 101**, UTAH ADMINISTRATIVE RULEMAKING ACT REVISION, read the third time by short title and placed on its final passage.

On motion of Representative Ure, the House voted to move **S.B. 101** to the bottom of the Senate Third Reading Calendar.

**THIRD READING CALENDAR**

**H.B. 17**, MOTION PICTURE INCENTIVE FUND, read the third time by short title and placed on its final passage.

On motion of Representative Snow, the House voted to circle **H.B. 17**.

\* \* \*

**H.B. 9**, SALES AND USE TAX – AGRICULTURAL EXEMPTION VEHICLE LIMITATION, read the third time by short title and placed on its final passage.

**H.B. 9**, as amended, then passed on the following roll call:

**Yeas, 63; Nays, 0; Absent or not voting, 12.**

**Voting in the affirmative were:** Representatives

Agard	Alexander	Barrus	Becker
Bigelow	Bourdeaux	Bowman	Buttars
Buxton	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hogue	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Adams	S. Allen	Biskupski	S. Clark
Dunnigan	Hardy	Hendrickson	Holdaway
Hughes	Lawrence	Lockhart	Ure

**H.B. 9**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 171**, CALCULATION OF MINING SEVERANCE TAX ON BERYLLIUM, read the third time by short title and placed on its final passage.

**H.B. 171** then passed on the following roll call:

**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Harper	Hogue	Holdaway
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Litvack
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Adams	Biskupski	S. Clark	Dunnigan
Hardy	Hendrickson	Hughes	Lawrence
Lockhart	Ure		

**H.B. 171** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 190**, INDIVIDUAL INCOME TAX – ELECTRONIC FILING REQUIREMENTS, read the third time by short title and placed on its final passage.

On motion of Representative S. Clark, the House voted to delete **H.B. 190** in title and body and insert **Sub. H.B. 190** in lieu thereof.

On motion of Representative S. Clark, the House voted to circle **Sub. H.B. 190**.

\* \* \*

**H.R. 2**, RESOLUTION SUPPORTING PERMANENT REPEAL OF FEDERAL INHERITANCE TAX, read the third time by short title and placed on its final passage.

**H.R. 2** then passed on the following roll call:

**Yeas, 59; Nays, 10; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bowman	Buttars
Buxton	Christensen	D. Clark	S. Clark
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Kiser	Last	Lockhart
Mathis	Menlove	Morley	Murray
Newbold	Noel	Oda	Painter
Ray	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheeler	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Cosgrove
King	Litvack	McGee	Romero
Wheatley	Wiley		

**Absent or not voting were:** Representatives

D. Cox	Jones	Lawrence	Mascaro
Morgan	Moss		

**H.R. 2** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

**UNFINISHED BUSINESS**

On motion of Representative Dunnigan, the House voted to uncircle **H.B. 191**.

**H.B. 191**, CAPTIVE INSURANCE LAW AMENDMENTS, was before the House on its final passage.

**H.B. 191**, as amended, then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Hughes	Hunsaker	E. Hutchings
B. Johnson	King	Kiser	Last
Litvack	Lockhart	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Holdaway	Jones	Lawrence	Mascaro
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**H.B. 191**, as amended, transmitted to the Senate for its consideration.



\* \* \*

On motion of Representative S. Clark, the House voted to uncircle **Sub. H.B. 190**.

**Sub. H.B. 190**, INDIVIDUAL INCOME TAX – ELECTRONIC FILING REQUIREMENTS, was before the House on its final passage.

**Sub. H.B. 190** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hardy	Harper	Hendrickson	Hogue
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Hansen	Holdaway	Lawrence
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**Sub. H.B. 190** transmitted to the Senate for its consideration.

\* \* \*

On motion of Representative Lockhart, the House voted to uncircle **H.B. 13**.

**H.B. 13**, OCCUPATIONAL AND PROFESSIONAL LICENSING SUNSET AMENDMENT, was before the House on its final passage.

Representative Lockhart proposed the following amendment:

- 1. Page 2, Line 58 through Page 3, Line 59

58            {~~-(23)~~} (11) Title 58, Chapter 53, Landscape Architects  
 Licensing Act, is repealed July

59    1, 2008.—}  
 renumber accordingly

Representative Lockhart’s motion to amend passed on a voice vote.

**H.B. 13**, as amended, then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Buttars	Buxton	Christensen
D. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Bowman	S. Clark	Lawrence
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**H.B. 13**, as amended, transmitted to the Senate for its consideration.

**RULES COMMITTEE REPORT**

Mr. Speaker: January 31, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

- H.B. 236** Health Insurance Law Amendments (Rep. J. Dunnigan)  
**S.B. 40** Regulation of Title Insurance Industry (Sen. T. Hatch)  
**S.B. 87** Residence Lien Restriction and Lien Recovery Fund  
Amendments (Sen. D. Thomas)  
**S.B. 115** Permanent Total Disability Amendments (Sen. E. Mayne)

**EDUCATION**

- H.B. 102** Higher Education Savings Incentive Program  
Amendments (Rep. S. Wyatt)  
**H.B. 169** Appropriation for School Districts Impacted by Fee  
Waivers (Rep. L. Shurtliff)  
**H.B. 231** School District Boundaries (Rep. M. Noel)

**HEALTH AND HUMAN SERVICES**

- S.B. 90** County Officers Serving on Boards of County Mental  
Health and Substance Abuse Providers (Sen. D. Thomas)  
**S.B. 93** Children's Justice Center Addition (Sen. T. Hatch)

**JUDICIARY**

- H.B. 95** Sex Offender Registration Amendments  
(Rep. M. S. Lawrence)  
**S.B. 91** Interstate Juvenile Compact (Sen. L. Hillyard)  
**S.B. 94** Restitution Amendments (Sen. G. Bell)

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

- H.B. 98** Offenses Committed Against Correctional and Peace  
Officers (Rep. C. Oda)  
**H.B. 202** Revisions to Child Welfare (Rep. W. Harper)  
**S.B. 30** Amendments to Search Warrants (Sen. D. Thomas)

**NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT**

- H.B. 152** County Option Sales and Use Tax for Agricultural Land,  
Open Land, and Recreational Facilities Act  
(Rep. C. Buttars)  
**H.J.R. 13** Resolution Supporting National Bear River Heritage Area  
Act (Rep. C. Buttars)

**POLITICAL SUBDIVISIONS**

- S.B. 88** Creation of Local Districts (Sen. C. Walker)

**S.B. 97** Consolidation of City and County Library (Sen. G. Bell)  
**S.J.R. 3** Resolution Encouraging Mediation (Sen. C. Walker)

#### **PUBLIC UTILITIES AND TECHNOLOGY**

**H.B. 238** Utah Technology Commission Membership  
(Rep. J. Dougall)

#### **TRANSPORTATION**

**H.B. 149** Vehicle Identification Number Inspectors (Rep. C. Frank)

#### **WORKFORCE SERVICES AND COMMUNITY & ECONOMIC DEVELOPMENT**

**1st Sub. S.B. 35** Relationships with Venture Capital Entities  
(Sen. D. Thomas)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

#### **MISCELLANEOUS BUSINESS**

On motion of Representative Ure, the House voted to lift the following bills from the Third Reading Calendar and set them for Time Certain on Thursday, February 3, 2005 at 10:30 a.m.: **H.B. 29**, **Sub. H.B. 38**, and **H.B. 157**.

\* \* \*

On motion of Representative Alexander, the House voted to adjourn until January Alexander, 2005, at 10:00 a.m.

# SIXTEENTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:10 a.m.

Roll call showed all members present except Representative Holdaway, excused.

Prayer by a guest of Representative Roz McGee, Reverend Catherine Putnam, Wasatch Presbyterian Church, Salt Lake City.

Pledge of Allegiance by Representative Roz McGee.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: January 31, 2005

The Senate passed **S.B. 4**, UNINSURED MOTORIST PROPERTY DAMAGE COVERAGE AMENDMENTS, by Senator D. Eastman, and it is transmitted for consideration; and

The Senate passed, as amended, **1st Sub. S.B. 122**, RESIDENT TUITION STATUS FOR JOB CORPS STUDENTS, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed **S.C.R. 4**, RESOLUTION APPROVING UTAH RECREATIONAL LAND EXCHANGE, by Senator B. Evans, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 4**, **Sub. S.B. 122**, and **S.C.R. 4**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: January 31, 2005  
 The Senate passed, **H.B. 240**, DISASTER LOAN PROGRAM, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
 Secretary of the Senate

Communication filed. **H.B. 240** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 31, 2005  
 The Transportation Committee reports a favorable recommendation on **H.B. 91**, LICENSE PLATE FOR DISABLED AMERICAN VETERANS, by Representative R. Bigelow; and

The Transportation Committee reports a favorable recommendation on **H.B. 93**, EMISSION INSPECTION AMENDMENTS, by Representative K. Gibson.

Joseph G. Murray, Chair

Reports filed. On motion of Representative Murray, the reports of the Transportation committee were adopted.

**H.B. 91** and **H.B. 93**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 31, 2005  
 The Judiciary Committee reports a favorable recommendation on **S.B. 21**, LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS, by Senator D. Eastman; and

The Judiciary Committee reports a favorable recommendation on **H.B. 4**, DIVORCE MEDIATION PROGRAM, by Representative B. Ferry, with the following amendments:

- 1. Page 1, Line 27 through Page 2, Line 34:

27 (2) If, after the filing of an answer to a complaint of divorce,  
there are any remaining

28 contested issues, the parties shall participate in good faith in at least  
one session of mediation. This requirement does not preclude the entry  
of pre-trial orders before mediation takes place.

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

33 (5) The director of dispute resolution programs for the courts or  
the court, or the mediator may

34 excuse either party from the requirement to mediate for good cause.

James A. Ferrin, Chair

Reports filed. On motion of Representative Ferrin, the reports of the Judiciary committee were adopted.

**S.B. 21** and **H.B. 4**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: January 31, 2005

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 89**, PRESUMPTION OF RESPONSIBILITY FOR ABUSE OR NEGLECT, by Representative L. Christensen; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 208**, UNCLAIMED PROPERTY AMENDMENTS, by Representative P. Ray, with the following amendments:

- 1. Page 5, Lines 129 through 142:

129 (2) If the [eustodial] property is not claimed by the owner  
~~[before the expiration of~~

130 ~~three months from the receipt of notice]~~ following the notice or  
attempted notice required in

131 Section 77-24-2, or if the owner is unknown and no claim of  
ownership has been made, the

132 agency having possession of the [eustodial] property may [either]:

133 (a) ~~{-}-~~ appropriate ~~{-}~~ ~~{-retain}~~ the  
property ~~{-for-}~~ to public interest use as provided in  
Subsection

134 (3); [ø]

135 (b) sell the property at public auction, as provided by law and  
 {[-]} appropriate {[-]} {~~retain~~} the

136 proceeds of the sale [~~to its own~~] {~~for~~} to public interest  
 use[-]; or

137 (c) destroy the property if unfit for sale.

138 (3) Before [~~appropriating the custodial~~]  
 {~~retaining~~} appropriating the property {~~for~~} to  
 public interest use,

139 the agency having possession of the property shall obtain from the  
 legislative body of its

140 jurisdiction:

141 (a) permission to {[-]} appropriate {[-]} {~~retain~~-}  
 the property to public interest use ; and

142 (b) the designation and approval of the public interest use of the  
 property.

The Law Enforcement and Criminal Justice Committee reports a favorable  
 recommendation on **H.B. 215**, PROPERTY TRACKING AMENDMENTS, by  
 Representative P. Ray.

DeMar “Bud” Bowman, Chair

Reports filed. On motion of Representative Bowman, the reports of the Law  
 Enforcement and Criminal Justice committee were adopted.

**H.B. 89**, **H.B. 208**, as amended, and **H.B. 215**, read the second time by short  
 title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

January 31, 2005

The Natural Resources, Agriculture, and Environment Committee reports a  
 favorable recommendation on **H.B. 150**, WATER RIGHTS FEES, by  
 Representative J. Gowans; and

The Natural Resources, Agriculture, and Environment Committee  
 recommends **H.B. 155**, AGRICULTURAL COOP AMENDMENTS, by  
 Representative C. Buttars, be replaced and favorably recommends **1st Sub.**  
**H.B. 155**, AGRICULTURAL COOP AMENDMENTS; and



The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 156**, DAIRY PROMOTION ACT AMENDMENTS, by Representative D. Ure; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 224**, PERMANENT COMMUNITY IMPACT FUND – BOARD MEMBERSHIP, by Representative J. Mathis, with the following amendments:

1. Page 2, Lines 50 through 55:

50 (2) (a) The members specified under Subsections (1)(~~h~~)(f)  
 51 through (1)(~~k~~)(j) may not reside in the same county and shall

51 be:

52 (i) nominated by the Board of Directors of the Southeastern  
 53 Association of

54 Governments, Central Utah Association of Governments, Uintah  
 55 Basin Association of

56 Governments, and Southwestern Association of Governments,  
 57 respectively, except that a member under Subsection (1)(j) shall be  
 58 nominated by the Board of Directors of the Association of Governments  
 59 from the region of the state in which the county is located; and

60 (ii) appointed by the governor with the consent of the Senate.

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.C.R. 10**, CONCURRENT RESOLUTION HONORING WALDO WILCOX FOR PRESERVATION OF RANGE CREEK AREA, by Representative B. King, with the following amendments:

1. Page 1, Line 27 through Page 2, Line 29:

27 WHEREAS, with key funding appropriated by the United  
 28 States Congress {—, —} and the Utah

29 Quality Growth Commission, and extensive lobbying for the  
 30 purchase by the Sportsmen for Fish and Wildlife, the ranch was  
 31 subsequently

32 acquired by the state of Utah;

2. Page 2, Lines 36 through 37:

36 WHEREAS, much of Range Creek is believed to have been inhabited a thousand years

37 ago by pre-Columbian cultures, including the Fremont and the {~~Anasazi~~} Archaic ;

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.

**H.B. 150, Sub. H.B. 155, H.B. 156, H.B. 224**, as amended, and **H.C.R. 10**, as amended, read the second time by short title and placed on the calendar for third reading.

**THIRD READING CALENDAR**

**H.B. 201**, LIFE INSURANCE AND ANNUITIES LAW AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Dunnigan proposed the following amendment:

1. Page 1, Lines 11 through 15

House Committee Amendments 1-24-2005

11 This bill:

▶ addresses provisions of the standard nonforfeiture law for individual deferred annuities.

12 ~~▶ defines a two-tier annuity;~~

13 ~~▶ exempts two-tier annuities from certain cash-surrender value requirements;]~~ ~~◀~~

14 makes permissive a requirement that the commissioner make rules to establish

15 standards for materials used in the solicitation or sale of life insurance;

Representative Dunnigan’s motion to amend passed on a voice vote.

**H.B. 201**, as amended, then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

- |        |         |           |           |
|--------|---------|-----------|-----------|
| Aagard | Adams   | Alexander | Barrus    |
| Becker | Bigelow | Biskupski | Bourdeaux |

Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

S. Allen	Holdaway	Lockhart	Tilton
Ure			

**H.B. 201**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 189**, APPLIED TECHNOLOGY PROGRAM AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 189** then failed to pass on the following roll call:

**Yeas, 26; Nays, 45; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Bigelow
Christensen	S. Clark	D. Cox	Daw
Dayton	Donnelson	Dougall	Fowlke
Frank	Hardy	Harper	Hughes
E. Hutchings	Lockhart	Mathis	Newbold
Oda	Painter	Tilton	Walker
Wallace	Curtis		

**Voting in the negative were:** Representatives

S. Allen	Barrus	Becker	Biskupski
Bourdeaux	Bowman	Buttars	Buxton

D. Clark	Cosgrove	Dee	Duckworth
Ferrin	Ferry	Fisher	Gibson
Goodfellow	Gowans	Hansen	Hendrickson
Hogue	Hunsaker	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Mascaro	McGee	Menlove
Morgan	Moss	Murray	Noel
Ray	Romero	Shurtliff	G. Snow
Ure	Wheatley	Wheeler	Wiley
Wyatt			

**Absent or not voting were:** Representatives

Dunnigan	Holdaway	Morley	Urquhart
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**H.B. 189** was filed.

\* \* \*

**H.C.R. 1, RESOLUTION PROMOTING MODERATELY SIZED SCHOOLS,** read the third time by short title and placed on its final passage.

**H.C.R. 1** then passed on the following roll call:

**Yeas, 66; Nays, 4; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hansen	Hardy	Harper	Hogue
Hughes	Hunsaker	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Christensen	Gowans	Hendrickson	E. Hutchings
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**Absent or not voting were:** Representatives

Alexander	Bourdeaux	Holdaway	Lockhart
Ure			

**H.C.R. 1** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 165**, UTAH COMMISSION ON AGING, read the third time by short title and placed on its final passage.

**H.B. 165**, as amended, then passed on the following roll call:

**Yeas, 40; Nays, 32; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Bowman	Buxton	D. Clark	S. Clark
Cosgrove	Dee	Duckworth	Dunnigan
Fowlke	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Hogue	Hunsaker
E. Hutchings	Jones	King	Last
Lawrence	Litvack	Mascaro	McGee
Menlove	Morgan	Moss	Murray
Noel	Painter	Ray	Romero
Shurtliff	Wheatley	Wheeler	Wiley

**Voting in the negative were:** Representatives

Aagard	Adams	Alexander	Barrus
Bigelow	Buttars	Christensen	D. Cox
Daw	Dayton	Donnelson	Dougall
Ferrin	Ferry	Fisher	Frank
Gibson	Harper	Hughes	B. Johnson
Kiser	Lockhart	Mathis	Morley
Newbold	Oda	G. Snow	Tilton
Walker	Wallace	Wyatt	Curtis

**Absent or not voting were:** Representatives

Holdaway	Ure	Urquhart
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**H.B. 165**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 198**, NATUROPATHIC FORMULARY PEER COMMITTEE AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **H.B. 198**.

\* \* \*

**H.B. 168**, COOPERATIVE WILDLIFE MANAGEMENT UNIT AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 168** then passed on the following roll call:

**Yeas, 69; Nays, 1; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	Tilton	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

**Voting in the negative was:** Representative  
Dougall

**Absent or not voting were:** Representatives

Holdaway	Lockhart	G. Snow	Ure
Curtis			

**H.B. 168** transmitted to the Senate for its consideration.

\* \* \*

**Sub. H.B. 182, HISTORICAL LIVESTOCK TRAILS**, read the third time by short title and placed on its final passage.

**Sub. H.B. 182** then passed on the following roll call:

**Yeas, 69; Nays, 1; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Murray
Newbold	Noel	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Voting in the negative was:** Representative  
Dougall

**Absent or not voting were:** Representatives

Bourdeaux	Holdaway	Litvack	Moss
Oda			

**Sub. H.B. 182** transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Ferrin, the House voted to uncircle **H.B. 198**.

**H.B. 198, NATUROPATHIC FORMULARY PEER COMMITTEE AMENDMENTS**, was before the House on its final passage.

Representative Ferrin proposed the following amendment:

1. Page 2, Line 45

45 (c) serve without compensation, travel costs, or per diem for their services.

(4) The committee and the division may seek input from other licensing boards.

Representative Ferrin's motion to amend passed on a voice vote.

**H.B. 198**, as amended, then passed on the following roll call:

**Yeas, 59; Nays, 1; Absent or not voting, 15.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
Cosgrove	D. Cox	Daw	Dee
Donnelson	Duckworth	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Harper
Hogue	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Last	Lawrence
Mascaro	Mathis	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative was:** Representative

Dayton

**Absent or not voting were:** Representatives

Adams	Biskupski	S. Clark	Dougall
Dunnigan	Hardy	Hendrickson	Holdaway
Hughes	Kiser	Litvack	Lockhart
McGee	Oda	Ure	

**H.B. 198**, as amended, transmitted to the Senate for its consideration.

### THIRD READING CALENDAR

**H.C.R. 4, UTAH ATHLETIC FOUNDATION RESOLUTION**, read the third time by short title and placed on its final passage.



On motion of Representative Alexander, the House voted to circle **H.C.R. 4**.

\* \* \*

**Sub. H.B. 40**, REPEAL OF SUNSET OF TOWNSHIP PROVISION, read the third time by short title and placed on its final passage.

**Sub. H.B. 40**, as amended, then passed on the following roll call:

**Yeas, 70; Nays, 2; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Agard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Hendrickson	Hogue	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Cosgrove	Harper
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**Absent or not voting were:** Representatives

Adams	Holdaway	Oda
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**Sub. H.B. 40**, as amended, transmitted to the Senate for its consideration.

**RULES COMMITTEE REPORTS**

Mr. Speaker: February 1, 2005

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 97**, State Budget Provisions (Rep. G. Curtis) , be replaced with

**Substitute H.B. 97**, State Budget Provisions (Rep. G. Curtis), and further recommends it be assigned to the Business and Labor Standing Committee; and

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 151**, School Community Councils (Rep. J. Dougall), be replaced with **Substitute H.B. 151**, School Community Councils (Rep. J. Dougall), and further recommends it be assigned to the Education Standing Committee; and

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

### **BUSINESS AND LABOR**

- S.B. 4** Uninsured Motorist Property Damage Coverage Amendments (Sen. D. Eastman)  
**H.B. 85** Health Insurance High Risk Pool – Eligibility Amendments (Rep. D. Litvack)

### **EDUCATION**

- H.B. 84** Reading Requirements for Student Advancement (Rep. K. Morgan)  
**H.B. 135** Implementing Federal Educational Programs (Rep. M. Dayton)  
**1st Sub. S.B. 122** Resident Tuition Status for Job Corps Students (Sen. G. Bell)

### **GOVERNMENT OPERATIONS**

- H.B. 99** State Fleet Vehicle Classification (Rep. E. Hutchings)  
**H.B. 154** School and Institutional Trust Lands Amendments (Rep. E. Hutchings)

### **LAW ENFORCEMENT AND CRIMINAL JUSTICE**

- H.B. 42** Medical Recommendations for Children (Rep. M. Morley)  
**H.B. 228** Removal or Defacement of Political Signs (Rep. G. Hughes)

### **NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT**

- S.C.R. 4** Resolution Approving Utah Recreational Land Exchange (Sen. B. Evans)

**PUBLIC UTILITIES AND TECHNOLOGY**

- H.B. 145** Amendments to Hearing and Speech Impaired Telecommunications Program (Rep. B. Goodfellow)
- H.B. 234** Telephone Surcharge for Education and Training Programs At Prison (Rep. B. Goodfellow)

**WORKFORCE SERVICES AND COMMUNITY & ECONOMIC DEVELOPMENT**

- S.B. 7** Funding for Tourism (Sen. S. Jenkins)

Rebecca Lockhart, Chair

Reports filed. On motion of Representative Lockhart, the reports of the Rules Committee were adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

**AFTERNOON SESSION**

The House was called to order by Speaker Curtis at 2:00 p.m.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: February 1, 2005

The Senate passed, as substituted, and amended **1st Sub. S.B. 26, PUBLIC UTILITIES AMENDMENTS**, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 44, GOVERNMENT RECORDS AMENDMENTS**, by Senator C. Walker, and it is transmitted for consideration; and

The Senate passed **S.B. 98, MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS**, by Senator S. Killpack, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 104, JUDICIARY AMENDMENTS**, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 108, TELECOMMUNICATIONS REVISIONS**, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed **S.B. 116**, ARBITRATION – USE OF SUBPOENA AUTHORIZED, by Senator D. Eastman, and it is transmitted for consideration; and

The Senate passed **S.B. 117**, REPEAL OF UTAH TOMORROW STRATEGIC PLANNING COMMITTEE, by Senator M. Waddoups, and it is transmitted for consideration; and

The Senate passed **S.B. 118**, IDENTITY FRAUD AMENDMENTS, by Senator C. Walker, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 120**, ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS, by Senator T. Hatch, and it is transmitted for consideration; and

The Senate passed **S.B. 123**, GOVERNMENTAL IMMUNITY ACT – TECHNICAL AMENDMENTS, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed **S.J.R. 6**, SPACE EXPLORATION RESOLUTION, by Senator P. Knudson, and it is transmitted for consideration.

Annette B. Moore

Secretary of the Senate

Communications filed. **Sub. S.B. 26**, **Sub. S.B. 44**, **S.B. 98**, **Sub. S.B. 104**, **Sub. S.B. 108**, **S.B. 116**, **S.B. 117**, **S.B. 118**, **S.B. 120**, **S.B. 123**, and **S.J.R. 6**, read the first time by short title and referred to the Rules Committee.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker:

February 1, 2005

The Business and Labor Committee reports a favorable recommendation on **H.B. 70**, HEALTH DISCOUNT PROGRAM CONSUMER PROTECTION ACT, by Representative J. Dunnigan, with the following amendments:

- 1. Page 6, Lines 166 through 169:

166 For purposes of this chapter:

167 (1) “Fee” means any periodic charge for use of a discount program.

(2) “Health care provider” means a health care provider as defined in Section 78-14-3 who:

(a) is practicing within the scope of the provider’s license; and

(b) {~~any person that~~ } has agreed either directly or

168 indirectly, by contract or any other arrangement with a health discount program operator, to

169 provide a discount to enrollees of a health discount program.

RENUMBER REMAINING SUBSECTIONS

- 2. Page 6, Line 172:

172 access to health care providers who agree to provide a discount for  
~~{medical}~~ health care services.

- 3. Page 6, Line 182:

182 (d) place your name on and market or promote a health discount program in this state.

(4)“Value-added benefit” means a discount offering with no additional charge made by a health insurer or health maintenance organization that is licensed under this title, in connection with existing contracts with the health insurer or health maintenance organization.

- 4. Page 7, Lines 201 through 203:

201 (m) Chapters 28 and 29; and

202 ~~{(n) Chapter 33, Workers’ Compensation Fund; and~~

203 ~~(o)}~~ (n) Chapters 35 through 38.

- 5. Page 10, Line 278:

278 “premium.” ~~{“enrollment.”}~~ and “preferred provider”;

- 6. Page 10, Lines 290 through 291:

290 (i) in writing in at least ~~{12}~~ 10 ~~-point type~~  
~~{-or}~~ and no smaller than the largest type on the page ~~{-if~~

291 type appears on the page that is larger than 12-point type } : and

7. Page 10, Line 294:

294 (A) the program is not a {~~comprehensive~~} health  
insurance policy;

8. Page 10, Line 306 through Page 11, Line 307:

306 (1) (a) Health discount program operators must provide to  
each purchaser or potential {~~enrollee~~} purchaser a copy  
 307 of the terms of the discount program {~~prior to~~} at the time  
of purchase.

(b) For purposes of this section “purchaser” means the employer in  
an employer sponsored plan, or an individual purchasing outside of an  
employer relationship.

9. Page 11, Line 310:

310 {~~methods for calculating discounts~~} cancellation  
procedures and corresponding refund requests.

10. Page 11, Lines 312 through 313:

312 (3) A contract must be signed by the  
 {~~enrollee~~} purchaser acknowledging the terms before any  
fees

313 are collected.

11. Page 11, Lines 334 through 335:

334 (b) The commissioner must approve any changes in forms that  
required approval under

335 Section 31A-8a-203.

(3) A health insurer or health maintenance organization licensed  
under this title shall annually file with the Accident and Health Data  
Survey, a list of all value added benefits offered at no cost to its  
enrollees.

The Business and Labor Committee reports a favorable recommendation on **H.B. 209**, ADMINISTRATIVE RULES – IMPACT ON SMALL BUSINESSES, by Representative G. Hughes, with the following amendments:

1. Page 3, Lines 83 through 84:

83 (18) “Small business” means a business employing fewer than  
 {~~100~~} 50 persons {~~or a~~

84 ~~business with less than \$2,000,000 in annual gross receipts~~ } .

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the Business and Labor committee were adopted.

**H.B. 70**, as amended, and **H.B. 209**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

February 1, 2005

The Education Committee reports a favorable recommendation on **H.B. 188**, BEGINNING TEACHER ENHANCEMENTS, by Representative B. Johnson, et al; and

The Education Committee recommends **H.B. 74**, TUITION REIMBURSEMENT PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OR SPECIAL EDUCATION, by Representative R. Menlove, be replaced and reports a favorable recommendation on **2nd Sub. H.B. 74**, TUITION PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OR SPECIAL EDUCATION with the following amendments:

1. Page 3, Lines 73 through 80:

73 (c) Incentive loans shall be awarded in accordance with prioritized critical areas of need

74 for teaching expertise within the state’s public education system as determined by the State

75 Board of Education[-], {~~with first priority given to preparing teachers within this state as~~ } including :

76 (a) a special education teacher;

77 {~~(b) a school psychologist;~~

78 ~~(c)~~ } (b) a speech or language pathologist; or

79 {~~(d)~~ } (c) another licensed professional providing services in the public schools to pupils with

80 disabilities.

The Education Committee reports a favorable recommendation on **H.J.R. 11**, RESOLUTION ENCOURAGING SCHOOLS TO ADOPT NUTRITION AND

PHYSICAL ACTIVITY POLICIES, by Representative P. Jones, with the following amendments:

1. Page 2, Line 54:  
Delete “schools” and insert “school community councils”
2. Page 2, Line 55:  
After “work” delete “with the Legislature”

Margaret Dayton, Chair

Reports filed. On motion of Representative Dayton, the reports of the Education committee were adopted.

**H.B. 188, 2nd Sub. H.B. 74**, as amended, and **H.J.R. 11**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 1, 2005  
The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 214**, EMERGING TECHNOLOGIES AND OPEN GOVERNMENT, by Representative D. Clark.

Sheryl L. Allen, Chair

Report filed. On motion of Representative Allen, the report of the Public Utilities and Technology committee was adopted.

**H.B. 214**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 1, 2005  
The Health and Human Services Committee reports a favorable recommendation on **H.B. 79**, PROVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, by Representative R. Lockhart, with the following amendments:

1. Page 2, Lines 29 through 31:
  - 29       ▶       prohibits the Division of Services for People with Disabilities from disbursing
  - 30       public funds to pay for the services of a direct service worker, unless the direct
  - 31       service worker successfully completes a background check or after submitting the required information for a background check, and



before a determination on the background check is made, the direct service worker is directly supervised by a direct service worker who successfully completes a background check ;

2. Page 11, Line 322:

322 (i) monitor and sanction approved providers , as specified in the providers' contract ;

3. Page 12, Lines 359 through 367:

359 (1) For purposes of this section ;

(a) "office" is as defined in Section 62A-2-101 { - } ; and

(b) "directly supervised" means that the person being supervised is under the uninterrupted visual and auditory surveillance of the person doing the supervising.

360 (2) Subject to Subsection (4), public funds may not be disbursed to pay a direct service

361 worker for personal services rendered to a person, unless ;

(a) the direct service worker is approved

362 by the office to have direct access and provide services to children or vulnerable adults

363 pursuant to Section 62A-2-120 { - } ; or

(b) (i) during the time that the direct service worker renders the services described in this Subsection (2), the direct service worker who renders the services is directly supervised by a direct service worker who is approved by the office to have direct access and provide services to children or vulnerable adults pursuant to Section 62A-2-120;

(ii) the direct service worker who renders the services described in this Subsection (2) has submitted the information required for a background check pursuant to Section 62A-2-120; and

(iii) the office has not determined whether to approve the direct service worker described in Subsection (2)(b)(ii) to have direct access and provide services to children or vulnerable adults.

364 (3) For purposes of Subsection (2), the office shall conduct a background check of a

365 direct service worker:

366 (a) , except as provided in Subsection (2)(b), before public funds are disbursed to pay the direct service worker for the personal

367 services described in Subsection (2); and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 22**, INTERCOUNTRY ADOPTION ACCREDITATION, by Representative R. McGee, et al.

Bradley G. Last, Chair

Reports filed. On motion of Representative Ferry, the reports of the Health and Human Services committee were adopted.

**H.B. 79**, as amended, and **H.B. 22**, read the second time by short title and placed on the calendar for third reading.

### MISCELLANEOUS BUSINESS

On motion of Representative Allen, the House voted to reconsider its action on **H.B. 189**.

### RECONSIDERATION OF H.B. 189

**H.B. 189**, APPLIED TECHNOLOGY PROGRAM AMENDMENTS, was before the House upon its reconsideration.

On motion of Representative Ferrin, the House voted to circle **H.B. 189**.

### UNFINISHED BUSINESS

On motion of Representative Allen, the House voted to uncircle **H.B. 17**.

**H.B. 17**, MOTION PICTURE INCENTIVE FUND, was before the House on its final passage.

Representative Fowlke declared a conflict of interest because her husband and sister are in the motion picture industry.

**H.B. 17** then passed on the following roll call:

**Yeas, 58; Nays, 14; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buxton	D. Clark	S. Clark
Cosgrove	D. Cox	Dayton	Dee
Duckworth	Ferrin	Ferry	Fowlke

Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Moss
Murray	Newbold	Noel	Ray
Romero	Shurtliff	G. Snow	Ure
Walker	Wallace	Wheatley	Wheeler
Wiley	Curtis		

**Voting in the negative were:** Representatives

Bigelow	Buttars	Daw	Dougall
Dunnigan	Frank	Hughes	Lockhart
Morley	Oda	Painter	Tilton
Urquhart	Wyatt		

**Absent or not voting were:** Representatives

Christensen	Donnelson	Fisher
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**H.B. 17** transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.B. 75, GOVERNMENT RECORDS ACCESS AND MANAGEMENT TASK FORCE**, read the third time by short title and placed on its final passage.

**H.B. 75**, as amended, then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	Kiser	Last

Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Alexander            King            Tilton

**H.B. 75**, as amended, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until February 2, 2005, at 10:00 a.m.

# SEVENTEENTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present.

Pledge of Allegiance and prayer by Representative David N. Cox.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 1, 2005

The Senate passed, as substituted, and amended **1st Sub. S.B. 8**, LOCAL CORRIDOR PRESERVATION FUNDING, by Senator S. Killpack, and it is transmitted for consideration; and

The Senate passed, as substituted, **2nd Sub. S.B. 43**, PENALTY FOR PROVIDING FALSE INFORMATION TO STATE AGENCY, by Senator P. Hellewell, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 106**, UTAH RELIGIOUS LAND USE ACT, by Senator D. Thomas, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. S.B. 8**, **2nd Sub. S.B. 43**, and **Sub. S.B. 106**, read the first time by short title and referred to the Rules Committee.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 1, 2005

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 220**, SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION, by Representative D. Bourdeaux.

Wayne A. Harper, Chair

Report filed. On motion of Representative Donnelson, the report of the Revenue and Taxation committee was adopted.

**H.B. 220**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 1, 2005

The Political Subdivisions Committee reports a favorable recommendation on **S.B. 81**, LOCAL GOVERNMENT APPROVAL FOR SOLID NONHAZARDOUS AND HAZARDOUS WASTE DISPOSAL, by Senator B. Evans; and

The Political Subdivisions Committee reports a favorable recommendation on **S.B. 97**, CONSOLIDATION OF CITY AND COUNTY LIBRARY, by Senator G. Bell; and

The Political Subdivisions Committee reports a favorable recommendation on **S.B. 88**, CREATION OF LOCAL DISTRICTS, by Senator C. Walker, and recommends it be placed on the Consent Calendar; and

The Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 3**, RESOLUTION ENCOURAGING MEDIATION, by Senator C. Walker, and recommends it be placed on the Consent Calendar.

Brad L. Dee, Chair

Reports filed. On motion of Representative Dee, the reports of the Political Subdivisions committee were adopted.

**S.B. 81** and **S.B. 97**, read the second time by short title and placed on the calendar for third reading.

**S.B. 88** and **S.J.R. 3**, read the second time by short title and placed on the Consent Calendar.

\* \* \*

Mr. Speaker: February 1, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **1st Sub. S.B. 35**, RELATIONSHIPS WITH VENTURE CAPITAL ENTITIES, by Senator D. Thomas, and recommends it be placed on the Consent Calendar.

David N. Cox, Chair

Report filed. On motion of Representative Cox, the report of the Workforce Services and Community and Economic Development committee was adopted.

**Sub. S.B. 35**, read the second time by short title and placed on the Consent Calendar.

**CONSENT CALENDAR**

**H.B. 222**, PILOT PROGRAM REPEAL CLEAN-UP, read the third time by short title and placed on its final passage.

**H.B. 222** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	G. Snow
Tilton	Urquhart	Walker	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Shurtliff	Ure	Wallace
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**H.B. 222** transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Mascaro, the House voted to uncircle **S.B. 17**.

**S.B. 17**, FOSTER CARE CITIZEN REVIEW BOARD, was before the House on its final passage.

**S.B. 17** then passed on the following roll call:

**Yeas, 64; Nays, 10; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dee	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Voting in the negative were:** Representatives

Alexander	Dayton	Donnelson	Dougall
Ferrin	Frank	Mathis	Morley
Tilton	Ure		

**Absent or not voting was:** Representative

Lockhart

**S.B. 17** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

On motion of Representative Hogue, the House voted to uncircle **S.B. 11**.

**S.B. 11**, INITIATIVE PETITIONS AMENDMENTS, was before the House on its final passage.

**S.B. 11** then passed on the following roll call:

**Yeas, 61; Nays, 14; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

Agard	S. Allen	Becker	Bigelow
Biskupski	Bourdeaux	Bowman	Buttars



Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Litvack	Lockhart	Mascaro
McGee	Menlove	Moss	Murray
Noel	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Wheatley	Wiley	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Adams	Alexander	Barrus	Donnelson
Frank	Lawrence	Mathis	Morgan
Morley	Newbold	Oda	Walker
Wallace	Wheeler		

**S.B. 11** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**THIRD READING CALENDAR**

**Sub. S.B. 23, PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY**, read the third time by short title and placed on its final passage.

On motion of Representative Buttars, the House voted to circle **Sub. S.B. 23**.

\* \* \*

**S.B. 6, SALES AND USE TAX AGRICULTURE EXEMPTIONS**, read the third time by short title and placed on its final passage.

**S.B. 6** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski

Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Hogue                      Lockhart

**S.B. 6** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 36, SALES AND USE TAXATION OF PAWN TRANSACTIONS**, read the third time by short title and placed on its final passage.

**S.B. 36** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper

Hendrickson	Hogue	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Barrus	Bourdeaux	Dayton	Holdaway
Wallace			

**S.B. 36** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### UNFINISHED BUSINESS

On motion of Representative Harper, the House voted to uncircle **Sub. S.B. 23**.

**Sub. S.B. 23**, PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY, was before the House on its final passage.

**Sub. S.B. 23**, as amended, then passed on the following roll call:

**Yeas, 57; Nays, 15; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hardy	Harper	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	Kiser
Last	Lawrence	Mascaro	Mathis
Morgan	Morley	Moss	Newbold

Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wheeler
Wyatt			

**Voting in the negative were:** Representatives

Bigelow	Bourdeaux	Duckworth	Ferry
Hansen	Hendrickson	Hogue	Holdaway
King	Litvack	McGee	Menlove
Murray	Wheatley	Curtis	

**Absent or not voting were:** Representatives

Lockhart	Wallace	Wiley
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**Sub. S.B. 23**, as amended, was returned to the Senate for further consideration.

### THIRD READING CALENDAR

**S.B. 27**, SUNSET REAUTHORIZATIONS, read the third time by short title and placed on its final passage.

Representative Menlove proposed the following amendment:

- Page 5, Line 122:  
Delete “2005” and insert “2006”

Representative Morgan proposed the following substitute motion to amend:

- Page 1, Line 121 through Page 5, Line 122  
121     [~~(5)~~] (4) Title 63, Chapter 47, Utah Commission for Women and Families, is repealed  
122 July 1,    {~~2005~~}     2010 .

Representative Morgan’s substitute motion to amend failed on the following roll call:

**Yeas, 17; Nays, 52; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Becker	Biskupski	Bourdeaux	Cosgrove
Duckworth	Goodfellow	Gowans	Hansen
Hendrickson	Jones	King	Litvack
Mascaro	Morgan	Moss	Shurtliff
Wheatley			

**Voting in the negative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bowman	Buttars
Buxton	Christensen	D. Clark	S. Clark
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Dunnigan	Ferrin
Fisher	Fowlke	Frank	Gibson
Hardy	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Kiser
Last	Lawrence	Mathis	Menlove
Morley	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
G. Snow	Tilton	Ure	Urquhart
Walker	Wheeler	Wyatt	Curtis

**Absent or not voting were:** Representatives

Ferry	Harper	Lockhart	McGee
Wallace	Wiley		

Representative Menlove's motion to amend passed on a voice vote.

**S.B. 27**, as amended, then passed on the following roll call:

**Yeas, 53; Nays, 16; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Agard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Dee
Duckworth	Dunnigan	Ferrin	Fisher
Fowlke	Gibson	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Holdaway
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Last	Lawrence	Litvack
Mascaro	Mathis	Menlove	Morgan
Moss	Murray	Newbold	Noel
Painter	Ray	Romero	Shurtliff
G. Snow	Urquhart	Wheatley	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Adams	Christensen	Daw	Dayton
Donnelson	Dougall	Frank	Harper
Hogue	Hughes	Lockhart	Morley
Oda	Tilton	Ure	Walker

**Absent or not voting were:** Representatives

Ferry	Kiser	McGee	Wallace
Wheeler	Wiley		

**S.B. 27**, as amended, returned to the Senate for further consideration.

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**S.B. 101**, UTAH ADMINISTRATIVE RULEMAKING ACT REVISION, read the third time by short title and placed on its final passage.

**S.B. 101** then passed on the following roll call:

**Yeas, 61; Nays, 0; Absent or not voting, 14.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Barrus	Becker
Bigelow	Bourdeaux	Bowman	Buttars
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Ferrin	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Last	Lawrence	Lockhart	Mascaro
Mathis	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wheatley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Adams	Alexander	Biskupski	Dunnigan
Ferry	Hardy	Hendrickson	Hughes
Kiser	Litvack	McGee	Wallace
Wheeler	Wiley		

**S.B. 101** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**MISCELLANEOUS BUSINESS**

On motion of Representative Bigelow, the House voted to lift **H.B. 91** from the Third Reading Calendar and set it for Time Certain tomorrow at 11:30 a.m.

**THIRD READING CALENDAR**

**S.B. 21, LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS**, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **S.B. 21**.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

**THIRD READING CALENDAR**

**H.R. 3, RESOLUTION SUPPORTING CONGRESSIONAL PRIVATIZATION OF SOCIAL SECURITY**, read the third time by short title and placed on its final passage.

**H.R. 3**, as amended, then passed on the following roll call:

**Yeas, 54; Nays, 17; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Bigelow	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Hardy	Harper	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Kiser	Last	Lawrence	Lockhart
Mathis	Menlove	Morley	Murray
Newbold	Noel	Oda	Painter

Ray	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Becker	Bourdeaux	Cosgrove	Duckworth
Goodfellow	Gowans	Hansen	Hendrickson
King	Litvack	McGee	Morgan
Moss	Romero	Shurtliff	Wheatley
Wiley			

**Absent or not voting were:** Representatives

S. Allen	Biskupski	Jones	Mascaro
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**H.R. 3**, as amended, was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Lt. Governor.

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**H.R. 4**, RESOLUTION URGING UNITES STATES SUPPORT OF PRESIDENT'S SUPREME COURT NOMINEES, read the third time by short title and placed on its final passage.

**H.R. 4** then passed on the following roll call:

**Yeas, 52; Nays, 16; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Bigelow	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Gowans	Hardy	Harper	Hogue
Holdaway	B. Johnson	Kiser	Last
Lockhart	Mascaro	Mathis	Menlove
Morley	Newbold	Noel	Oda
Painter	Ray	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheeler	Wyatt	Curtis



**Voting in the negative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Cosgrove	Duckworth	Goodfellow	Hansen
Hendrickson	King	Litvack	McGee
Moss	Romero	Wheatley	Wiley

**Absent or not voting were:** Representatives

Hughes	Hunsaker	E. Hutchings	Jones
Lawrence	Morgan	Murray	

**H.R. 4** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Lt. Governor.

\* \* \*

**Sub. H.B. 174**, CHILD PROTECTION REGISTRY AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Dougall, the House voted to circle **Sub. H.B. 174**.

**RULES COMMITTEE REPORT**

Mr. Speaker: February 2, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

**H.B. 100** Consumer Credit Bureau Notice Requirements  
(Rep. K. Morgan)

**H.B. 103** Student Housing Built by Higher Education Institutions  
(Rep. S. Clark)

**EDUCATION**

**H.B. 136** Charter School Enrollment (Rep. J. Ferrin)

**H.B. 138** Nonresident Tuition for Higher Education Amendments  
(Rep. M. S. Lawrence)

**H.B. 139** Local School Board Amendments (Rep. M. Dayton)

**H.B. 148** School Truancy Amendments (Rep. E. Hutchings)

**S.B. 120** Allocation of Profits from School and Institutional Trust  
Lands (Sen. T. Hatch)

**GOVERNMENT OPERATIONS**

- 2nd Sub. S.B. 43** Penalty for Providing False Information to State Agency  
(Sen. P. Hellewell)
- 1st Sub. S.B. 44** Government Records Amendments (Sen. C. Walker)
- S.B. 117** Repeal of Utah Tomorrow Strategic Planning Committee  
(Sen. M. Waddoups)
- S.B. 123** Governmental Immunity Act – Technical Amendments  
(Sen. G. Bell)
- S.B. 86** 2004 General Obligation Bond Amendments  
(Sen. P. Knudson)

**JUDICIARY**

- 1st Sub. S.B. 104** Judiciary Amendments (Sen. L. Hillyard)
- S.B. 116** Arbitration – Use of Subpoena Authorized  
(Sen. D. Eastman)

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

- S.B. 118** Identity Fraud Amendments (Sen. C. Walker)

**POLITICAL SUBDIVISIONS**

- 1st Sub. S.B. 106** Utah Religious Land Use Act (Sen. D. Thomas)

**PUBLIC UTILITIES AND TECHNOLOGY**

- 1st Sub. S.B. 26** Public Utilities Amendments (Sen. G. Bell)
- 1st Sub. S.B. 108** Telecommunications Revisions (Sen. C. Bramble)

**RETIREMENT AND INDEPENDENT ENTITIES**

- H.B. 213** Unused Sick Leave At Retirement Amendments  
(Rep. D. Clark)

**REVENUE AND TAXATION**

- H.B. 101** Amendments to the Individual Income Tax  
(Rep. W. Harper)

**TRANSPORTATION**

- 1st Sub. S.B. 8** Local Corridor Preservation Funding (Sen. S. Killpack)
- S.B. 98** Motor Vehicle Registration and Title Amendments  
(Sen. S. Killpack)

**WORKFORCE SERVICES AND COMMUNITY & ECONOMIC  
DEVELOPMENT**

**S.J.R. 6**

Space Exploration Resolution (Sen. P. Knudson)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until February 3, 2005, at 10:00 a.m.

# EIGHTEENTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present except Representative Sheryl Allen, excused.

Pledge of Allegiance and prayer by Representative Brad L. Dee.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

February 2, 2005

The Senate passed, as substituted, **1st Sub. S.B. 24**, WASTE AMENDMENTS, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 42**, ALCOHOL RESTRICTED DRIVERS, by Senator C. Walker, and it is transmitted for consideration; and

The Senate passed **S.B. 47**, WRONGFUL LIEN OFFENSES, by Senator B. Evans, and it is transmitted for consideration; and

The Senate passed **S.B. 73**, TAMPERING WITH EVIDENCE, by Senator D. C. Buttars, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 107**, LICENSURE AND REGULATION OF PROGRAMS AND FACILITIES, by Senator T. Hatch, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 125**, AMENDMENTS TO INDIVIDUAL INCOME TAX CREDIT FOR SPECIAL NEEDS ADOPTIONS, by Senator P. Hellewell, and it is transmitted for consideration; and

The Senate passed **S.B. 128**, CALCULATION OF INTEREST ON TAX OVERPAYMENTS, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed **S.B. 129**, BRINE SHRIMP ROYALTY ACT AMENDMENTS, by Senator T. Hatch, and it is transmitted for consideration; and

The Senate passed **S.B. 131**, AUTHORIZATION FOR ADDITIONAL JUDICIAL POSITION, by Senator M. Madsen, and it is transmitted for consideration; and

The Senate passed **S.B. 133**, INDIVIDUAL INCOME TAX – RETURN FILING REQUIREMENTS, by Senator H. Stephenson, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. S.B. 24, S.B. 42, S.B. 47, S.B. 73, S.B. 107, S.B. 125, S.B. 128, S.B. 129, S.B. 131, and S.B. 133**, read the first time by short title and referred to the Rules Committee.

**REPORTS OF STANDING COMMITTEES**

Mr. Speaker: February 3, 2005

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 97**, STATE BUDGET PROVISIONS, by Representative G. Curtis.

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the Business and Labor committee were adopted.

**Sub. H.B. 97**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 2, 2005

The Law Enforcement and Criminal Justice Committee recommends **H.B. 42**, MEDICAL RECOMMENDATIONS FOR CHILDREN, by Representative M. Morley, be replaced and reports a favorable recommendation on **1st Sub. H.B. 42**, MEDICAL RECOMMENDATIONS FOR CHILDREN with the following amendments:

- 1. Page 3, Lines 57 through 58:

57 (f) make a child abuse or neglect report to authorities, including the Division of Child

58 and Family Services, solely or primarily on the basis that a parent or guardian refuses to consent to:

2. Page 6, Lines 150 through 151:

150 Family Services may not remove a minor from the custody of the minor's parent or guardian on

151 the sole or primary basis that the parent or guardian refuses to consent to:

3. Page 7, Lines 190 through 191:

190 Family Services may not remove a minor from the custody of the minor's parent or guardian on

191 the sole or primary basis that the parent or guardian refuses to consent to:

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 98**, OFFENSES COMMITTED AGAINST CORRECTIONAL AND PEACE OFFICERS, by Representative C. Oda; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 212**, TRAFFIC VIOLATIONS BY DIPLOMATS, by Representative D. Hogue, and recommends it be placed on the Consent Calendar.

DeMar "Bud" Bowman, Chair

Reports filed. On motion of Representative Alexander, the reports of the Law Enforcement and Criminal Justice committee were adopted.

**Sub. H.B. 42**, as amended, and **H.B. 98**, read the second time by short title and placed on the calendar for third reading.

**H.B. 212**, read the second time by short title and placed on the Consent Calendar.

\* \* \*

Mr. Speaker:

February 2, 2005

The Judiciary Committee reports a favorable recommendation on **S.B. 32**, LIMITATION OF LANDOWNER LIABILITY FOR PUBLIC RECREATION, by Senator G. Bell; and

The Judiciary Committee reports a favorable recommendation on **S.B. 91**, INTERSTATE JUVENILE COMPACT, by Senator L. Hillyard; and

The Judiciary Committee reports a favorable recommendation on **S.B. 94**, RESTITUTION AMENDMENTS, by Senator G. Bell; and

The Judiciary Committee reports a favorable recommendation on **S.B. 103**, LIENS ON AIRCRAFT, by Senator T. Hatch; and

The Judiciary Committee reports a favorable recommendation on **H.B. 95**, SEX OFFENDER REGISTRATION AMENDMENTS, by Representative M. S. Lawrence, with the following amendments:

- 1. Page 9, Lines 264 through 267:

264 (ii) Offenses referred to in Subsection [~~(9)~~] (10)(b)(i) are:  
265 (A) any offense listed in Subsection (1)[~~(e)~~](f) if at the time of  
the conviction the  
266 offender has previously been convicted of an offense listed in  
Subsection (1)[~~(e)~~](f) or has  
267 previously been required to register as a sex offender for an  
offense committed as a juvenile ;

- 2. Page 10, Lines 296 through 299:

296 [~~(12)~~] (13) The department shall:  
297 (a) provide the following additional information when  
available:  
298 (i) the crimes the sex offender was convicted of or  
adjudicated delinquent for ; and  
299 (ii) a description of the sex offender’s primary and secondary  
targets

James A. Ferrin, Chair

Reports filed. On motion of Representative Ferrin, the reports of the Judiciary committee were adopted.

**S.B. 32, S.B. 94, S.B. 103**, and **H.B. 95**, as amended, read the second time by short title and placed on the calendar for third reading.

**S.B. 91**, read the second time by short title and referred to the Rules Committee due to fiscal impact.

\* \* \*

Mr. Speaker:

February 2, 2005

The Transportation Committee reports a favorable recommendation on **H.B. 149**, VEHICLE IDENTIFICATION NUMBER INSPECTORS, by Representative C. Frank.

Joseph G. Murray, Chair

Report filed. On motion of Representative Murray, the report of the Transportation committee was adopted.

**H.B. 149**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 2, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 226**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT REQUIREMENTS REGARDING ANIMAL IDENTIFICATION PROGRAM, by Representative C. Buttars; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.J.R. 13**, RESOLUTION SUPPORTING NATIONAL BEAR RIVER HERITAGE AREA ACT, by Representative C. Buttars; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 203**, AGRICULTURAL ADVISORY BOARD, by Representative M. Noel, and recommends it be placed on the Consent Calendar.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.

**H.B. 226** and **H.J.R. 13**, read the second time by short title and placed on the calendar for third reading.

**H.B. 203**, read the second time by short title and placed on the Consent Calendar.

### CONSENT CALENDAR

**H.B. 90**, SEARCH AND RESCUE ADVISORY BOARD – AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 90** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux



Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

S. Allen	Bowman	Goodfellow
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**H.B. 90** transmitted to the Senate for its consideration.

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**S.B. 79**, EXTENSION OF SUNSET DATE ON RESOURCE DEVELOPMENT COORDINATING COMMITTEE, read the third time by short title and placed on its final passage.

**S.B. 79** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
B. Johnson	Jones	King	Kiser

Last	Lawrence	Litvack	Lockhart
Mascaro	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Romero
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

S. Allen	Bigelow	Hansen	Hardy
E. Hutchings	Mathis	Ray	Shurtliff

**S.B. 79** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 78, OPTIONAL FORMS OF COUNTY GOVERNMENT AMENDMENT**, read the third time by short title and placed on its final passage.

**S.B. 78** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hansen	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

S. Allen	Buttars	Buxton	Gowans
Hardy	Harper	E. Hutchings	Mathis

**S.B. 78** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**MISCELLANEOUS BUSINESS**

On motion of Representative Mascaro, the House voted to allow a concurrent resolution bill file be opened regarding the work, courage, heroism, and sacrifice of war dogs.

**SPECIAL ORDER OF BUSINESS**

**H.B. 29**, STATE ENGINEER'S POWERS AND DUTIES AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 29**, as amended, then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

S. Allen	Mathis	Noel
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**H.B. 29**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**Sub. H.B. 38**, WATER LAW – CRIMINAL PENALTIES AMENDMENTS, read the third time by short title and placed on its final passage.

**Sub. H.B. 38** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Litvack	Lockhart	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

S. Allen	Harper	Lawrence	Mascaro
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**Sub. H.B. 38** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 157**, WATER ENFORCEMENT PROCEDURES AND PENALTIES, read the third time by short title and placed on its final passage.

Representative Ure proposed the following amendment:

- 1. Page 7, Lines 190 through 193

190 (3) In accordance with Title 63, Chapter 46a, Utah  
Administrative Rulemaking Act, the

191 state engineer shall make rules necessary to enforce an initial order,  
which shall include:

192 (a) provisions consistent with this Section 73-3-25 and  
Section 73-2-26 for enforcement of the initial order if a person to  
whom an initial order is

193 issued fails to respond to the order or abate the violation;

- 2. Page 7, Lines 207 through 209:

207 (6) (a) The state engineer’s final order may be reviewed by  
trial de novo by the district court in:

208 (i) Salt Lake County; or

209 (ii) the county where the violation occurred.

- 3. Page 8, Lines 215 through 217:

215 (8) {~~If a final order is upheld, in~~ } In an action  
brought under Subsection ~~(6)(b) or (7), the {~~person~~~~

216 ~~against whom enforcement is sought shall be liable~~  
~~for~~ } prevailing party may recover all court costs and a  
reasonable attorney

217 fee.

Representative Ure’s motion to amend passed on a voice vote.

**H.B. 157**, as amended, then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson

Goodfellow	Gowans	Hansen	Hardy
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

S. Allen                      Bourdeaux                      Harper

**H.B. 157**, as amended, transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**S.B. 81**, LOCAL GOVERNMENT APPROVAL FOR SOLID NONHAZARDOUS AND HAZARDOUS WASTE DISPOSAL, read the third time by short title and placed on its final passage.

**S.B. 81** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hardy	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Oda	Ray	Romero

Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

S. Allen	Biskupski	Buxton	Hansen
Harper	Noel	Painter	

**S.B. 81** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 97**, CONSOLIDATION OF CITY AND COUNTY LIBRARY, read the third time by short title and placed on its final passage.

**S.B. 97** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hansen	Hardy	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Oda	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

S. Allen	Buttars	Dougall	Gowans
Harper	Morley	Noel	Painter

**S.B. 97** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

### THIRD READING CALENDAR

**H.C.R. 2, COWBOY HALL OF FAME RESOLUTION**, read the third time by short title and placed on its final passage.

**H.C.R. 2** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Hendrickson
Hogue	Holdaway	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

S. Allen	Buxton	Ferrin	Harper
Hughes			

**H.C.R. 2** transmitted to the Senate for its consideration.



\* \* \*

**H.B. 49, BICYCLE SAFETY PROVISIONS**, read the third time by short title and placed on its final passage.

On motion of Representative McGee, the House voted to delete **H.B. 49** in title and body and insert **Sub. H.B. 49** in lieu thereof.

**Sub. H.B. 49**, then passed on the following roll call:

**Yeas, 45; Nays, 19; Absent or not voting, 11.**

**Voting in the affirmative were:** Representatives

Alexander	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Goodfellow	Gowans	Hansen
Hendrickson	Holdaway	Hunsaker	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Mascaro	McGee	Menlove
Morgan	Moss	Murray	Painter
Ray	Romero	Shurtliff	Urquhart
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

**Voting in the negative were:** Representatives

Aagard	Barrus	Buxton	D. Cox
Daw	Dayton	Dee	Donnelson
Frank	Gibson	Hogue	B. Johnson
Mathis	Newbold	Noel	G. Snow
Tilton	Walker	Curtis	

**Absent or not voting were:** Representatives

Adams	S. Allen	Dougall	Hardy
Harper	Hughes	Litvack	Lockhart
Morley	Oda	Ure	

**Sub. H.B. 49**, transmitted to the Senate for its consideration.

**SPECIAL ORDER OF BUSINESS**

**H.B. 91, LICENSE PLATE FOR DISABLED AMERICAN VETERANS**, read the third time by short title and placed on its final passage.

Representative Bigelow proposed the following amendment, under suspension of the rules:

1. Page 1, Line 1:  
Delete “AMERICAN”
2. Page 1, Line 9:  
Delete “American”
3. Page 1, Line 13:  
Delete “American”
4. Page 1, Line 15:  
Delete “American”
5. Page 1, Line 16:  
Delete “American”
6. Page 1, Line 18:  
Delete “American”
7. Page 2, Line 41:  
Delete “American”
8. Page 4, Line 93:  
Delete “American”
9. Page 4, Line 108:  
Delete “American”
10. Page 4, After line 110:  
Insert a new subsection as follows:

“A disabled veteran seeking a disabled veteran license plate shall request the Division of Veteran Affairs to provide the verification required under Subsection (4).”

Representative Bigelow’s motion to amend passed on a voice vote.

**H.B. 91**, as amended, then passed on the following roll call:

**Yeas, 66; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bowman

Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Moss	Murray	Noel	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

S. Allen	Bourdeaux	Buttars	Dayton
Harper	Jones	Morley	Newbold
Oda			

**H.B. 91**, as amended, transmitted to the Senate for its consideration.

**RULES COMMITTEE REPORT**

Mr. Speaker:

February 3, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

<b>H.B. 105</b>	Construction Filing Amendments (Rep. M. Morley)
<b>S.B. 47</b>	Wrongful Lien Offenses (Sen. B. Evans)

**GOVERNMENT OPERATIONS**

<b>H.B. 142</b>	Issues Submitted to Voters (Rep. G. Hughes)
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**HEALTH AND HUMAN SERVICES**

<b>H.B. 243</b>	Repeal of Geriatric Care Manager (Rep. R. Lockhart)
<b>H.B. 279</b>	Clinical Counselor – Title Change (Rep. L. Fowlke)
<b>S.B. 107</b>	Licensure and Regulation of Programs and Facilities (Sen. T. Hatch)

**JUDICIARY**

- H.B. 77** Provisions for Emancipation of a Minor (Rep. R. McGee)  
**H.B. 131** Access to Health Care Facilities and Places of Worship  
 (Rep. D. Aagard)  
**S.B. 42** Alcohol Restricted Drivers (Sen. C. Walker)  
**S.B. 131** Authorization for Additional Judicial Position  
 (Sen. M. Madsen)

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

- H.B. 223** Amendments to Driver License and Identification Cards  
 (Rep. C. Oda)

**NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT**

- H.B. 230** Recycling of Waste Tires (Rep. D. Ure)  
**H.B. 270** Temporary Road Closures (Rep. M. Noel)  
**1st Sub. S.B. 24** Waste Amendments (Sen. C. Bramble)

**POLITICAL SUBDIVISIONS**

- H.B. 143** National Guard Amendments (Rep. E. Hutchings)  
**H.B. 250** Capitol Complex Space (Rep. J. Alexander)  
**H.B. 216** Global Positioning Reference Network  
 (Rep. K. Holdaway)

**PUBLIC UTILITIES AND TECHNOLOGY**

- H.B. 104** Spyware Control Act Revisions (Rep. S. Urquhart)

**REVENUE AND TAXATION**

- H.B. 147** Property Tax Exemption for Veterans (Rep. G. Hughes)  
**S.B. 125** Amendments to Individual Income Tax Credit for Special  
 Needs Adoptions (Sen. P. Hellewell)  
**S.B. 128** Calculation of Interest on Tax Overpayments  
 (Sen. H. Stephenson)  
**S.B. 129** Brine Shrimp Royalty Act Amendments (Sen. T. Hatch)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Ure, the House voted to allow a bill file to be opened for a resolution honoring Jade Pusey.

\* \* \*

On motion of Representative Alexander, the House voted to adjourn until February 4, 2005, at 10:00 a.m.

# NINETEENTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present except Representative Sheryl Allen, excused.

Prayer by Mr. Forest Cuch. Pledge of Allegiance by Representative Mark Wheatley's mother, Mrs. Sally Wheatley.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 3, 2005

The Senate passed, **H.B. 6**, MASTER HIGHWAY DESIGNATION AMENDMENTS, by Representative J. Murray, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 8**, CHILD PROTECTION TEAM MEETINGS, by Representative A. Tilton, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 10**, EMPLOYMENT SECURITY ACT AMENDMENTS, by Representative D. Cox, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 15**, REPEAL OF STATE DEBT COLLECTION ADVISORY BOARD, by Representative D. Aagard, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 16**, REPEAL OF VEHICLE EQUIPMENT SAFETY COMMISSION, by Representative N. Hendrickson, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 19**, PROCUREMENT CODE RENUMBERING, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 20**, CALLING LOCAL SPECIAL ELECTIONS FOR SALES AND USE TAX PURPOSES, by Representative S. Clark, which has

been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 37**, ADMINISTRATIVE RULES REAUTHORIZATION, by Representative D. Ure, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 52**, FIRE PREVENTION AMENDMENTS, by Representative J. Murray, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 176**, REVISOR'S STATUTE, by Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 6**, **H.B. 8**, **H.B. 10**, **H.B. 15**, **H.B. 16**, **H.B. 19**, **H.B. 20**, **H.B. 37**, **H.B. 52**, and **H.B. 176** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: February 3, 2005

The Senate passed, as amended, **H.B. 26**, CONVEYANCES OF PROPERTY, by Representative J. S. Adams, and it is transmitted for further consideration; and

The Senate passed, as amended, **Sub. H.B. 28**, JUVENILE JUSTICE RECODIFICATION, by Representative D. Aagard, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 185**, UTAH COMPUTER CRIMES ACT AMENDMENTS, by Representative B. Daw, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 26**, **Sub. H.B. 28**, and **H.B. 185**, placed on the calendar for concurrence.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 3, 2005

The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 145**, AMENDMENTS TO HEARING AND SPEECH

IMPAIRED TELECOMMUNICATIONS PROGRAM, by Representative B. Goodfellow; and

The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 238**, UTAH TECHNOLOGY COMMISSION MEMBERSHIP, by Representative J. Dougall, with the following amendments:

1. Page 1, Lines 26 through 27:
  - 26 Other Special Clauses:
  - 27        {~~None~~} This bill provides an immediate effective date.
  
2. Page 11, Lines 312 through 313:
  - 312        (6) Any meeting of the committee is subject to Title 52, Chapter 4, Open and Public
  - 313 Meetings.  
Section 6. Effective date.  
If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

Sheryl L. Allen, Chair

Reports filed. On motion of Representative Hunsaker, the reports of the Public Utilities and Technology committee were adopted.

**H.B. 145** and **H.B. 238**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 3, 2005

The Business and Labor Committee reports a favorable recommendation on **H.B. 236**, HEALTH INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, with the following amendments:

1. Page 52, Lines 1578 through 1581:
  - 1578 (a) has been continuously covered {~~under a group policy~~} for a period of six months by the group policy or the group's preceding policies
  - 1579 immediately prior to termination; [~~and~~]



1580 (b) has exhausted either Utah mini-COBRA coverage as required in Section

1581 31A-22-722 or federal COBRA coverage ~~{-,if offered-}~~ ; and

2. Page 52, Lines 1597 through 1599:

1597 ~~{-or-}~~

1598 (iii) made intentional misrepresentation of material fact under the terms of coverage~~[-];~~

1599 or

(iv) individual no longer resides in the service area; or

The Business and Labor Committee reports a favorable recommendation on **S.B. 37, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS**, by Senator D. Eastman, with the following amendments:

1. Page 1, Lines 13 through 14

Senate Committee Amendments 1-20-2005:

13 ► increases the bond amount for a motor vehicle dealer's license from \$50,000 to

14 \$75,000 ~~{-until June 30, 2010-}~~ beginning on July 1, 2006 ;

2. Page 1, Lines 15 through 16

Senate Committee Amendments 1-20-2005:

15 ► increases the bond amount for a special equipment dealer's license from \$20,000 to

16 \$75,000 ~~{-until June 30, 2010-}~~ beginning on July 1, 2006 ;

3. Page 1, Lines 20 through 21

Senate Committee Amendments 1-20-2005:

20 {~~-~~► provides that beginning on July 1, 2010, the bond amount for a motor vehicle

21 ~~dealer's license or a special equipment dealer's license is \$100,000;-}~~

4. Page 2, Line 31:

31 ~~{-None-}~~ This bill takes effect July 1, 2005.

## 5. Page 2, Lines 40 through 45:

40 (1) (a) Before a dealer's, special equipment dealer's, crusher's,  
or body shop's license is

41 issued, the applicant shall file with the administrator a corporate  
surety bond in the amount of:

42 (i) ~~{-}~~ \$50,000 ~~{-}~~ ~~{-\$75,000 }~~ until June  
30, ~~{-2010 }~~ 2006 ,and ~~{-\$100,000 }~~ \$75,000 on or  
after July 1, ~~{-2010 }~~ 2006 , for a

43 motor vehicle dealer's license;

44 (ii) ~~{-}~~ \$20,000 ~~{-}~~ ~~{-\$75,000 }~~ until June  
30, ~~{-2010 }~~ 2006 ,and ~~{-\$100,000 }~~ \$75,000 on or  
after July 1, ~~{-2010 }~~ 2006 , for a

45 special equipment dealer's license;

## 6. Page 3, Line 80

Senate Committee Amendments 1-20-2005:

80 chapter.

Section 2. Effective date.

This bill takes effect July 1, 2005.

The Business and Labor Committee reports a favorable recommendation on **S.B. 40**, REGULATION OF TITLE INSURANCE INDUSTRY, by Senator T. Hatch.

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the Business and Labor committee were adopted.

**H.B. 236**, as amended, **S.B. 37**, as amended, and **S.B. 40**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

February 3, 2005

The Education Committee reports a favorable recommendation on **H.B. 135**, IMPLEMENTING FEDERAL EDUCATIONAL PROGRAMS, by Representative M. Dayton; and

The Education Committee reports a favorable recommendation on **H.J.R. 3**, RESOLUTION REGARDING FEDERAL NO CHILD LEFT BEHIND, by Representative K. Holdaway, et al.

Margaret Dayton, Chair

Reports filed. On motion of Representative Dayton, the reports of the Education committee were adopted.

**H.B. 135** and **H.J.R. 3**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 3, 2005

The Health and Human Services Committee reports a favorable recommendation on **H.B. 62**, AMENDMENTS TO INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED, by Representative R. Lockhart, with the following amendments:

1. Page 2, Lines 31 through 35:
  - 31 (1) (a) "Nursing care facility" means:
  - 32 (i) a nursing care facility described in Subsection 26-21-2(17)[-];
  - 33 (ii) beginning January 1, 2006, a designated swing bed in :
  - 34 (A) a general acute hospital as defined in Subsection 26-21-2(11); and
  - 35 (B) a critical access hospital which meets the criteria of 42 U.S.C. 1395i-4(c)(2)(1998); and
  - 36 (iii) an intermediate care facility for the mentally retarded that is licensed under Section

The Health and Human Services Committee reports a favorable recommendation on **S.B. 93**, CHILDREN'S JUSTICE CENTER ADDITION, by Senator T. Hatch; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 90**, COUNTY OFFICERS SERVING ON BOARDS OF COUNTY MENTAL HEALTH AND SUBSTANCE ABUSE PROVIDERS, by Senator D. Thomas, and recommends it be placed on the Consent Calendar.

Bradley G. Last, Chair

Reports filed. On motion of Representative Last, the reports of the Health and Human Services committee were adopted.

**H.B. 62**, as amended, read the second time by short title and placed on the calendar for third reading.

**S.B. 93**, read the second time by short title and referred to the Rules Committee due to fiscal impact.

**S.B. 90**, read the second time by short title and placed on the Consent Calendar.

### INTRODUCTION OF BILLS

**H.J.R. 21**, Resolution Honoring Jade Pusey (D. Ure), read the first time by short title and referred to the Rules Committee.

### THIRD READING CALENDAR

**H.B. 67**, ABANDONED VEHICLES AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Gowans, the House voted to delete **H.B. 67** in title and body and insert **Sub. H.B. 67** in lieu thereof.

**Sub. H.B. 67** then passed on the following roll call:

**Yeas, 67; Nays, 3; Absent or not voting, 5.**

#### Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Fisher
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

#### Voting in the negative were: Representatives

Christensen	Ferry	Harper
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**Absent or not voting were:** Representatives

S. Allen	Fowlke	Morley	Ray
Ure			

**Sub. H.B. 67** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 59, DOMESTIC VIOLENCE ENHANCEMENT**, read the third time by short title and placed on its final passage.

**H.B. 59** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

S. Allen	Tilton
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**H.B. 59** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 33, ASSISTANCE FOR PEOPLE WITH BLEEDING DISORDERS**, read the third time by short title and placed on its final passage.

Representative Litvack proposed the following amendment:

- 1. Page 4, Line 90

90        (D) insurance coverage available under either private health insurance.    Title 31A, Chapter 29, Comprehensive

Representative Litvack’s motion to amend passed on a voice vote.

**H.B. 33**, as amended, then passed on the following roll call:

**Yeas, 55; Nays, 15; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buxton	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dee	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Hogue	Holdaway
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Painter	Ray	Romero
Shurtliff	G. Snow	Ure	Wallace
Wheatley	Wheeler	Wiley	

**Voting in the negative were:** Representatives

Alexander	Buttars	S. Clark	Dayton
Donnelson	Frank	Gibson	Harper
Hughes	Morley	Oda	Tilton
Urquhart	Walker	Wyatt	

**Absent or not voting were:** Representatives

S. Allen	Dougall	Lockhart	Noel
Curtis			

**H.B. 33**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 64, CRIMINAL BACKGROUND CHECKS FOR PERSONAL CARE ATTENDANTS**, read the third time by short title and placed on its final passage.

Representative Hunsaker proposed the following amendment:

1. Page 1, Line 33:  
Bracket "None" and insert "This bill provides a coordination clause."
  
2. Page 16, Line 474:  
After line 474 insert:  
Section 9. Coordinating H.B. 64 with H.B. 79.  
If this H.B. 64 and H.B. 79, Provisions of Services for People with Disabilities, 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) combine the amendments made by this bill and H.B. 79 to Section 62A-2-121 so that Section 62A-2-121 reads as follows:  
"62A-2-121. Access to abuse and neglect information.  
(1) For purposes of this section:  
(a) "direct service worker" is as defined in Section 62A-5-101; and  
(b) "personal care attendant" is as defined in Section 62A-3-101.  
[(4)] (2) With respect to a human services [licensee] licensee, a direct service worker, or a personal care attendant, the department may access only the Licensing Information System of the Division of Child and Family Services created by Section 62A-4a-116.2 and juvenile court records under Subsection 78-3a-320[(4)](6), for the purpose of:  
(a) (i) determining whether a person associated with a licensee, with direct access to children;  
(A) is listed in the Licensing Information System; or  
(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and  
[(b)] (ii) informing a licensee that a person associated with the licensee;  
(A) is listed in the Licensing Information System; or  
(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2);  
(b) (i) determining whether a direct service worker:  
(A) is listed in the Licensing Information System; or  
(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and  
(ii) informing a direct service worker or the direct service worker's employer that the direct service worker:  
(A) is listed in the Licensing Information System; or  
(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); or  
(c) (i) determining whether a personal care attendant:

(A) is listed in the Licensing Information System; or  
(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and  
(ii) informing a person described in Subsections 62A-3-101(9)(a)(i) through (iv) that a personal care attendant:

(A) is listed in the Licensing Information System; or  
(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2).

~~[(2)]~~ (3) Notwithstanding Subsection ~~[(1)]~~ (2), the department may access the Division of Child and Family Service's Management Information System under Section 62A-4a-116 for the purpose of licensing and monitoring foster parents.

~~[(3)]~~ (4) After receiving identifying information for a person under Subsection 62A-2-120(1), the department shall process the information for the purposes described in Subsection ~~[(1)]~~ (2).

~~[(4)]~~ (5) The department shall adopt rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, consistent with this chapter, defining the circumstances under which a person ~~[who has]~~ may have direct access or provide services to children ~~[and who]~~ when:

(a) the person is listed in the Licensing Information System of the Division of Child and Family Services created by Section 62A-4a-116.2; or ~~[has]~~

(b) juvenile court records show that a court made a substantiated finding [by a court of] under Section 78-3a-320, that the person committed a severe type of child abuse or neglect [under Subsections 78-3a-320(1) and (2) may provide services to children]." ; and  
(2) combine the amendments made by this bill and H.B. 79 to Section 62A-2-122 so that Section 62A-2-122 reads as follows:

"62A-2-122. Access to vulnerable adult abuse and neglect information.

(1) For purposes of this section:

(a) "direct service worker" is as defined in Section 62A-5-101; and

(b) "personal care attendant" is as defined in Section 62A-3-101.

~~[(1)]~~ (2) With respect to a human services [licensee] licensee, a direct service worker, or a personal care attendant, the department may access the data base created by Section 62A-3-311.1 for the purpose of:

(a) (i) determining whether a person associated with a licensee, with direct access to vulnerable adults, has a substantiated finding of;

(A) abuse[;];

(B) neglect[;]; or

(C) exploitation; and



~~[(b)]~~ (ii) informing a licensee that a person associated with the licensee has a substantiated finding of:

(A) abuse[-];

(B) neglect[-]; or

(C) exploitation[-];

(b) (i) determining whether a direct service worker has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation; and

(ii) informing a direct service worker or the direct service worker's employer that the direct service worker has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation; or

(c) (i) determining whether a personal care attendant has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation; and

(ii) informing a person described in Subsections 62A-3-101(9)(a)(i) through (iv) that a personal care attendant has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation;

~~[(2)]~~ (3) After receiving identifying information for a person under Subsection 62A-2-120(1), the department shall process the information for the purposes described in Subsection (1).

~~[(3)]~~ (4) The department shall adopt rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, consistent with this chapter and consistent with Section 62A-3-311.1, defining the circumstances under which a person ~~[who has]~~ may have direct access or provide services to vulnerable adults ~~[and who has a substantiated finding of abuse, neglect, or exploitation may provide services to vulnerable adults]~~ when the person is listed in the statewide database of the Division of Aging and Adult Services created by Section 62A-3-311.1 as having a substantiated finding of abuse, neglect, or exploitation."

Section 10. Coordinating H.B. 64 with S.B. 107.

If this H.B. 64 and S.B. 107, Licensure and Regulation of Programs and Facilities, 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) combine the amendments made by this bill and S.B. 107 to Section 62A-2-121 so that Section 62A-2-121 reads as follows:

“62A-2-121. Access to abuse and neglect information.

(1) For purposes of this section “personal care attendant” is as defined in Section 62A-5-101.

[~~(1)~~] (2) With respect to [~~human services licensees~~] a licensee, a certified local inspector applicant, or a personal care attendant, the department may access only the Licensing Information System of the Division of Child and Family Services created by Section 62A-4a-116.2 and juvenile court records under Subsection 78-3a-320[~~(4)~~](6), for the purpose of:

(a) (i) determining whether a person associated with a licensee, with direct access to children[~~;~~];

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and

[~~(b)~~] (ii) informing a licensee that a person associated with the licensee;

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2)[~~;~~];

(b) (i) determining whether a certified local inspector applicant;

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and

(ii) informing a local government that a certified local inspector applicant;

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); or

(c) (i) determining whether a personal care attendant;

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and

(ii) informing a person described in Subsections 62A-3-101(9)(a)(i) through (iv) that a personal care attendant;

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2).

[~~(2)~~] (3) Notwithstanding Subsection [~~(1)~~] (2), the department may

access the Division of Child and Family Service’s Management Information System under Section 62A-4a-116 for the purpose of licensing and monitoring foster parents.

~~[(3)]~~ (4) After receiving identifying information for a person under Subsection 62A-2-120(1), the department shall process the information for the purposes described in Subsection ~~[(1)]~~ (2).

~~[(4)]~~ (5) The department shall adopt rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, consistent with this chapter, defining the circumstances under which a person ~~[who has]~~ may have direct access or provide services to children ~~[and who]~~ when:

(a) the person is listed in the Licensing Information System of the Division of Child and Family Services created by Section 62A-4a-116.2; or [has]

(b) juvenile court records show that a court made a substantiated finding [by a court of] under Section 78-3a-320, that the person committed a severe type of child abuse or neglect [under Subsections 78-3a-320(1) and (2) may provide services to children].” ; and (2) combine the amendments made by this bill and S.B. 107 to Section 62A-2-122 so that Section 62A-2-122 reads as follows:

“62A-2-122. Access to vulnerable adult abuse and neglect information.

(1) For purposes of this section “personal care attendant” is as defined in Section 62A-3-101.

~~[(1)]~~ (2) With respect to ~~[human services licensees]~~ a licensee, a certified local inspector applicant, or a personal care attendant, the department may access the data base created by Section 62A-3-311.1 for the purpose of:

(a) (i) determining whether a person associated with a licensee, with direct access to vulnerable adults, has a substantiated finding of:

- (A) abuse[;];
- (B) neglect[;]; or
- (C) exploitation; and

~~[(b)]~~ (ii) informing a licensee that a person associated with the licensee has a substantiated finding of:

- (A) abuse[;];
- (B) neglect[;]; or
- (C) exploitation[;];

(b) (i) determining whether a certified local inspector applicant has a substantiated finding of:

- (A) abuse;
- (B) neglect; or

(C) exploitation; and  
(ii) informing a local government that a certified local inspector applicant has a substantiated finding of:  
(A) abuse;  
(B) neglect; or  
(C) exploitation; or  
(c) (i) determining whether a personal care attendant has a substantiated finding of:  
(A) abuse;  
(B) neglect; or  
(C) exploitation; and  
(ii) informing a person described in Subsections 62A-3-101(9)(a)(i) through (iv) that a personal care attendant has a substantiated finding of:  
(A) abuse;  
(B) neglect; or  
(C) exploitation.

~~[(2)]~~ (3) After receiving identifying information for a person under Subsection 62A-2-120(1), the department shall process the information for the purposes described in Subsection (1).

~~[(3)]~~ (4) The department shall adopt rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, consistent with this chapter and consistent with Section 62A-3-311.1, defining the circumstances under which a person ~~[who has]~~ may have direct access or provide services to vulnerable adults ~~[and who has a substantiated finding of abuse, neglect, or exploitation may provide services to vulnerable adults]~~ when the person is listed in the statewide database of the Division of Aging and Adult Services created by Section 62A-3-311.1 as having a substantiated finding of abuse, neglect, or exploitation.”

Representative Hunsaker’s motion to amend passed on a voice vote.

**H.B. 64**, as amended, then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Duckworth
Dunnigan	Ferrin	Ferry	Fisher

Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

S. Allen	Buttars	Dougall	Hendrickson
Mascaro	Mathis	G. Snow	Curtis

**H.B. 64**, as amended, transmitted to the Senate for its consideration.

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**H.B. 199**, SPECIAL ELECTION DATES, read the third time by short title and placed on its final passage.

On motion of Representative Hogue, the House voted to circle **H.B. 199**.

\* \* \*

**H.B. 66**, NATUROPATHIC PHYSICIAN AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **H.B. 66**.

\* \* \*

**H.B. 47**, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **H.B. 47**.

\* \* \*

**H.B. 71**, LICENSING OF ESTHETICIANS AND NAIL TECHNICIANS, read the third time by short title and placed on its final passage.

Representative Last proposed the following amendment:

1. Page 1, Line 18:  
Delete “350” and insert “300”
2. Page 1, Line 20:  
Delete “450” and insert “375”
3. Page 6, Line 167:  
Delete “350” and insert “300”
4. Page 8, Line 226:  
Delete “450” and insert “375”
5. Page 11, Line 332:  
Delete “July 1, 2005” and insert “December 31, 2005”

Representative Ure proposed the following substitute motion to amend:

1. Page 1, Line 18:  
Delete “350” and insert “300”
2. Page 1, Line 20:  
Delete “450” and insert “375”
3. Page 6, Line 167:  
Delete “350” and insert “300”
4. Page 8, Line 226:  
Delete “450” and insert “375” and delete “six” and insert “three”
5. Page 11, Line 332:  
Delete “July 1, 2005” and insert “December 31, 2005”

Representative Ure’s substitute motion to amend passed on a voice vote.

**H.B. 71**, as amended, then passed on the following roll call:

**Yeas, 55; Nays, 13; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buxton	D. Clark	Cosgrove
D. Cox	Daw	Dee	Duckworth

Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Hogue	Holdaway
Hunsaker	E. Hutchings	King	Kiser
Last	Lawrence	Litvack	Mascaro
McGee	Menlove	Morgan	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
Ure	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Voting in the negative were:** Representatives

Buttars	Christensen	S. Clark	Dayton
Donnelson	Dougall	Frank	Gibson
Harper	Hughes	Lockhart	Urquhart
Curtis			

**Absent or not voting were:** Representatives

S. Allen	B. Johnson	Jones	Mathis
Morley	G. Snow	Tilton	

**H.B. 71**, as amended, transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Ferrin, the House voted to uncircle **H.B. 66**.

**H.B. 66**, NATUROPATHIC PHYSICIAN AMENDMENTS, was before the House on its final passage.

Representative Ferrin proposed the following amendment:

1. Page 1, Lines 21 through 23
  - 21 Other Special Clauses:
  - 22        {~~None~~}        This bill provides an immediate effective date.
  - 23 Utah Code Sections Affected:
2. Page 4, Lines 101 through 103:
  - 101       (5) Licensees under this chapter may [~~not~~] sell from their offices homeopathic

102 remedies or dietary supplements[,] as defined in the Federal Food Drug and Cosmetic Act[;

103 ~~except for those products that are not readily available from other local sources] {—} consistent with division rule.~~

Section 3. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

Representative Ferrin's motion to amend passed on a voice vote.

**H.B. 66**, as amended, then passed on the following roll call:

**Yeas, 57; Nays, 11; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Buxton	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Hardy	Hendrickson	Hogue
Holdaway	Hughes	E. Hutchings	Jones
King	Kiser	Last	Lawrence
Lockhart	Mascaro	Menlove	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Shurtliff
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Buttars	Christensen	Dayton	Goodfellow
Gowans	Harper	Hunsaker	B. Johnson
Mathis	G. Snow	Tilton	

**Absent or not voting were:** Representatives

S. Allen	Bowman	Hansen	Litvack
McGee	Morgan	Romero	



**H.B. 66**, as amended, transmitted to the Senate for its consideration.

### **RULES COMMITTEE REPORT**

Mr. Speaker:

February 4, 2005

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 197**, Individual Income Tax Amendments for Education Funding (Rep. P. Jones) be replaced with **Substitute H.B. 197**, Individual Income Tax Amendments (Rep. P. Jones) and further recommends it be assigned to the Revenue and Taxation Standing Committee; and

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

#### **BUSINESS AND LABOR**

- H.B. 121** Property Exempt from Execution (Rep. J. Dunnigan)  
**H.B. 263** Insurers Rehabilitation and Liquidation (Rep. J. Dougall)  
**H.B. 269** Sales Marketing Requirements (Rep. M. Noel)  
**H.B. 283** Real Estate Amendments (Rep. G. Snow)

#### **GOVERNMENT OPERATIONS**

- H.B. 128** Compensation of Executive Officers  
(Rep. L. Christensen)  
**H.B. 281** Task Force on Legislative Reforms (Rep. N. Hansen)  
**H.B. 291** Capitol Preservation Board Modifications  
(Rep. J. Alexander)

#### **HEALTH AND HUMAN SERVICES**

- H.B. 241** Veterans Nursing Home (Rep. D. G. Buxton)  
**S.B. 83** Medical Decisions of a Parent or Guardian  
(Sen. D. Thomas)

#### **LAW ENFORCEMENT AND CRIMINAL JUSTICE**

- S.B. 73** Tampering with Evidence (Sen. D. C. Buttars)

#### **PUBLIC UTILITIES AND TECHNOLOGY**

- H.J.R. 15** Resolution Regarding United States Trade Negotiations  
(Rep. S. Allen)

**RETIREMENT AND INDEPENDENT ENTITIES**

**H.B. 245** Compensation of Constitutional Officers – Benefits and Insurance (Rep. M. Noel)

**REVENUE AND TAXATION**

**H.B. 258** Individual Income Tax Credit for Employment–related Expenses (Rep. D. Litvack)

**S.B. 133** Individual Income Tax – Return Filing Requirements (Sen. H. Stephenson)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Hardy, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Ure, under suspension of the rules, the House voted to lift **H.J.R. 21**, from the Rules Committee, consider it read the second time by short title and set for Time Certain for Monday, February 7, 2005 at 11:00 a.m.

\* \* \*

On motion of Representative Alexander, the House voted to adjourn until February 7, 2005, at 10:00 a.m.

# TWENTY-SECOND DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present.

Prayer and Pledge of Allegiance by Representative Gordon E. Snow.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 4, 2005  
The Senate passed **S.J.R. 7**, RESOLUTION RECOGNIZING RONALD REAGAN DAY, by Senator P. Knudson, and it is transmitted for consideration; and

The Senate passed **S.J.R. 13**, JOINT RESOLUTION AMENDING INTERIM LEGISLATIVE RULES, by Senator M. Waddoups, and it is transmitted for consideration; and

The Senate passed, as substituted, **2nd Sub. S.B. 110**, MEDICAL DEVICE NOTIFICATION AND LIABILITY, by Senator D. C. Buttars, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.J.R. 7**, **S.J.R. 13**, and **2nd Sub. S.B. 110**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 4, 2005  
The Senate concurred in the House amendments and passed **1st Sub. S.B. 23**, PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY, by Senator C. Bramble, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **Sub. S.B. 23** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

Mr. Speaker: February 4, 2005

The Senate passed, **H.B. 5**, PERSON WITH A DISABILITY MOTORCYCLE PARKING, by Representative T. Kiser, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 7**, INDIVIDUAL INCOME TAX – CONTRIBUTIONS FOR EDUCATION, by Representative S. Allen, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 14**, BOND ELECTION PROCESS AMENDMENTS, by Representative F. Hunsaker, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 54**, CRIMINAL APPEAL AMENDMENTS, by Representative S. Wyatt, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 170**, EXTENSION OF UTAH LOW-INCOME HOUSING TAX CREDITS, by Representative S. Clark, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 5**, **H.B. 7**, **H.B. 14**, **H.B. 54**, and **H.B. 170** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: February 4, 2005

The Senate passed, as amended, **H.B. 51**, ELECTRONIC PAYMENTS TO LOCAL GOVERNMENT ENTITIES, by Representative J. Murray, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 51**, placed on the calendar for concurrence.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 4, 2005

The Political Subdivisions Committee reports a favorable recommendation on **1st Sub. S.B. 106**, UTAH RELIGIOUS LAND USE ACT, by Senator D. Thomas, with the following amendments:

- 1. Page 6, Lines 176 through 177  
Senate 2nd Reading Amendments 2-1-2005:

176     (4) This act shall not impair the ability of local government to  
           {~~regulate~~}     impose costs and fees reasonably necessary to  
mitigate    the off-site  
 177   impacts of development.

Brad L. Dee, Chair

Reports filed. On motion of Representative Dee, the reports of the Political Subdivisions committee were adopted.

**Sub. S.B. 106**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 4, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.J.R. 6**, SPACE EXPLORATION RESOLUTION, by Senator P. Knudson; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 7**, FUNDING FOR TOURISM, by Senator S. Jenkins, et al.

David N. Cox, Chair

Reports filed. On motion of Representative Cox, the reports of the Workforce Service and Community and Economic Development committee were adopted.

**S.J.R. 6**, read the second time by short title and placed on the calendar for third reading.

**S.B. 7**, read the second time by short title and referred to the Rules Committee due to fiscal impact.

\* \* \*

Mr. Speaker: February 4, 2005

The Government Operations Committee reports a favorable recommendation on **H.B. 154**, SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS, by Representative E. Hutchings, and recommends it be placed on the Consent Calendar; and

The Government Operations Committee reports a favorable recommendation on **2nd Sub. S.B. 43**, PENALTY FOR PROVIDING FALSE INFORMATION TO STATE AGENCY, by Senator P. Hellewell, and recommends it be placed on the Consent Calendar; and

The Government Operations Committee reports a favorable recommendation on **S.B. 123**, GOVERNMENTAL IMMUNITY ACT – TECHNICAL AMENDMENTS, by Senator G. Bell, and recommends it be placed on the Consent Calendar; and

The Government Operations Committee reports a favorable recommendation on **1st Sub. S.B. 44**, GOVERNMENT RECORDS AMENDMENTS, by Senator C. Walker; and

The Government Operations Committee reports a favorable recommendation on **S.B. 86**, 2004 GENERAL OBLIGATION BOND AMENDMENTS, by Senator P. Knudson; and

The Government Operations Committee reports a favorable recommendation on **S.B. 117**, REPEAL OF UTAH TOMORROW STRATEGIC PLANNING COMMITTEE, by Senator M. Waddoups.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Government Operations committee were adopted.

**H.B. 154, 2nd Sub. S.B. 43, and S.B. 123**, read the second time by short title and placed on the Consent Calendar.

**Sub. S.B. 44, S.B. 86, and S.B. 117**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

February 4, 2005

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 44**, ADDITIONAL STATE RETIREMENT BENEFIT, by Representative L. Shurtliff; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 217**, PUBLIC SAFETY RETIREMENT – EXEMPTION OF CERTAIN EMPLOYEES, by Representative D. Clark.

Michael T. Morley, Chair

Reports filed. On motion of Representative Morley, the reports of the Retirement and Independent Entities committee were adopted.

**H.B. 44** and **H.B. 217**, read the second time by short title and placed on the calendar for third reading.

**CONSENT CALENDAR**

**S.B. 88**, CREATION OF LOCAL DISTRICTS, read the third time by short title and placed on its final passage.

On motion of Representative Holdaway, the House voted to place **S.B. 88** at the bottom of the Third Reading Calendar.

\* \* \*

**S.J.R. 3**, RESOLUTION ENCOURAGING MEDIATION, read the third time by short title and placed on its final passage.

**S.J.R. 3** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Frank	Goodfellow	Gowans
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Adams	Dayton	Fowlke	Gibson
Hansen			

**S.J.R. 3** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**Sub. S.B. 35, RELATIONSHIPS WITH VENTURE CAPITAL ENTITIES,** read the third time by short title and placed on its final passage.

**Sub. S.B. 35** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Bigelow	Biskupski	Donnelson	Gibson
Jones	Mascaro		

**Sub. S.B. 35** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### CONCURRENCE CALENDAR

On motion of Representative Adams, the House voted to concur in the Senate amendments to **H.B. 26, CONVEYANCES OF PROPERTY.**



**H.B. 26**, as amended by the Senate, then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Goodfellow	Hansen	Harper	Hendrickson
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Buxton	Gibson	Gowans	Hardy
Hogue	McGee	Wallace	

**H.B. 26**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Aagard, the House voted to concur in the Senate amendments to **Sub. H.B. 28**, JUVENILE JUSTICE RECODIFICATION AND REVISIONS.

**Sub. H.B. 28**, as amended by the Senate, then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski

Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Gibson	McGee	Wallace
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**Sub. H.B. 28**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Daw, the House voted to concur in the Senate amendments to **H.B. 185**, UTAH COMPUTER CRIMES ACT AMENDMENTS.

**H.B. 185**, as amended by the Senate, then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker

E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

McGee                      Painter

**H.B. 185**, as amended by the Senate, transmitted to the Senate for signature of the president.

**THIRD READING CALENDAR**

**H.B. 11**, ECONOMIC DEVELOPMENT INCENTIVES, read the third time by short title and placed on its final passage.

Representative Dee proposed the following amendment:

1. Page 6, Line 175:  
Delete "revoke" and insert "repeal"

Representative Dee's motion to amend passed on a voice vote.

On motion of Representative Alexander, the House voted to circle **H.B. 11**.

**SPECIAL ORDER OF BUSINESS**

**H.J.R. 21**, RESOLUTION HONORING JADE PUSEY, read the third time by short title and placed on its final passage.

**H.J.R. 21** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw

Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Goodfellow
Gowans	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Biskupski	Buxton	Gibson	Hansen
Lockhart			

**H.J.R. 21** transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Dee, the House voted to uncircle **H.B. 11**.

**H.B. 11**, ECONOMIC DEVELOPMENT INCENTIVES, was before the House on its final passage.

**H.B. 11**, as amended, then passed on the following roll call:

**Yeas, 63; Nays, 4; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Donnelson	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Frank
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack

Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Voting in the negative were:** Representatives

Christensen	Dayton	Hughes	Tilton
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**Absent or not voting were:** Representatives

Adams	Dougall	Ferrin	Gibson
Hogue	Morley	Ure	Curtis

**H.B. 11**, as amended, held for possible reconsideration.

\* \* \*

On motion of Representative Urquhart, the House voted to uncircle **H.B. 47**.

**H.B. 47**, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, was before the House on its final passage.

**H.B. 47**, as amended, then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero

Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Absent or not voting were:** Representatives

Ferrin	Hogue	Lockhart	Ure
Curtis			

**H.B. 47**, as amended, transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.B. 159**, MOTOR ASSISTED SCOOTER AND MINI-MOTORCYCLE AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Dee, the House voted to delete **H.B. 159** in title and body and insert **Sub. H.B. 159** in lieu thereof.

**Sub. H.B. 159** then passed on the following roll call:

**Yeas, 52; Nays, 18; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Dee
Dougall	Duckworth	Dunnigan	Ferry
Fisher	Fowlke	Gibson	Goodfellow
Gowans	Hansen	Hardy	Hendrickson
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Last	Lawrence
Litvack	Mascaro	McGee	Menlove
Morgan	Moss	Murray	Ray
Romero	Shurtliff	G. Snow	Ure
Wallace	Wheatley	Wiley	Wyatt

**Voting in the negative were:** Representatives

Alexander	Christensen	Daw	Dayton
Donnelson	Frank	Harper	Hughes
Kiser	Mathis	Morley	Newbold
Noel	Painter	Tilton	Urquhart
Walker	Wheeler		

**Absent or not voting were:** Representatives

Ferrin	Hogue	Lockhart	Oda
Curtis			

**Sub. H.B. 159** transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.B. 78, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS**, read the third time by short title and placed on its final passage.

Representative Dunnigan moved to delete **H.B. 78** in title and body and insert **Sub. H.B. 78** in lieu thereof. The motion passed on the following roll call:

**Yeas, 39; Nays, 29; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Alexander	S. Allen	Becker	Bigelow
Bourdeaux	Buxton	Christensen	D. Clark
Cosgrove	D. Cox	Dee	Duckworth
Dunnigan	Fisher	Fowlke	Gibson
Goodfellow	Gowans	Hansen	Hardy
Holdaway	Hunsaker	E. Hutchings	Jones
King	Last	Lawrence	Litvack
Mascaro	McGee	Menlove	Morgan
Moss	Murray	Noel	Romero
Shurtliff	Wheatley	Wiley	

**Voting in the negative were:** Representatives

Aagard	Barrus	Bowman	Buttars
S. Clark	Daw	Dayton	Donnelson
Dougall	Ferrin	Ferry	Frank
Harper	B. Johnson	Kiser	Mathis
Morley	Newbold	Oda	Painter
Ray	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wyatt			

**Absent or not voting were:** Representatives

Adams	Biskupski	Hendrickson	Hogue
Hughes	Lockhart	Curtis	

On motion of Representative Holdaway, the House voted to circle **Sub. H.B. 78**.

### MISCELLANEOUS BUSINESS

On motion of Representative Hunsaker, under suspension of the rules, the House voted to lift **S.J.R. 7** from the Rules Committee, consider it read the second time by short title, and place it at the top of the Senate Third Reading Calendar.

\* \* \*

On motion of Representative Urquhart, the House voted to move to the Senate Third Reading Calendar.

### THIRD READING CALENDAR

**S.J.R. 7**, RESOLUTION RECOGNIZING RONALD REAGAN DAY, read the third time by short title and placed on its final passage.

**S.J.R. 7** then passed on the following roll call:

**Yeas, 58; Nays, 0; Absent or not voting, 17.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Biskupski	Bowman
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Dunnigan
Ferrin	Ferry	Fisher	Frank
Gibson	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	King	Kiser	Last
Lawrence	Lockhart	Mathis	Menlove
Morgan	Morley	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Becker	Bourdeaux	Buttars	Duckworth
Fowlke	Goodfellow	Gowans	Hansen
B. Johnson	Jones	Litvack	Mascaro
McGee	Moss	Shurtliff	Ure
Wheatley			



**S.J.R. 7** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### **RULES COMMITTEE REPORTS**

Mr. Speaker: February 7, 2005

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 56**, Divorce Amendments (Rep. P. Wallace) be replaced with **Substitute H.B. 56**, Divorce Task Force (Rep. P. Wallace) and further recommends it be read for the first time and assigned to the Judiciary Standing Committee; and

The Rules Committee recommends that the following resolution be considered read for the second time and placed at the top of the Third Reading Calendar for Senate bills:

**S.J.R. 13** Joint Resolution Amending Interim Legislative Rules  
(Sen. M. Waddoups); and

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

#### **EDUCATION**

**H.B. 239** Repeal of Exemption from Nonresident Tuition  
(Rep. G. Donnelson)

#### **GOVERNMENT OPERATIONS**

**H.B. 248** Child Support Obligations (Rep. E. Hutchings)

#### **JUDICIARY**

**H.B. 259** Adoption Amendments (Rep. A. Hardy)

#### **LAW ENFORCEMENT AND CRIMINAL JUSTICE**

**H.B. 276** Division of Criminal Investigation and Technical Services  
Amendments (Rep. C. Oda)

#### **NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT**

**H.B. 242** Criminal Penalty for Animal Cruelty (Rep. S. Wyatt)

**POLITICAL SUBDIVISIONS**

**H.B. 368** Special Function Officers for Division of Occupational and Professional Licensing (Rep. N. Hendrickson)

**WORKFORCE SERVICES AND COMMUNITY & ECONOMIC DEVELOPMENT**

**H.B. 116** Private Activity Bond Volume Cap Allocation Amendments (Rep. D. Clark)

Rebecca Lockhart, Chair

Reports filed. On motion of Representative Lockhart, the reports of the Rules Committee were adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Urquhart, the House voted to adjourn until February 8, 2005, at 10:00 a.m.

# TWENTY-THIRD DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present except Representatives Michael Morley and Gregg Buxton, excused.

Pledge of Allegiance and prayer by Representative Brad King.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 7, 2005

The Senate passed **S.B. 74**, MEDICAL RESERVE CORPS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed **S.B. 119**, RURAL MEDICAL RESIDENCY TRAINING PROGRAMS, by Senator P. Knudson, and it is transmitted for consideration; and

The Senate passed **S.B. 130**, RETIREMENT FOR AIRPORT POLICE, by Senator M. Dmitrich, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.J.R. 8**, JOINT RULES RESOLUTION – APPEARANCE OF BILLS, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed **S.J.R. 10**, RESOLUTION TO CONGRESS REGARDING OIL AND GAS DRILLING AND EXPLORATION, by Senator H. Stephenson, et al, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 74**, **S.B. 119**, **S.B. 130**, **Sub. S.J.R. 8**, and **S.J.R. 10**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 7, 2005

The Senate passed, **H.B. 34**, EMERGENCY RELATED AMENDMENTS, by Representative S. Allen, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 160**, WILDLIFE LICENSE AGENTS AMENDMENTS, by Representative J. Fisher, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 177**, WILDLIFE LICENSE REFUND AMENDMENTS, by Representative M. Dayton, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 181**, DUPLICATE WILDLIFE LICENSING AMENDMENTS, by Representative M. Dayton, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.J.R. 21**, RESOLUTION HONORING JADE PUSEY, by Representative D. Ure, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 34**, **H.B. 160**, **H.B. 177**, **H.B. 181**, and **H.J.R. 21** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: February 7, 2005

The Senate passed, as amended, **H.B. 162**, MUNICIPAL ABATEMENT OF WEEDS AND OTHER NEGLECTED ITEMS ON PROPERTY, by Representative M. Morley, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 162**, placed on the calendar for concurrence.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 7, 2005

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 213**, UNUSED SICK LEAVE AT RETIREMENT AMENDMENTS, by Representative D. Clark, with the following amendments:

1. Page 2, Lines 42 through 43:
  - 42 Other Special Clauses:
  - 43 {~~None~~} This bill takes effect on January 1, 2006.

2. Page 7, Line 198:

198 (2)(a)(ii).

Section 6. Effective date.

This bill takes effect on January 1, 2006.

Michael T. Morley, Chair

Report filed. On motion of Representative D. Clark, the report of the Retirement and Independent Entities committee was adopted.

**H.B. 213**, as amended, read the second time by short title and placed on the calendar for third reading.

**MISCELLANEOUS BUSINESS**

On motion of Representative D. Clark, under suspension of the rules, the House voted to move **H.B. 213** to the top of the Third Reading Calendar.

\* \* \*

Mr. Speaker:

February 7, 2005

The Business and Labor Committee reports a favorable recommendation on **S.B. 4, UNINSURED MOTORIST PROPERTY DAMAGE COVERAGE AMENDMENTS**, by Senator D. Eastman, and recommends it be placed on the Consent Calendar; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 121, PROPERTY EXEMPT FROM EXECUTION**, by Representative J. Dunnigan; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 47, WRONGFUL LIEN OFFENSES**, by Senator B. Evans; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 115, PERMANENT TOTAL DISABILITY AMENDMENTS**, by Senator E. Mayne; and

The Business and Labor Committee recommends **H.B. 105, CONSTRUCTION FILING AMENDMENTS**, by Representative M. Morley, be replaced and favorably recommends **1st Sub. H.B. 105, CONSTRUCTION FILING AMENDMENTS**.

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the Business and Labor committee were adopted.

**S.B. 4**, read the second time by short title and placed on the Consent Calendar.

**H.B. 121, S.B. 47, S.B. 115, and Sub. H.B. 105**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

February 7, 2005

The Education Committee reports a favorable recommendation on **H.B. 86**, UTAH COLLEGE OF APPLIED TECHNOLOGY AMENDMENTS, by Representative R. Bigelow, with the following amendments:

1. Page 9, Lines 269 through 273:

269 (1) In accordance with Subsection 53B-2a-112(2), a college campus may enter into a

270 lease with other higher education institutions, public school districts, state agencies, or business

271 and industry for a term of:

272 (a) one year or less with the approval of the campus board of directors; and

273 (b) more than one year with :

(i) the approval of the board of trustees ; and

(ii) the approval of funding for the lease by the Legislature prior to a college campus entering into the lease .

The Education Committee reports a favorable recommendation on **H.B. 102**, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, by Representative S. Wyatt, with the following amendments:

1. Page 3, Line 70:

70 {~~59-10-901, as enacted by Chapter 390, Laws of Utah 1997-~~}

2. Page 3, Line 83:

83 53B-8b-112, as enacted by Chapter 390, Laws of Utah 1997  
59-10-901, as enacted by Chapter 390, Laws of Utah 1997

3. Page 24, Lines 736 through 740:

736 {~~Section 13. Section 59-10-901 is amended to read:~~

737 ~~59-10-901. Tax considerations for Utah Supplemental Educational Savings Plan~~

738 ~~Trust.~~

739 [(1)-(a)] A contribution to the Utah Supplemental Educational Savings Plan Trust

740 ~~created under Section 53B-8b-103 on behalf of a designated beneficiary is not a taxable gift.~~

4. Page 25, Line 764:

764 Section 53B-8b-112, Liberal construction.  
Section 59-10-901. Tax considerations for Utah Supplemental Educational Savings Plan Trust.

5. Page 11, Lines 316 through 321:

316 (2) (a) [~~Each~~] Through March 31, 2005, each  
{~~beneficiary~~} account owner under [~~a participation~~] an  
317 account agreement {~~shall~~} may receive an interest in a  
portion, as determined by policy, of the  
318 investment income derived by the endowment fund in any year  
during which funds are invested  
319 in the program fund on behalf of the beneficiary, to be payable  
[~~each year in which moneys are~~  
320 ~~paid under the participation agreement to institutions of higher~~  
~~education for higher education~~  
321 ~~costs, not to exceed the cost of attendance at the institution~~] as  
provided in Subsection (2)(c)

The Education Committee reports a favorable recommendation on **H.B. 136**, CHARTER SCHOOL ENROLLMENT, by Representative J. Ferrin; and

The Education Committee reports a favorable recommendation on **H.B. 139**, LOCAL SCHOOL BOARD AMENDMENTS, by Representative M. Dayton, and recommends it be placed on the Consent Calendar.

Margaret Dayton, Chair

Reports filed. On motion of Representative Dayton, the reports of the Education committee were adopted.

**H.B. 86**, as amended, **H.B. 102**, as amended, and **H.B. 136**, read the second time by short title and placed on the calendar for third reading.

**H.B. 139**, read the second time by short title and placed on the Consent Calendar.

\* \* \*

Mr. Speaker: February 7, 2005

The Health and Human Services Committee reports a favorable recommendation on **S.B. 83**, MEDICAL DECISIONS OF A PARENT OR GUARDIAN, by Senator D. Thomas, with the following amendments:

1. Page 1, Lines 15 through 17  
Senate 2nd Reading Amendments 1–24–2005:
  - 15 • a health care decision made by a child’s parent or guardian does not constitute
  - 16 neglect unless the state or other party to the proceeding shows, by clear and
  - 17 convincing evidence, that the decision is not reasonable and  
{-prudent-} informed ; and
2. Page 1, Lines 21 through 24  
Senate 2nd Reading Amendments 1–24–2005:
  - 21 • a health care decision made by a child’s parent or guardian does not constitute
  - 22 severe child abuse or neglect unless the state or other party to the proceeding
  - 23 shows, by clear and convincing evidence, that the decision is not reasonable and
  - 24 {-prudent-} informed
3. Page 2, Lines 34 through 37  
Senate 2nd Reading Amendments 1–24–2005:
  - 34 ► modifies the definition of a neglected child under the Juvenile Court Act of 1996 to
  - 35 provide that a health care decision made by a child’s parent or guardian does not
  - 36 constitute neglect unless the state or other party to the proceeding can show, by
  - 37 clear and convincing evidence, that the decision was not reasonable and  
{-prudent-} informed ;



4. Page 2, Lines 41 through 43  
Senate 2nd Reading Amendments 1–24–2005:
- 41 • a health care decision made by a child’s parent does not constitute neglect
- 42 unless the state or other party to the proceeding shows, by clear and convincing
- 43 evidence, that the decision is not reasonable and  
{~~prudent~~} informed ; and
5. Page 2, Lines 50 through 51  
Senate 2nd Reading Amendments 1–24–2005:
- 50 is required by law {~~, unless the health care provider fails to comply with the child~~
- 51 ~~abuse or neglect reporting requirements~~} ;
6. Page 5, Line 149 through Page 6, Line 152:
- 149 (d) (i) Notwithstanding Subsection (18)(a), a health care decision made for a child by
- 150 the child’s parent or guardian does not constitute neglect unless the state or other party to the
- 151 proceeding shows, by clear and convincing evidence, that the health care decision is not
- 152 reasonable and {~~prudent~~} informed .
7. Page 9, Lines 265 through 267:
- 265 (c) a health care decision made for a child by the child’s parent or guardian, unless the
- 266 state or other party to the proceeding shows, by clear and convincing evidence, that the health
- 267 care decision is not reasonable and  
{~~prudent~~} informed .
8. Page 17, Lines 515 through 518  
Senate 2nd Reading Amendments 1–24–2005:
- 515 (iv) Notwithstanding Subsection (1)(s)(i), a health care decision made for a child by the

516 child's parent or guardian does not constitute neglect unless the state or other party to the

517 proceeding shows, by clear and convincing evidence, that the health care decision is not

518 reasonable and {~~prudent~~} informed .

9. Page 20, Lines 609 through 612

Senate 2nd Reading Amendments 1-24-2005:

609 (4) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or

610 unfit because of a health care decision made for a child by the child's parent unless the state or

611 other party to the proceeding shows, by clear and convincing evidence, that the health care

612 decision is not reasonable and {~~prudent~~} informed .

10. Page 21, Lines 640 through 643:

640 {~~(2)~~} The prohibition on bringing a malpractice action against a health care provider in

641 Subsection (1) does not apply if the health care provider fails to comply with the requirements

642 of Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements.

643 ~~(3)~~ } (2) The sole purpose of this section is to prohibit a malpractice action against a health

The Health and Human Services Committee reports a favorable recommendation on **H.B. 243**, REPEAL OF GERIATRIC CARE MANAGER, by Representative R. Lockhart, with the following amendments:

1. Page 16, Line 490:

490 Subsection 58-31b-302 {~~1~~} (2) {~~1~~} {~~(3)~~(d)} as an advanced practice registered nurse.

The Health and Human Services Committee reports a favorable recommendation on **S.B. 107**, LICENSURE AND REGULATION OF PROGRAMS AND FACILITIES, by Senator T. Hatch; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 279**, CLINICAL COUNSELOR – TITLE CHANGE, by Representative L. Fowlke, and recommends it be placed on the Consent Calendar.

Bradley G. Last, Chair

Reports filed. On motion of Representative Last, the reports of the Health and Human Services committee were adopted.

**S.B. 83**, as amended, and **H.B. 243**, as amended, read the second time by short title and placed on the calendar for third reading.

**S.B. 107**, read the second time by short title and referred to the Rules Committee due to fiscal impact.

**H.B. 279**, read the second time by short title and placed on the Consent Calendar.

\* \* \*

Mr. Speaker:

February 7, 2005

The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 104**, SPYWARE CONTROL ACT REVISIONS, by Representative S. Urquhart; and

The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 234**, TELEPHONE SURCHARGE FOR EDUCATION AND TRAINING PROGRAMS AT PRISON, by Representative B. Goodfellow, with the following amendments:

1. Page 2, line 43:  
After "to the" delete "Department of Corrections"  
Insert "Board of Regents"

The Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. S.B. 108**, TELECOMMUNICATIONS REVISIONS, by Senator C. Bramble; and

The Public Utilities and Technology Committee reports a favorable recommendation on **H.J.R. 15**, RESOLUTION REGARDING UNITED

STATES TRADE NEGOTIATIONS, by Representative S. Allen, and recommends it be placed on the Consent Calendar.

Sheryl L. Allen, Chair

Reports filed. On motion of Representative Allen, the reports of the Public Utilities and Technology committee were adopted.

**H.B. 104, H.B. 234**, as amended, and **Sub. S.B. 108**, read the second time by short title and placed on the calendar for third reading.

**H.J.R. 15**, read the second time by short title and placed on the Consent Calendar.

\* \* \*

Mr. Speaker:

February 4, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. S.B. 24**, WASTE AMENDMENTS, by Senator C. Bramble; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.C.R. 4**, RESOLUTION APPROVING UTAH RECREATIONAL LAND EXCHANGE, by Senator B. Evans; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 270**, TEMPORARY ROAD CLOSURES, by Representative M. Noel, with the following amendments:

1. Page 3, Lines 69 through 71:

69       (d) A highway authority shall reopen an R.S. 2477  
right-of-way or a portion of an R.S.

70       2477 right-of-way temporarily closed under this section if  
the alternate route is closed for any

71       reason.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.

**Sub. S.B. 24, S.C.R. 4**, and **H.B. 270**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

February 4, 2005

The Judiciary Committee reports a favorable recommendation on **H.B. 163**, GARNISHMENT FEES, by Representative S. Mascaro, with the following amendments:

1. Page 2, Lines 33 through 34:

33       (3) An employer may deduct a processing fee of up to \$10 from an employee each time

34 a payment is made to a creditor pursuant to a continuing garnishment {~~—~~} not to exceed \$20.00 per month. This processing fee shall be included in the non-exempt amount subject to garnishment.

The Judiciary Committee recommends **H.B. 235**, INSURANCE AMENDMENTS, by Representative S. Urquhart, be replaced and reports a favorable recommendation on **1st Sub. H.B. 235**, INSURANCE ARBITRATION AMENDMENTS with the following amendments:

1. Page 1, Lines 22 through 24:

22       ► provides that if a plaintiff, as the moving party in a trial de novo, does not receive a

23 verdict that is at least \$5,000 or 20% or greater than the arbitration award {~~—or \$5,000—~~}, the

24 plaintiff is responsible for the nonmoving party's costs;

2. Page 4, Lines 108 through 111:

108       (11) (a) If the plaintiff, as the moving party in a trial de novo requested under

109 Subsection (9), does not obtain a verdict that is at least \$5,000 or 20% {~~—or \$5,000~~} greater than the

110 arbitration award, {~~—which is greater.~~} the plaintiff is responsible for all of the nonmoving party's

111 costs.

The Judiciary Committee reports a favorable recommendation on **S.B. 15**, CHILDREN'S JUSTICE CENTER AMENDMENTS, by Senator D. C. Buttars, with the following amendments:

1. Page 1, Lines 14 through 15  
Senate Committee Amendments 1-20-2005:
  - 14 ~~children or in the presence of children]~~ CRIMES INVOLVING CHILDREN WHEN THE CHILD IS A
  - 14a PRIMARY VICTIM OR A CRITICAL WITNESS { ~~—SUCH AS DOMESTIC VIOLENCE CASES~~ } AND
  - 14b DRUG-RELATED CHILD ENDANGERMENT CASES § .
  - 15 Monies Appropriated in this Bill:
  
2. Page 2, Lines 32 through 34  
Senate Committee Amendments 1-20-2005:
  - 32 (b) [~~other criminal offense committed against the child or committed in the presence of~~
  - 33 ~~the child]~~ OTHER CRIMES INVOLVING CHILDREN WHERE THE CHILD IS A PRIMARY VICTIM OR A
  - 33a CRITICAL WITNESS { ~~—SUCH AS IN DOMESTIC VIOLENCE CASES~~ } AND DRUG-RELATED CHILD
  - 33b ENDANGERMENT CASES § .
  - 34 (2) “Agreement” means a written contract between two or more public agencies and
  
3. Page 2, Lines 55 through 56  
Senate Committee Amendments 1-20-2005:
  - 55 ~~committed in the presence of children.]~~ AND OTHER CRIMES INVOLVING CHILDREN WHERE THE
  - 55a CHILD IS A PRIMARY VICTIM OR A CRITICAL WITNESS { ~~—SUCH AS IN DOMESTIC VIOLENCE CASES~~ }
  - 55b AND DRUG-RELATED CHILD ENDANGERMENT CASES, §  
in a facility known as a Children’s Justice
  - 55c Center.
  - 56 (b) The attorney general shall administer the program.
  
4. Page 3, Line 89 through Page 4, Line 90  
Senate Committee Amendments 1-20-2005:
  - 89 physical abuse of children § [~~in the state]~~ AND OTHER CRIMES IN THE STATE INVOLVING

89a CHILDREN WHERE THE CHILD IS A PRIMARY VICTIM OR A CRITICAL WITNESS {~~—SUCH AS IN~~

89b DOMESTIC VIOLENCE CASES —} AND DRUG-RELATED CHILD ENDANGERMENT CASES § ; [and]

90 (j) providing as many services as possible that are required for the thorough and

- 5. Page 4, Lines 100 through 101  
Senate Committee Amendments 1–20–2005:

100 ~~against children or committed in the presence of children~~] CRIMES INVOLVING CHILDREN WHERE

100a THE CHILD IS A PRIMARY VICTIM OR A CRITICAL WITNESS {~~—SUCH AS IN DOMESTIC VIOLENCE~~ }

100b CASES AND DRUG-RELATED CHILD ENDANGERMENT CASES § in a facility known as a Children’s

101 Justice Center.

- 6. Page 5, Lines 144 through 145  
Senate Committee Amendments 1–20–2005:

144 ~~committed in the presence of children~~] CRIMES INVOLVING CHILDREN WHERE THE CHILD IS A

144a PRIMARY VICTIM OR A CRITICAL WITNESS {~~—SUCH AS IN DOMESTIC VIOLENCE CASES~~ } AND

144b DRUG-RELATED CHILD ENDANGERMENT CASES ;

145 (f) recommend programs to improve the prompt and fair resolution of civil and

- 7. Page 5, Lines 149 through 150  
Senate Committee Amendments 1–20–2005:

149 ~~offenses committed against children or committed in the presence of children~~] CRIMES INVOLVING

149a CHILDREN WHERE THE CHILD IS A PRIMARY VICTIM OR A CRITICAL WITNESS {~~—SUCH AS IN~~

149b DOMESTIC VIOLENCE CASES } AND DRUG-RELATED CHILD ENDANGERMENT CASES .

150 (5) The Advisory Board on Children’s Justice may not supersede the authority of the

The Judiciary Committee reports a favorable recommendation on **1st Sub. S.B. 104, JUDICIARY AMENDMENTS**, by Senator L. Hillyard, and recommends it be placed on the Consent Calendar; and

The Judiciary Committee reports a favorable recommendation on **S.B. 116, ARBITRATION – USE OF SUBPOENA AUTHORIZED**, by Senator D. Eastman, and recommends it be placed on the Consent Calendar.

James A. Ferrin, Chair

Reports filed. On motion of Representative Ferrin, the reports of the Judiciary committee were adopted.

**H.B. 163**, as amended, and **Sub. H.B. 235**, as amended, read the second time by short title and placed on the calendar for third reading.

**S.B. 15**, as amended, read the second time by short title and referred to the Rules Committee due to fiscal impact.

**Sub. S.B. 104** and **S.B. 116** read the second time by short title and placed on the Consent Calendar.

\* \* \*

Mr. Speaker:

February 4, 2005

The Transportation Committee reports a favorable recommendation on **S.B. 98, MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS**, by Senator S. Killpack; and

The Transportation Committee reports a favorable recommendation on **1st Sub. S.B. 8, LOCAL CORRIDOR PRESERVATION FUNDING**, by Senator S. Killpack.

Joseph G. Murray, Chair

Reports filed. On motion of Representative Murray, the reports of the Transportation committee were adopted.

**S.B. 98** and **Sub. S.B. 8**, read the second time by short title and placed on the calendar for third reading.

### CONSENT CALENDAR

**H.B. 212, TRAFFIC VIOLATIONS BY DIPLOMATS**, read the third time by short title and placed on its final passage.



**H.B. 212** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Biskupski	Bourdeaux	Bowman	Buttars
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Alexander	Becker	Bigelow	Buxton
Gowans	Hansen	Morley	

**H.B. 212** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 203, AGRICULTURAL ADVISORY BOARD,** read the third time by short title and placed on its final passage.

**H.B. 203** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall

Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Bigelow	Buxton	Gibson	Morley
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**H.B. 203** transmitted to the Senate for its consideration.

**CONCURRENCE CALENDAR**

On motion of Representative Murray, the House voted to concur in the Senate amendments to **H.B. 51**, ELECTRONIC PAYMENTS TO LOCAL GOVERNMENT ENTITIES.

**H.B. 51**, as amended by the Senate, then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan

Moss	Murray	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives  
 Bigelow                      Buxton                      Morley                      Newbold

**H.B. 51**, as amended by the Senate, transmitted to the Senate for signature of the president.

**THIRD READING CALENDAR**

**H.B. 213**, UNUSED SICK LEAVE AT RETIREMENT AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative D. Clark, the House voted to circle **H.B. 213**.

\* \* \*

**H.B. 68**, MOTOR VEHICLE ENFORCEMENT DIVISION, read the third time by short title and placed on its final passage.

Representative Ray proposed the following amendment:

1. Page 1, Lines 18 through 19  
 18           ▶       authorizes the administrator of the Motor Vehicle  
 Enforcement Division to contract  
 19 with    {~~the Office of the Attorney General~~}    a public  
prosecutor   for increased   {~~enforcement~~}   prosecution ; and
  
2. Page 4, Lines 99 through 100:  
 99           (9) The administrator may contract with    {~~the Office of the~~  
Attorney General }    a public prosecutor    to provide  
 100 additional    {~~enforcement~~}    prosecution    of this chapter.

Representative Ray’s motion to amend passed on a voice vote.

**H.B. 68**, as amended, then passed on the following roll call:

**Yeas, 39; Nays, 28; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Agard	S. Allen	Barrus	Becker
Biskupski	Bourdeaux	Bowman	Christensen
D. Clark	Cosgrove	D. Cox	Dee
Fowlke	Gibson	Goodfellow	Gowans
Hogue	Holdaway	Hunsaker	E. Hutchings
Jones	Last	Lawrence	Litvack
Mascaro	McGee	Menlove	Morgan
Moss	Noel	Painter	Ray
Romero	Shurtliff	Wallace	Wheatley
Wheeler	Wiley	Curtis	

**Voting in the negative were:** Representatives

Buttars	S. Clark	Daw	Dayton
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Frank	Hansen
Hardy	Harper	Hendrickson	Hughes
Kiser	Lockhart	Mathis	Murray
Newbold	Oda	G. Snow	Tilton
Ure	Urquhart	Walker	Wyatt

**Absent or not voting were:** Representatives

Adams	Alexander	Bigelow	Buxton
Donnelson	B. Johnson	King	Morley

**H.B. 68**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 76**, HABITUAL VIOLENT OFFENDERS AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 76** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry

Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Bigelow	Buxton	Hansen	B. Johnson
Morley	Moss		

**H.B. 76** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 218, SECOND DISTRICT JUVENILE JUDGE**, read the third time by short title and placed on its final passage.

**H.B. 218** then passed on the following roll call:

**Yeas, 67; Nays, 2; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	Jones	King	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero

Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Voting in the negative were:** Representatives

Kiser	Curtis
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**Absent or not voting were:** Representatives

Alexander	Bigelow	Buxton	Ferrin
B. Johnson	Morley		

**H.B. 218** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 65, DRIVER LICENSE AND COMMERCIAL DRIVER LICENSE AMENDMENTS**, read the third time by short title and placed on its final passage.

**H.B. 65**, as amended, then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Hendrickson
Holdaway	Hughes	Hunsaker	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Bourdeaux	Buxton	Ferrin	Harper
Hogue	B. Johnson	Morley	

**H.B. 65**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 46, PUBLIC EDUCATION CAPITAL OUTLAY ACT AMENDMENTS**, read the third time by short title and placed on its final passage.

Representative Donnelson proposed the following amendment:

- 1. Page 1, Line 24:  
Delete “\$2,930,9000” and insert “\$2,930,900”

Representative Donnelson’s motion to amend passed on a voice vote.

**H.B. 46**, as amended, then passed on the following roll call:

**Yeas, 41; Nays, 32; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Bigelow	Bowman	Buttars	S. Clark
Cosgrove	D. Cox	Dee	Donnelson
Duckworth	Ferry	Fisher	Fowlke
Gibson	Gowans	Hansen	Hardy
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	Jones	Lawrence	Lockhart
Mascaro	McGee	Menlove	Morgan
Moss	Murray	Noel	Oda
Ray	Romero	Shurtliff	Walker
Wyatt			

**Voting in the negative were:** Representatives

Alexander	Becker	Biskupski	Bourdeaux
Christensen	D. Clark	Daw	Dayton
Dougall	Dunnigan	Ferrin	Frank
Goodfellow	Harper	Hendrickson	B. Johnson
King	Kiser	Last	Litvack
Mathis	Newbold	Painter	G. Snow
Tilton	Ure	Urquhart	Wallace
Wheatley	Wheeler	Wiley	Curtis

**Absent or not voting were:** Representatives

Buxton	Morley
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**H.B. 46**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 221**, ELECTRONIC COMMUNICATION HARASSMENT, read the third time by short title and placed on its final passage.

**H.B. 221** then passed on the following roll call:

**Yeas, 63; Nays, 0; Absent or not voting, 12.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
Cosgrove	D. Cox	Daw	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Last	Litvack
Lockhart	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Ray	Romero
Shurtliff	G. Snow	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Barrus	Buxton	S. Clark	Dayton
Dee	Hardy	Kiser	Lawrence
Mascaro	Morley	Painter	Tilton

**H.B. 221** transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Ure, the House voted to uncircle **H.R. 6**.

**H.R. 6**, HOUSE RULES RESOLUTION – ELECTRONIC VOTING BOARD, was before the House on its final passage.

Representative Ure proposed the following amendment:



## 1. Page 1, Lines 19 through 20

19 Special Clauses:

20 This resolution ~~{provides an immediate effective date}~~ takes effect January 1, 2006 .

## 2. Page 2, Lines 32 through 33:

32 BE IT FURTHER RESOLVED that this resolution takes effect  
~~{upon approval}~~ on January 1, 2006 if approved by a

33 constitutional majority vote of all members of the House of Representatives.

Representative Ure's motion to amend passed on a voice vote.

**H.R. 6**, as amended, then failed to pass on the following roll call:

**Yeas, 28; Nays, 44; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Becker	Bigelow	Biskupski	Bourdeaux
Christensen	Cosgrove	Dougall	Duckworth
Frank	Gibson	Goodfellow	Gowans
Hansen	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	Jones	King
Litvack	Mathis	Menlove	Painter
Ray	Romero	Ure	Curtis

**Voting in the negative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bowman	Buttars	D. Clark
S. Clark	D. Cox	Daw	Dayton
Dee	Donnelson	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Hardy
Harper	Hendrickson	B. Johnson	Kiser
Last	Lawrence	Lockhart	McGee
Morgan	Moss	Murray	Newbold
Noel	Oda	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt

**Absent or not voting were:** Representatives

Buxton	Mascaro	Morley
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**H.R. 6** was filed.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

### AFTERNOON SESSION

The House was called to order by Speaker Curtis at 2:30 p.m.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 8, 2005

The Senate concurred in the House amendments and passed **S.B. 27**, SUNSET REAUTHORIZATIONS, by Senator L. A. Mansell, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 27** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

Mr. Speaker: February 8, 2005

The Senate passed, **H.B. 26**, CONVEYANCES OF PROPERTY, by Representative J. S. Adams, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 28**, JUVENILE JUSTICE RECODIFICATION AND REVISIONS, by Representative D. Aagard, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 185**, UTAH COMPUTER CRIMES ACT AMENDMENTS, by Representative B. Daw, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 26**, **Sub. H.B. 28**, and **H.B. 185** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: February 8, 2005  
The Senate passed, as amended, **H.B. 12**, HEALTH CARE ASSISTANTS, by Representative R. Lockhart, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 12**, placed on the calendar for concurrence.

**REPORTS OF STANDING COMMITTEES**

Mr. Speaker: February 8, 2005  
The Political Subdivisions Committee reports a favorable recommendation on **H.B. 143**, NATIONAL GUARD AMENDMENTS, by Representative E. Hutchings, and recommends it be placed on the Consent Calendar; and

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 250**, CAPITOL COMPLEX SPACE, by Representative J. Alexander.

Brad L. Dee, Chair

Reports filed. On motion of Representative Dee, the reports of the Political Subdivisions committee were adopted.

**H.B. 143**, read the second time by short title and placed on the Consent Calendar.

**H.B. 250**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 8, 2005  
The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 128**, CALCULATION OF INTEREST ON TAX OVERPAYMENTS, by Senator H. Stephenson, and recommends it be placed on the Consent Calendar; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 133**, INDIVIDUAL INCOME TAX – RETURN FILING REQUIREMENTS, by Senator H. Stephenson, and recommends it be placed on the Consent Calendar.

Wayne A. Harper, Chair

Reports filed. On motion of Representative Harper, the reports of the Revenue and Taxation committee were adopted.

**S.B. 128** and **S.B. 133**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 8, 2005

The Government Operations Committee reports a favorable recommendation on **H.B. 142**, ISSUES SUBMITTED TO VOTERS, by Representative G. Hughes; and

The Government Operations Committee reports a favorable recommendation on **H.B. 281**, TASK FORCE ON LEGISLATIVE REFORMS, by Representative N. Hansen; and

The Government Operations Committee reports a favorable recommendation on **H.B. 291**, CAPITOL PRESERVATION BOARD MODIFICATIONS, by Representative J. Alexander; and

The Government Operations Committee recommends **H.B. 211**, INTEGRITY OF ELECTION RESULTS AMENDMENTS, by Representative J. Dougall, be replaced and reports a favorable recommendation on **1st Sub. H.B. 211**, INTEGRITY OF ELECTION RESULTS AMENDMENTS with the following amendments:

1. Page 6, Lines 173 through 175:

173 (viii) ensure that all voting equipment purchased by the state complies with the

174 requirements of Subsection 20A-5-302(2) and { Title 20A,  
Chapter 5, Part 4, Election Officer's

175 Duties } Sections 20A-5-402.5 and 20A-5-402.7 ; and

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Government Operations committee were adopted.

**H.B. 142**, **H.B. 281**, **H.B. 291**, and **Sub. H.B. 211**, as amended, read the second time by short title and placed on the calendar for third reading.

### THIRD READING CALENDAR

**H.B. 25**, DIRECT-ENTRY MIDWIFE ACT, read the third time by short title and placed on its final passage.

Representative Biskupski proposed the following amendment:

1. Page 6, Lines 176 through 178

176 (7) “Practice of Direct-entry midwifery” means practice of  
providing the necessary supervision, care, and advice to a client during  
essentially normal pregnancy, labor, delivery, postpartum, and newborn  
periods that is { -in accordance } consistent with  
177 national professional midwifery standards and that is based upon  
the acquisition of clinical  
178 skills necessary for the care of pregnant women and newborns,  
including antepartum.

2. Page 7, Lines 186 through 201:

186 (f) obtaining medications, as specified in this Subsection (7)(f)  
{ -or by rule } , to administer  
187 to clients, including:  
188 (i) prescription vitamins;  
189 (ii) Rho D immunoglobulin;  
190 { - (iii) CDC - or ACOG - recommended agents for Group B  
strep prophylaxis }  
191 { - (iv) } (iii) sterile water;  
192 { - (v) IV fluids, excluding blood products; } (iv) one  
dose of intramuscular oxytocin after the delivery of the placenta to  
minimize blood loss;  
193 { - (vi) anti-hemorrhagic medications; } (v) one dose of  
intramuscular oxytocin if a hemorrhage occurs, in which case the  
licensed Direct-entry midwife must either consult immediately with a  
physician licensed under Title 58, Chapter 67, Utah Medical Practice  
Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, and  
initiate transfer, if requested, or if the client’s condition does not  
immediately improve, initiate transfer and notify the local hospital;  
194 { - (vii) } (vi) oxygen;  
195 { - (viii) } (vii) local anesthetics without  
epinephrine used in accordance with Subsection (7)(l);  
196 { - (ix) } (viii) vitamin K to prevent hemorrhagic  
disease of the newborn;

197        ~~{-(x) -}~~        (ix) eye prophylaxis to prevent ophthalmia neonatorum as required by law; and

198        ~~{-(xi) other medications that are not controlled substances as defined in Section 58-37-2}~~        (x) any other medication approved by a licensed health care provider with authority to prescribe that medication;

199        ~~{and which are approved by the division in collaboration with the Licensed Direct-entry } {-~~

200        Midwife Formulary Committee; }

201        (g) obtaining food, food extracts, dietary supplements, as defined by the Federal Food,

3. Page 8, Lines 214 through 219:

214        (l) managing the postpartum period including        ~~{-i }~~

215        ~~{-(i) }~~        suturing of episiotomy or first and second degree natural perineal and labial

216        lacerations, including the administration of a local anesthetic;  
              ~~{-and }~~

217        ~~{-(ii) managing hemorrhage, including the administration of anti-hemorrhagic }~~

218        ~~{-medications or IV fluids; }~~

219        (m) managing the newborn period including;

4. Page 14, Lines 400 through 403:

400        (D) a promise to provide the client, upon request, separate documents describing the

401        rules governing licensed Direct-entry midwifery practice, including a list of conditions

402        indicating the need for consultation, collaboration, referral, transfer or        ~~{-emergency -}~~        mandatory transfer, and

403        the licensed Direct-entry midwife's personal written practice guidelines;

5. Page 14, Lines 412 through 414:

412        (2) A licensed Direct-entry midwife shall appropriately recommend and facilitate

413 consultation with, collaboration with, referral to, or transfer or {~~–~~  
~~emergency –~~} mandatory transfer of care to a  
 414 licensed health care professional when the circumstances require  
that action in accordance with

6. Page 14, Lines 422 through 424:

422 (4) If after a client has been informed that she has or may have a  
condition indicating

423 the need for {~~– emergency –~~} mandatory transfer, the  
licensed Direct–entry midwife shall in accordance with procedures  
established by division rule, terminate the care or initiate transfer by:

424 (a) calling 911 and reporting the need for immediate transfer;

7. Page 14, Lines 427 through 428:

427 physician’s orders.

(5) For the period from 2006 through 2011, a licensed Direct–entry  
midwife must submit outcome data to the Midwives’s Alliance of North  
America’s Division of Research on the form and in the manner  
prescribed by rule.

428 {~~–(5) –~~} (6) This chapter does not mandate health  
insurance coverage for midwifery services.

8. Page 15, Lines 444 through 446:

444 (d) The issuing of an order for a Direct–entry midwife’s client  
does not constitute a

445 delegation of duties from the other provider to the Direct–entry  
midwife.

(4) A licensed health care provider may not be held civilly liable for  
rendering emergency medical services that arise from prohibited  
conduct in Section 57–77–603, or from care rendered under a waiver as  
specified in Subsection 58–77–601(3)(b), unless the emergency medical  
services constitute gross negligence or reckless disregard for the client.

(5) A licensed Direct–entry midwife shall be solely responsible for  
the use of medications under this chapter.

446 Section 18. Section 58–77–603 is enacted to read:

9. Page 15, Lines 449 through 455:

449 (1) administer a prescription drug to a client {~~–~~  
~~–~~} {~~–other than those specified in Subsections–~~} in a manner  
that violates this chapter:

450 { ~~58-77-102(7) and 58-77-602(3)(a); -~~ }

451 (2) effect any type of surgical delivery except for the cutting of an emergency

452 episiotomy:

453 (3) administer any type of epidural, spinal, or caudal anesthetic, or any type of narcotic

454 analgesia: { - or }

(4) use forceps or a vacuum extractor:

(5) manually remove the placenta, except in an emergency that presents an immediate threat to the life of the client; or

455 { ~~(4) -~~ } (6) induce abortion.

Representative Biskupski's motion to amend passed on a voice vote.

**H.B. 25**, as amended, then passed on the following roll call:

**Yeas, 41; Nays, 30; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Barrus	Biskupski	Bourdeaux
Buttars	Daw	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Fowlke	Frank	Gibson	Goodfellow
Hansen	Hendrickson	Hogue	Holdaway
Hughes	E. Hutchings	B. Johnson	King
Kiser	Litvack	Lockhart	Mascaro
McGee	Murray	Oda	Painter
Ray	Romero	Tilton	Ure
Walker	Wallace	Wheatley	Wiley
Wyatt			

**Voting in the negative were:** Representatives

Adams	Alexander	S. Allen	Becker
Bigelow	Bowman	Christensen	D. Clark
S. Clark	Cosgrove	Dayton	Ferry
Fisher	Gowans	Hardy	Harper
Hunsaker	Jones	Last	Lawrence
Mathis	Menlove	Morgan	Moss
Newbold	Noel	Shurtliff	G. Snow
Urquhart	Wheeler		



**Absent or not voting were:** Representatives

Buxton	D. Cox	Morley	Curtis
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**H.B. 25**, as amended, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

Representative Alexander moved to reconsider House action on **H.B. 11**. The motion failed on the following roll call:

**Yeas, 37; Nays, 35; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Alexander	Becker	Christensen	S. Clark
Cosgrove	Daw	Dayton	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Frank	Goodfellow	Gowans
Hansen	Hendrickson	Hogue	Hughes
E. Hutchings	Jones	King	Kiser
Mathis	McGee	Newbold	Noel
Oda	Painter	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Curtis			

**Voting in the negative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bigelow	Biskupski	Bourdeaux	Bowman
Buttars	D. Clark	Dee	Fisher
Fowlke	Gibson	Hardy	Harper
Holdaway	Hunsaker	B. Johnson	Last
Lawrence	Litvack	Lockhart	Mascaro
Menlove	Morgan	Moss	Murray
Ray	Romero	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Buxton	D. Cox	Morley
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**H.B. 11** was filed.

**THIRD READING CALENDAR**

**H.B. 80**, SERVICES FOR PEOPLE WITH DISABILITIES, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **H.B. 80**.

\* \* \*

**Sub. H.B. 200, PROPERTY AND CASUALTY INSURANCE LAW AMENDMENTS**, read the third time by short title and placed on its final passage.

On motion of Representative Dunnigan, the House voted to consider **Sub. H.B. 200** read the first, second, and third times by short title.

**Sub. H.B. 200** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	S. Clark
Cosgrove	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Hansen
Hardy	Harper	Hogue	Holdaway
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Alexander	Buxton	D. Clark	D. Cox
Gowans	Hendrickson	Hughes	Morley

**Sub. H.B. 200** transmitted to the Senate for its consideration.

### **RULES COMMITTEE REPORT**

Mr. Speaker:

February 8, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

- H.B. 247** Credit or Refund for Tax Paid on Cigarette or Tobacco Product Destroyed or Returned to the Manufacturer (Rep. E. Hutchings)
- H.B. 255** Investment of Higher Education Institution Endowment Funds (Rep. D. Clark)
- H.B. 349** Money Management Act Amendments (Rep. D. Clark)

**EDUCATION**

- H.B. 124** Enrollment Growth Program Amendments (Rep. B. Last)
- H.B. 362** Appropriation for Highly Qualified Teachers (Rep. K. Holdaway)

**GOVERNMENT OPERATIONS**

- S.J.R. 10** Resolution to Congress Regarding Oil and Gas Drilling and Exploration (Sen. H. Stephenson)

**HEALTH AND HUMAN SERVICES**

- H.B. 233** Adoption Law Revisions (Rep. R. McGee)
- S.B. 74** Medical Reserve Corps (Sen. L. Hillyard)
- S.B. 119** Rural Medical Residency Training Programs (Sen. P. Knudson)

**JUDICIARY**

- H.B. 280** Joint Custody Amendments (Rep. L. Christensen)

**POLITICAL SUBDIVISIONS**

- H.B. 113** Government Boundary Changes (Rep. K. Holdaway)
- H.B. 256** Local Government Acquisition of Real Property (Rep. A. Hardy)

**PUBLIC UTILITIES AND TECHNOLOGY**

- H.B. 109** Information Technology Governance Amendments (Rep. D. Clark)

**RETIREMENT AND INDEPENDENT ENTITIES**

- S.B. 130** Retirement for Airport Police (Sen. M. Dmitrich)

**REVENUE AND TAXATION**

- H.B. 140** Individual Income Tax Contribution for Community Spay and Neuter Programs (Rep. M. Noel)

**TRANSPORTATION**

**H.B. 261** Motorboat Liability Insurance and Uninsured Motorist and Motorboat Identification Database Program Amendments (Rep. K. Gibson); and

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 57**, Alcoholic Beverage Control Task Force (Rep. D. Ure) be replaced with **Substitute H.B. 57**, Tourism Task Force (Rep. D. Ure), and further recommends it be considered read for the first time and assigned to the Workforce Services Community and Economic Development Standing Committee.

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until February 9, 2005, at 10:00 a.m.

# TWENTY-FOURTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present except Representatives D. Gregg Buxton, Mike Morley, and Stephen Mascaro, excused.

Prayer by Ruth Urquhart, daughter of Representative Stephen H. Urquhart.

Pledge of Allegiance by Ike Urquhart, son of Representative Stephen H. Urquhart.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 8, 2005  
The Senate passed, as amended, **S.B. 126**, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, by Senator S. Killpack, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 126**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 8, 2005  
The President of the Senate has signed **H.B. 51**, ELECTRONIC PAYMENTS TO LOCAL GOVERNMENT ENTITIES, by Representative J. Murray, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 51** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 8, 2005  
The Law Enforcement and Criminal Justice Committee recommends **H.B. 184**, DOMESTIC VIOLENCE – CHANGE OF LOCKS ON RENTAL

PROPERTY, by Representative L. Shurtliff, be replaced and reports a favorable recommendation on **1st Sub. H.B. 184**, CRIME VICTIMS – CHANGE OF LOCKS ON RENTAL PROPERTY with the following amendments:

1. Page 2, Lines 45–47:

45 (c) Notwithstanding any rental agreement, an owner who  
installs a new lock under

46 Subsection (3)(a) {~~may~~ } shall refuse to provide a copy  
of the key that opens the new lock to the

47 perpetrator of the act listed in Subsection (1).

And further recommends that it be considered read for the first and second time and placed on the Third Reading Calendar for House Bills; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 228**, REMOVAL OR DEFACEMENT OF POLITICAL SIGNS, by Representative G. Hughes; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **S.B. 30**, AMENDMENTS TO SEARCH WARRANTS, by Senator D. Thomas, and recommends it be placed on the Consent Calendar; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **S.B. 118**, IDENTITY FRAUD AMENDMENTS, by Senator C. Walker, and recommends it be placed on the Consent Calendar.

DeMar “Bud” Bowman, Chair

Reports filed. On motion of Representative Bowman, the reports of the Law Enforcement and Criminal Justice committee were adopted.

**Sub. H.B. 184**, as amended, and **H.B. 228**, read the second time by short title and placed on the calendar for third reading.

**S.B. 30** and **S.B. 118**, read the second time by short title and placed on the Consent Calendar.

### CONSENT CALENDAR

**S.B. 90**, COUNTY OFFICERS SERVING ON BOARDS OF COUNTY MENTAL HEALTH AND SUBSTANCE ABUSE PROVIDERS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to lift **S.B. 90** from the Consent Calendar and place it at the bottom of the Third Reading Calendar.

### THIRD READING CALENDAR

**S.J.R. 13**, JOINT RESOLUTION AMENDING INTERIM LEGISLATIVE RULES, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle **S.J.R. 13**.

\* \* \*

**S.B. 32**, LIMITATION OF LANDOWNER LIABILITY FOR PUBLIC RECREATION, read the third time by short title and placed on its final passage.

**S.B. 32** then passed on the following roll call:

**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Lockhart
Mathis	McGee	Menlove	Morgan
Moss	Murray	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Walker
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Adams	Bourdeaux	Buxton	S. Clark
Litvack	Mascaro	Morley	Newbold
Urquhart	Wallace		

**S.B. 32** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 94**, RESTITUTION AMENDMENTS, read the third time by short title and placed on its final passage.

**S.B. 94** then passed on the following roll call:

**Yeas, 64; Nays, 0; Absent or not voting, 11.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Lockhart	Mathis
Menlove	Morgan	Moss	Murray
Noel	Oda	Painter	Ray
Romero	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Adams	Bourdeaux	Buxton	S. Clark
Hughes	Litvack	Mascaro	McGee
Morley	Newbold	Shurtliff	

**S.B. 94** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 103**, LIENS ON AIRCRAFT, read the third time by short title and placed on its final passage.

**S.B. 103** then passed on the following roll call:

**Yeas, 62; Nays, 0; Absent or not voting, 13.**



**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Last
Lawrence	Lockhart	Mathis	Menlove
Morgan	Moss	Murray	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Adams	Bourdeaux	Buxton	S. Clark
Gowans	Kiser	Litvack	Mascaro
McGee	Morley	Newbold	Noel
Ure			

**S.B. 103** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 37, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS**, read the third time by short title and placed on its final passage.

**S.B. 37**, as amended, then passed on the following roll call:

**Yeas, 62; Nays, 3; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Christensen	D. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin

Ferry	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	Jones	King
Kiser	Last	Lawrence	Litvack
Mathis	McGee	Menlove	Morgan
Moss	Murray	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Voting in the negative were:** Representatives

Barrus	Fisher	Lockhart
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**Absent or not voting were:** Representatives

Adams	Buttars	Buxton	S. Clark
Harper	B. Johnson	Mascaro	Morley
Newbold	Curtis		

**S.B. 37**, as amended, returned to the Senate for further consideration.

\* \* \*

**S.B. 40**, REGULATION OF TITLE INSURANCE INDUSTRY, read the third time by short title and placed on its final passage.

**S.B. 40** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence

Litvack	Lockhart	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Alexander	Buxton	Fowlke	Mascaro
Morley	Noel	Ure	Curtis

**S.B. 40** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**Sub. S.B. 106**, UTAH RELIGIOUS LAND USE ACT, read the third time by short title and placed on its final passage.

**Sub. S.B. 106**, as amended, then passed on the following roll call:

**Yeas, 68; Nays, 1; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mathis
McGee	Menlove	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt

**Voting in the negative was:** Representative  
Ure

**Absent or not voting were:** Representatives  
Alexander                      Buxton                      Mascaro                      Morgan  
Morley                              Curtis

**Sub. S.B. 106**, as amended, returned to the Senate for further consideration.

### UNFINISHED BUSINESS

On motion of Representative Ferry, the House voted to uncircle **S.B. 21**.

**S.B. 21**, LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS, was before the House on its final passage.

Representative Ferry proposed the following amendment:

1. Page 2, Lines 36 through 40  
Senate Committee Amendments 1–20–2005
  - 36        (2) There is a rebuttable presumption that a seller, supplier,  
installer, handler, or
  - 37        transporter of liquified petroleum gas and the necessary equipment  
and appliances {–have } licensed in accordance with Title 53,  
Chapter 7, Part 3, Liquified Petroleum Gas Act, has
  - 38        followed all applicable standards and procedures established by the  
§ [fire code] LIQUIFIED
  - 38a      PETROLEUM GAS BOARD {– adopted in
  - 39        accordance with §[Section 53–7–106 by the Utah Fire Prevention  
Board pursuant to Section
  - 40        53–7–204] THE PROVISIONS OF TITLE 53, CHAPTER 7, PART  
3, LIQUIFIED PETROLEUM GAS ACT§ } .

Representative Ferry's motion to amend passed on a voice vote.

**S.B. 21**, as amended, then passed on the following roll call:

**Yeas, 68; Nays, 2; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives  
Aagard                              Adams                              S. Allen                              Barrus  
Becker                                Bigelow                              Biskupski                              Bourdeaux

Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt

**Voting in the negative were:** Representatives

Duckworth            Hansen

**Absent or not voting were:** Representatives

Alexander            Buxton            Mascaro            Morley  
Curtis

**S.B. 21**, as amended, returned to the Senate for further consideration.

**THIRD READING CALENDAR**

**S.J.R. 6**, SPACE EXPLORATION RESOLUTION, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **S.J.R. 6**.

\* \* \*

**Sub. S.B. 44**, GOVERNMENT RECORDS AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **Sub. S.B. 44**.

\* \* \*

**S.B. 86**, 2004 GENERAL OBLIGATION BOND AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Bigelow, the House voted to circle **S.B. 86**.

\* \* \*

**S.B. 117, REPEAL OF UTAH TOMORROW STRATEGIC PLANNING COMMITTEE**, read the third time by short title and placed on its final passage.

**S.B. 117** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

**Absent or not voting were:** Representatives

Alexander	Buxton	B. Johnson	Mascaro
Morley	Curtis		

**S.B. 117** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 88, CREATION OF LOCAL DISTRICTS**, read the third time by short title and placed on its final passage.

**S.B. 88** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Alexander	Biskupski	Buxton	Mascaro
Morley			

**S.B. 88** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 47, WRONGFUL LIEN OFFENSES**, read the third time by short title and placed on its final passage.

On motion of Representative Mathis, the House voted to circle **S.B. 47**.

\* \* \*

**S.B. 115, PERMANENT TOTAL DISABILITY AMENDMENTS**, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **S.B. 115**.

\* \* \*

**S.B. 83**, MEDICAL DECISIONS OF A PARENT OR GUARDIAN, read the third time by short title and placed on its final passage.

**S.B. 83**, as amended, then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Alexander	Bourdeaux	Buxton	Goodfellow
Mascaro	Morley	Painter	Wallace

**S.B. 83**, as amended, returned to the Senate for further consideration.

\* \* \*

**Sub. S.B. 108**, TELECOMMUNICATIONS REVISIONS, read the third time by short title and placed on its final passage.

**Sub. S.B. 108** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**



**Voting in the affirmative were:** Representatives

Adams	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bowman	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Agard	Alexander	Bourdeaux	Buttars
Buxton	Mascaro	Morley	Wallace

**Sub. S.B. 108** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**Sub. S.B. 24**, WASTE AMENDMENTS, read the third time by short title and placed on its final passage.

**Sub. S.B. 24** then passed on the following roll call:

**Yeas, 57; Nays, 13; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Goodfellow	Hansen

Hardy	Harper	Hogue	Holdaway
Hunsaker	E. Hutchings	Jones	Kiser
Last	Lawrence	Litvack	Lockhart
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Painter	Ray	Romero	Shurtliff
G. Snow	Ure	Urquhart	Walker
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Daw	Ferrin	Fowlke	Frank
Gibson	Gowans	Hendrickson	Hughes
B. Johnson	King	Oda	Tilton
Wallace			

**Absent or not voting were:** Representatives

Bourdeaux	Buxton	Dayton	Mascaro
Morley			

**Sub. S.B. 24** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### MISCELLANEOUS BUSINESS

On motion of Representative Frank, the House voted to print the following intent language in the House Journal.

#### INTENT LANGUAGE FOR SUBSTITUTE S.B. 24

During the course of the last several years, the Legislature has reviewed the contracts between Envirocare and the banks involving disposition and management of funds securing certain letters of credit issued by Envirocare with the state as beneficiary. Because of the Legislature's concerns about the state's position under those contracts, the state agencies responsible for regulating Envirocare reviewed those contracts and have assured the Legislature that those contracts have been revised to provide further protection to the state. During the same period, the Legislature sought a legal opinion from its counsel on whether or not the state could collect on certain letters of credit provided by Envirocare as long-term security for Envirocare's closure and post closure expenses if Envirocare declared bankruptcy. That legal opinion concluded that, although the bankruptcy court might delay payment on the letters of credit, it is likely that the

state would be able to collect the full amount provided by the letters of credit, but might need to incur litigation expenses.

It is the intent of the Legislature that the agencies responsible for regulating and overseeing Envirocare's solid, hazardous, and radioactive waste disposal programs continue to review, and encourage the revision of, the contracts as necessary to ensure that the state is adequately protected and that the office of the attorney general continue to monitor bankruptcy law developments to ensure that letters of credit continue to provide legally enforceable security for the closure and post-closure costs that will someday be associated with the Envirocare facilities.

\* \* \*

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

### **AFTERNOON SESSION**

The House was called to order by Speaker Curtis at 2:00 p.m.

### **COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: February 9, 2005

The Senate passed **S.B. 54**, PROPERTY TAX CONFIDENTIALITY AMENDMENTS, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed **S.B. 136**, JUSTICE COURT OPERATIONS AMENDMENTS, by Senator E. Mayne, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 31**, LOCAL GOVERNMENT AMENDMENTS, by Senator D. Thomas, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 53**, LAND VALUE PROPERTY TAX STUDY, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 121**, PROPERTY TAX EXEMPTION AMENDMENTS, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 135**, DRUG COURTS PILOT PROJECT, by Senator L. Hillyard, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 54, S.B. 136, Sub. S.B. 31, S.B. 53, S.B. 121, and Sub. S.B. 135**, read the first time by short title and referred to the Rules Committee.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker:

February 8, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 230**, RECYCLING OF WASTE TIRES, by Representative D. Ure, with the following amendments:

1. Page 1, Lines 14 through 15:

14       •       {~~-\$85-~~}   \$90   as partial reimbursement for  
each ton of waste tires converted to crumb

15    rubber;

2. Page 3, Lines 59 through 62:

59       (2) [~~(a)~~] Subject to the limitations in Section 19-6-816, a  
recycler is entitled to [~~\$75~~];

60       (a)   {~~-\$85~~}   \$90   as partial reimbursement for each ton  
of waste tires or material derived from

61    waste tires converted to crumb rubber, if a contract exists for the  
sale of the crumb rubber for

62    use as a component in an ultimate product[~~-~~];

The Natural Resources, Agriculture, and Environment Committee recommends **H.B. 83**, WEIGHTS AND MEASURES AMENDMENTS, by Representative D. Ure, be replaced and favorably recommends **1st Sub. H.B. 83**, WEIGHTS AND MEASURES AMENDMENTS.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.

**H.B. 230**, as amended, and **Sub. H.B. 83**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 8, 2005

The Judiciary Committee recommends **H.B. 204**, STATUTE OF LIMITATIONS AMENDMENTS, by Representative D. Clark, be replaced and favorably recommends **1st Sub. H.B. 204**, STATUTE OF LIMITATIONS AMENDMENTS; and

The Judiciary Committee reports a favorable recommendation on **H.B. 131**, ACCESS TO HEALTH CARE FACILITIES AND PLACES OF WORSHIP, by Representative D. Aagard, with the following amendments:

- 1. Page 2, Lines 47 through 54:

47 (2) (a) A person is guilty of preventing or impeding passage to a health care facility or

48 place of worship if the person intentionally or knowingly obstructs, detains, hinders, impedes, or blocks

49 another person's entry to or exit from the health care facility or place of worship.

50 (b) A person who violates Subsection (2)(a) is guilty of a class B misdemeanor.

51 (3) (a) A person is guilty of unlawfully interfering with passage to a health care facility

52 or place of worship if, within a radius of 100 feet from any entrance door to a health care

53 facility or place of worship, the person intentionally or knowingly approaches within eight feet of another

54 person for the purpose of:

The Judiciary Committee reports a favorable recommendation on **1st Sub. H.B. 56**, DIVORCE TASK FORCE, by Representative P. Wallace; and

The Judiciary Committee recommends **S.B. 42**, ALCOHOL RESTRICTED DRIVERS, by Senator C. Walker, be replaced and favorably recommends **1st Sub. S.B. 42**, ALCOHOL RESTRICTED DRIVERS.

James A. Ferrin, Chair

Reports filed. On motion of Representative Ferrin, the reports of the Judiciary committee were adopted.

**Sub. H.B. 204, H.B. 131**, as amended, **Sub. H.B. 56**, and **Sub. S.B. 42**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 9, 2005  
The Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. S.B. 26**, PUBLIC UTILITIES AMENDMENTS, by Senator G. Bell.

Sheryl L. Allen, Chair

Report filed. On motion of Representative Alexander, the report of the Public Utilities and Technology committee was adopted.

**Sub. S.B. 26**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 9, 2005  
The Business and Labor Committee reports a favorable recommendation on **H.B. 85**, HEALTH INSURANCE HIGH RISK POOL – ELIGIBILITY AMENDMENTS, by Representative D. Litvack; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 263**, INSURERS REHABILITATION AND LIQUIDATION, by Representative J. Dougall, with the following amendments:

1. Page 1, Lines 15 through 16:
  - 15       ▶       addresses payments by reinsurers;
  - ▶       clarifies the application of the bill to liquidation proceedings instituted before July 1, 2007; and
  - 16       ▶       makes technical changes.
2. Page 1, Lines 19 through 20:
  - 19 Other Special Clauses:
  - 20       {~~None~~}       This bill takes effect on July 1, 2007
3. Page 2, Lines 42 through 45:
  - 42       (c) An estimation made pursuant to this section:
  - 43       (i)   {~~(A)~~} shall be made ;  
          (A) in a commercially reasonable and actuarially sound manner[.]; or

44 (B) upon another accepted and verifiable method of  
determining, proving, and

45 allowing contingent, unliquidated, or immature claims with  
reasonable certainty; and

4. Page 2, Lines 52 through 54:

52 (2) Contingent, unliquidated, and immature claims shall not  
share in any distribution to

53 creditors of an insurer under Section 31A-27-336 until the liability,  
value, and due date of the

54 claims have been proved, allowed, and adjudicated.

(3) A liquidation proceeding instituted before July 1, 2007 shall be  
administered in accordance with the law in effect before July 1, 2007.

5. Page 5, Lines 131 through 132:

131 (4) The obligation of a reinsurer to make payments to the insurer  
shall be determined

132 on the basis of reported claims that have been allowed pursuant to  
Section 31A-27-336.

(5) A liquidation proceeding instituted before July 1, 2007 shall be  
administered in accordance with the law in effect before July 1, 2007.

Section 3. Effective Date

This bill takes effect on July 1, 2007.

The Business and Labor Committee reports a favorable recommendation on **H.B. 269**, SALES MARKETING REQUIREMENTS, by Representative M. Noel; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 283**, REAL ESTATE AMENDMENTS, by Representative G. Snow, and recommends it be placed on the Consent Calendar.

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the Business and Labor committee were adopted.

**H.B. 85**, **H.B. 263**, as amended, and **H.B. 269**, read the second time by short title and placed on the calendar for third reading.

**H.B. 283**, read the second time by short title and placed on the Consent Calendar.

\* \* \*

Mr. Speaker:

February 9, 2005

The Education Committee recommends **H.B. 63**, SCHOOL DISTRICT AMENDMENTS, by Representative D. Cox, be replaced and favorably recommends **1st Sub. H.B. 63**, SCHOOL DISTRICT AMENDMENTS; and

The Education Committee recommends **H.B. 84**, READING REQUIREMENTS FOR STUDENT ADVANCEMENT, by Representative K. Morgan, be replaced and reports a favorable recommendation on **1st Sub. H.B. 84**, READING REQUIREMENTS FOR STUDENT ADVANCEMENT with the following amendments:

1. Page 2, Line 40:

After "programs." delete "and" and insert "or"

The Education Committee recommends **1st Sub. H.B. 151**, SCHOOL COMMUNITY COUNCILS, by Representative J. Dougall, be replaced and favorably recommends **3rd Sub. H.B. 151**, SCHOOL COMMUNITY COUNCILS; and

The Education Committee reports a favorable recommendation on **H.B. 206**, CHARTER SCHOOL REPORTING, by Representative C. Moss; and

The Education Committee reports a favorable recommendation on **H.B. 231**, SCHOOL DISTRICT BOUNDARIES, by Representative M. Noel; and

The Education Committee reports a favorable recommendation on **S.B. 120**, ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS, by Senator T. Hatch, with the following amendments:

1. Page 1, Lines 13 through 16:

13       ▶       requires that trust lands revenues distributed for the benefit of the state's normal

14 schools shall be allocated to {~~colleges~~ of education} institutions within the state system of higher

15 education in proportion to the number of bachelor's degrees awarded by {~~the colleges~~

16 ~~of education~~} those institutions in the previous fiscal year.



2. Page 2, Lines 28 through 33

Senate Committee Amendments 1–26–2005:

28 Money distributed for the benefit of the state’s normal schools, as provided under the

29 Utah Enabling Act, § SECTION 12, § Utah Constitution Article X, Section 7, Utah Constitution

29a Article XX,

30 Section 2, and Sections 53C–3–101 and 53C–3–103, shall be allocated to {–the colleges of

31 education } institutions within the state system of higher education, as defined in Section 53B–1–102, that offer bachelor’s degrees in education in

32 proportion to the number of bachelor’s degrees awarded by {–the colleges of education } those institutions in the

33 previous fiscal year.

Margaret Dayton, Chair

Reports filed. On motion of Representative Dayton, the reports of the Education committee were adopted.

**Sub. H.B. 63, Sub. H.B. 84, 3rd Sub. H.B. 151, H.B. 206, H.B. 231, and S.B. 120**, as amended, read the second time by short title and placed on the calendar for third reading.

**THIRD READING CALENDAR**

**S.C.R. 4, RESOLUTION APPROVING UTAH RECREATIONAL LAND EXCHANGE**, read the third time by short title and placed on its final passage.

**S.C.R. 4** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin

Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Buxton	Harper	Morley
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**S.C.R. 4** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 98**, MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **S.B. 98**.

#### UNFINISHED BUSINESS

On motion of Representative Lockhart, the House voted to uncircle **S.J.R. 13**.

**S.J.R. 13**, JOINT RESOLUTION AMENDING INTERIM LEGISLATIVE RULES, was before the House on its final passage.

**S.J.R. 13** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson

Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Buxton                      Morley

**S.J.R. 13** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

On motion of Representative Oda, the House voted to uncircle **S.B. 98**.

**S.B. 98**, MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS, was before the House on its final passage.

**S.B. 98** then passed on the following roll call:

**Yeas, 65; Nays, 7; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bourdeaux	Bowman
Buttars	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hardy	Harper	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson

Jones	King	Kiser	Last
Lawrence	Lockhart	Mascaro	Mathis
McGee	Menlove	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Biskupski	Gowans	Hansen	Hendrickson
Litvack	Morgan	Moss	

**Absent or not voting were:** Representatives

Becker	Buxton	Morley
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**S.B. 98** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### THIRD READING CALENDAR

**Sub. S.B. 8, LOCAL CORRIDOR PRESERVATION FUNDING**, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle **Sub. S.B. 8**.

\* \* \*

**S.B. 90, COUNTY OFFICERS SERVING ON BOARDS OF COUNTY MENTAL HEALTH AND SUBSTANCE ABUSE PROVIDERS**, was before the House.

**S.B. 90** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin

Ferry	Fisher	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Buxton	Fowlke	Morley	Ure
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**S.B. 90** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### CONCURRENCE CALENDAR

On motion of Representative Lockhart, the House voted to concur in the Senate amendments to **H.B. 12**, HEALTH CARE ASSISTANTS.

**H.B. 12**, as amended by the Senate, then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan

Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Buxton	Holdaway	Morley	Wallace
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**H.B. 12**, as amended by the Senate, transmitted to the Senate for signature of the president.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

### THIRD READING CALENDAR

**H.B. 45**, ASSESSMENT OF PROPERTY AFFECTED BY BUSINESS INTERRUPTION, read the third time by short title and placed on its final passage.

On motion of Representative Hughes, the House voted to delete **H.B. 45** in title and body and insert **Sub. H.B. 45** in lieu thereof.

On motion of Representative Hughes, the House voted to circle **Sub. H.B. 45**.

\* \* \*

**H.B. 225**, BOAT REGISTRATION FEE, read the third time by short title and placed on its final passage.

**H.B. 225** then failed to pass on the following roll call:

**Yeas, 30; Nays, 37; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Bowman	Buttars	S. Clark	Cosgrove
D. Cox	Fowlke	Goodfellow	Gowans
Hansen	Hendrickson	Hunsaker	E. Hutchings
B. Johnson	King	Last	Litvack
Mathis	McGee	Menlove	Moss
Painter	Romero	Shurtliff	G. Snow
Wheatley	Wiley		

**Voting in the negative were:** Representatives

Aagard	Adams	Alexander	Barrus
Christensen	D. Clark	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Frank	Gibson	Hardy	Hogue
Hughes	Jones	Kiser	Lawrence
Mascaro	Morgan	Murray	Newbold
Noel	Oda	Ray	Tilton
Ure	Urquhart	Walker	Wheeler
Wyatt			

**Absent or not voting were:** Representatives

Bigelow	Buxton	Harper	Holdaway
Lockhart	Morley	Wallace	Curtis

**H.B. 225** was filed

\* \* \*

**H.B. 93**, EMISSION INSPECTION AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Gibson, the House voted to delete **H.B. 93** in title and body and insert **Sub. H.B. 93** in lieu thereof.

Representative Alexander proposed the following amendment:

1. Page 1, Lines 12 through 15
  - 12       ▶       {~~repeals the requirement that~~} allows a county legislative body to require college students and employees who park on a college
  - 13       or university campus a motor vehicle that is not registered in a county subject to
  - 14       emissions inspections   {~~are required~~} to provide proof of compliance with an
  - 15       emissions inspection; and
2. Page 4, Line 90 through Page 5, Line 123:
  - 90       {~~Each~~} (5) (a)   {~~Each~~} The legislative body of each county required under federal law to utilize a motor vehicle emissions

inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard may require each college or university located in a county subject to this section ~~{shall}~~ to

91 require its students and employees who park a motor vehicle not registered in a county subject

92 to this section to provide proof of compliance with an emissions inspection accepted by the

93 county legislative body if the motor vehicle is parked on the college or university campus or

94 property. ~~{}~~

95 ~~{}~~ (b) College or university parking areas that are metered or for which payment is

96 required per use are not subject to the requirements of this Subsection (5). ~~{}~~

97 ~~{}~~ (6) ~~{}~~ ~~{(5)}~~ (a) An emissions inspection station shall issue a certificate of emissions

98 inspection for each motor vehicle that meets the inspection and maintenance program

99 requirements established in rules made under Subsection (2).

100 (b) The frequency of the emissions inspection shall be determined based on the age of

101 the vehicle as determined by model year and shall be required annually subject to the

102 provisions of Subsection ~~{}~~ (6) ~~{}~~ ~~{(5)}~~ (c).

103 (c) (i) To the extent allowed under the current federally approved state implementation

104 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative

105 body of a county identified in Subsection (1) shall only require the emissions inspection every

106 two years for each vehicle.

107 (ii) The provisions of Subsection ~~{}~~ (6) ~~{}~~ ~~{(5)}~~ (c)(i) apply only to a vehicle that is less than



108 six years old on January 1.

109 (d) If an emissions inspection is only required every two years  
for a vehicle under

110 Subsection ~~{-1-}~~ (6) ~~{-1-}~~ ~~{-5-}~~ (c), the inspection  
shall be required for the vehicle in:

111 (i) odd-numbered years for vehicles with odd-numbered model  
years; or

112 (ii) in even-numbered years for vehicles with even-numbered  
model years.

113 ~~{-1-}~~ (7) ~~{-1-}~~ ~~{-6-}~~ The emissions inspection  
shall be required within the same time limit

114 applicable to a safety inspection under Section 41-1a-205.

115 ~~{-1-}~~ (8) ~~{-1-}~~ ~~{-7-}~~ (a) A county identified in  
Subsection (1) shall collect information about and

116 monitor the program.

117 (b) A county identified in Subsection (1) shall supply this  
information to an appropriate

118 legislative committee, as designated by the Legislative  
Management Committee, at times

119 determined by the designated committee to identify program  
needs, including funding needs.

120 ~~{-1-}~~ (9) ~~{-1-}~~ ~~{-8-}~~ If approved by the county  
legislative body, a county that had an established

121 emissions inspection fee as of January 1, 2002, may increase the  
established fee that an

122 emissions inspection station may charge by \$2.50 for each year that  
is exempted from

123 emissions inspections under Subsection ~~{-1-}~~ (6) ~~{-1-}~~  
~~{-5-}~~ (c) up to a \$7.50 increase.

Representative Alexander's motion to amend failed on a voice vote.

###

Representative Tilton proposed the following amendment:

- Page 2, Line 38:  
Delete “(6)” and insert “(5)”

Representative Tilton’s motion to amend passed on a voice vote.

**Sub. H.B. 93**, as amended, then passed on the following roll call:

**Yeas, 59; Nays, 7; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Bigelow	Bowman	Buttars	Christensen
D. Clark	S. Clark	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Gowans
Hansen	Harper	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Mascaro	Mathis	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheeler	Wiley	Wyatt	

**Voting in the negative were:** Representatives

Becker	Bourdeaux	Cosgrove	Dunnigan
Goodfellow	McGee	Wheatley	

**Absent or not voting were:** Representatives

Adams	Biskupski	Buxton	Hardy
Hendrickson	Litvack	Lockhart	Morley
Curtis			

**Sub. H.B. 93**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 4, DIVORCE MEDIATION PROGRAM**, read the third time by short title and placed on its final passage.

**H.B. 4**, as amended, then passed on the following roll call:

**Yeas, 65; Nays, 5; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferry	Fisher
Fowlke	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Moss	Murray	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

**Voting in the negative were:** Representatives

Bourdeaux	Frank	Litvack	Newbold
Walker			

**Absent or not voting were:** Representatives

Buxton	Ferrin	Hughes	Morley
Curtis			

**H.B. 4**, as amended, transmitted to the Senate for its consideration.

**RULES COMMITTEE REPORT**

Mr. Speaker: February 9, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

**H.C.R. 13** Concurrent Resolution Promoting Utah Saves Strategic Initiative (Rep. D. Hogue)

**H.R. 9** House Resolution Discouraging Participation in Free Trade Areas of the Americas (Rep. G. Donnelson)

**GOVERNMENT OPERATIONS**

**H.B. 166** Utah Indoor Clean Air Act Amendments (Rep. P. Ray)

**HEALTH AND HUMAN SERVICES**

**H.J.R. 19** Joint Resolution Urging Health Care for Utah's Indigent and Needy Uninsured (Rep. L. Fowlke)

**H.R. 10** Resolution Supporting Participation of Taiwan in World Health Organization (Rep. B. Last)

**S.B. 126** Medical Benefits Recovery Act Amendments (Sen. S. Killpack)

**JUDICIARY**

**H.B. 123** Restrictions of Advertising Illegal Activities (Rep. S. Wyatt)

**H.J.R. 17** Resolution Honoring Celebration of Marriage Week (Rep. L. Fowlke)

**S.B. 14** Uniform Parentage Act (Sen. L. Hillyard)

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

**H.C.R. 14** Concurrent Resolution Honoring America's Military War Dogs (Rep. S. Mascaro)

**1st Sub. S.B. 135** Drug Courts Pilot Project (Sen. L. Hillyard)

**NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT**

**H.B. 246** Waste Fees Amendments (Rep. S. Urquhart)

**POLITICAL SUBDIVISIONS**

**H.C.R. 3** Resolution Regarding Washington County Waste Facility (Rep. B. Last)

**S.B. 136** Justice Court Operations Amendments (Sen. E. Mayne)

**REVENUE AND TAXATION**

**S.B. 53** Land Value Property Tax Study (Sen. H. Stephenson)

**S.B. 54** Property Tax Confidentiality Amendments (Sen. H. Stephenson)

**S.B. 121** Property Tax Exemption Amendments (Sen. C. Bramble)

**TRANSPORTATION**

**H.B. 299** Motor Vehicle Business Licensing Amendments (Rep. P. Ray)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until February 10, 2005, at 10:00 a.m.

## TWENTY-FIFTH DAY

\* \* \*

### MORNING SESSION

The House was called to order by Speaker Curtis at 10:20 a.m.

Roll call showed all members present except Representative Ann Hardy, excused.

Prayer by Roger Hutchings, father of Representative Eric Hutchings.

Pledge of Allegiance by Matt Graham, brother-in-law of Representative Eric Hutchings

### COMMUNICATION FROM THE SENATE

Mr. Speaker: February 9, 2005

The Senate passed, as substituted, **1st Sub. S.B. 10**, LIABILITY REFORM ACT AMENDMENTS, by Senator G. Bell, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **Sub. S.B. 10**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 10, 2005

The Senate passed, as amended, **H.C.R. 9**, RESOLUTION HONORING OUTGOING USU PRESIDENT KERMIT L. HALL, by Representative F. Hunsaker, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.C.R. 9**, placed on the calendar for concurrence.

### RULES COMMITTEE REPORT

Mr. Speaker: February 9, 2005

The Rules Committee recommends **H.R. 7**, HOUSE RULES RESOLUTION – MINORITY REPORT, by Representative D. Ure, be replaced and reports a favorable recommendation on **2nd Sub. H.R. 7**, HOUSE RULES RESOLUTION – COMMITTEE REPORT with the following amendments:

1. Page 2, Lines 52 through 53:

52 (5) ~~{(a) -}~~ Any listing of dissenting members on a  
committee report shall be read by the

53 Reading Clerk and entered as part of the report in the journal.

The Rules Committee further recommends that, because of a title change, the resolution be considered read for the first time; and

The Rules Committee reports a favorable recommendation on **1st Sub. S.J.R. 8, JOINT RULES RESOLUTION – APPEARANCE OF BILLS**, by Senator C. Bramble.

Rebecca Lockhart, Chair

Reports filed. On motion of Representative Ferry, the reports of the Rules Committee were adopted.

**2nd Sub. H.R. 7**, read the first and second times by short title and placed on the calendar for third reading.

**Sub. S.J.R. 8**, read the second time by short title and placed on the calendar for third reading.

### INTRODUCTION OF BILL

**H.C.R. 14**, Concurrent Resolution Honoring America's Military War Dogs (S. Mascaro), read the first time by short title and referred to the Law Enforcement and Criminal Justice standing committee.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to lift **H.C.R. 14** from its standing committee.

### CONCURRENCE CALENDAR

On motion of Representative Morley, the House voted to concur in the Senate amendments to **H.B. 162, MUNICIPAL ABATEMENT OF WEEDS AND OTHER NEGLECTED ITEMS ON PROPERTY**.

**H.B. 162**, as amended by the Senate, then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Hansen	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	Jones	King	Kiser
Last	Lawrence	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Buttars	Dunnigan	Gowans	Hardy
B. Johnson	Litvack	Wallace	

**H.B. 162**, as amended by the Senate, transmitted to the Senate for signature of the president.

**THIRD READING CALENDAR**

**Sub. S.B. 42**, ALCOHOL RESTRICTED DRIVERS, read the third time by short title and placed on its final passage.

On motion of Representative Ray, the House voted to circle **Sub. S.B. 42**.

**MISCELLANEOUS BUSINESS**

On motion of Representative Urquhart, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

**THIRD READING CALENDAR**

**H.B. 89**, PRESUMPTION OF RESPONSIBILITY FOR ABUSE OR NEGLIGENCE, read the third time by short title and placed on its final passage.

**H.B. 89** then passed on the following roll call:



**Yeas, 47; Nays, 25; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Bigelow	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Ferry	Fowlke	Frank
Gibson	Gowans	Hansen	Harper
Hogue	Holdaway	Hughes	E. Hutchings
B. Johnson	Kiser	Last	Lockhart
Mathis	Morley	Newbold	Noel
Oda	Painter	Ray	Romero
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Curtis	

**Voting in the negative were:** Representatives

S. Allen	Becker	Biskupski	Cosgrove
Duckworth	Dunnigan	Fisher	Goodfellow
Hendrickson	Hunsaker	Jones	King
Lawrence	Litvack	Mascaro	McGee
Menlove	Morgan	Moss	Murray
Shurtliff	Wheatley	Wheeler	Wiley
Wyatt			

**Absent or not voting were:** Representatives

Bourdeaux	Ferrin	Hardy
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**H.B. 89** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 208, UNCLAIMED PROPERTY AMENDMENTS**, read the third time by short title and placed on its final passage.

Representative Harper proposed the following amendment:

1. Page 5, Lines 143 through 149:  
House Committee Amendments 1-31-2005:  
143 (4) A person claiming ownership of property seized as evidence  
in a criminal matter  
144 may petition the court for its return. After sufficient notice is given  
to the prosecutor, the court

145 may order that the property be:

146 (a) ~~{ destroyed }~~ returned to the rightful owner as determined by the court :

147 (b) applied toward restitution, fines, or fees in an amount set by the court;

148 (c) converted to public interest use; or

149 (d) ~~{ returned to any rightful owner as determined by the court }~~ destroyed .

(5) Property ordered returned to the rightful owner shall be returned as expeditiously as possible.

Representative Harper’s motion to amend passed on a voice vote.

**H.B. 208**, as amended, then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Duckworth	Dunnigan	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Harper	Hogue
Holdaway	Hughes	Hunsaker	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Alexander	Dougall	Ferrin	Hardy
Hendrickson	E. Hutchings	Ure	Curtis

**H.B. 208**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 215**, PROPERTY TRACKING AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 215** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hendrickson	Hogue	Holdaway
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Buttars	Hardy	Hughes	Ure
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**H.B. 215** transmitted to the Senate for its consideration.

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**H.B. 150**, WATER RIGHTS FEES, read the third time by short title and placed on its final passage.

**H.B. 150** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski

Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Harper	Hendrickson	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Hardy	Hughes	Kiser
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**H.B. 150** transmitted to the Senate for its consideration.

\* \* \*

**Sub. H.B. 155**, AGRICULTURAL COOP AMENDMENTS, read the third time by short title and placed on its final passage.

**Sub. H.B. 155** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Hansen
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	Kiser	Last	Lawrence

Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Gowans	Hardy	King	Curtis
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**Sub. H.B. 155** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 156, DAIRY PROMOTION ACT AMENDMENTS**, read the third time by short title and placed on its final passage.

Representative Buttars declared a conflict of interest because he is a dairy farmer.

**H.B. 156** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Hansen	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Litvack	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Buttars	Buxton	Gowans	Hardy
Lawrence	Lockhart		

**H.B. 156** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 224**, PERMANENT COMMUNITY IMPACT FUND – BOARD MEMBERSHIP, read the third time by short title and placed on its final passage.

**H.B. 224**, as amended, then passed on the following roll call:

**Yeas, 71; Nays, 1; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wiley	Wyatt	Curtis	

**Voting in the negative was:** Representative Wheeler

**Absent or not voting were:** Representatives

Bowman	Hardy	Wheatley
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**H.B. 224**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.C.R. 10**, CONCURRENT RESOLUTION HONORING WALDO WILCOX FOR PRESERVATION OF RANGE CREEK AREA, read the third time by short title and placed on its final passage.

**H.C.R. 10**, as amended, then passed on the following roll call:

**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting was:** Representative

E. Hutchings

**H.C.R. 10**, as amended, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

**AFTERNOON SESSION**

The House was called to order by Speaker Curtis at 2:05 p.m.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: February 10, 2005  
 The Senate passed **S.B. 50**, CONTROLLED SUBSTANCE AMENDMENTS, by Senator P. Arent, and it is transmitted for consideration.

Annette B. Moore  
 Secretary of the Senate

Communication filed. **S.B. 50**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 10, 2005  
 The Senate concurred in the House amendments and passed **S.B. 21**, LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS, by Senator D. Eastman, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 37**, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, by Senator D. Eastman, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 83**, MEDICAL DECISIONS OF A PARENT OR GUARDIAN, by Senator D. Thomas, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **1st Sub. S.B. 106**, UTAH RELIGIOUS LAND USE ACT, by Senator D. Thomas, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
 Secretary of the Senate

Communications filed. **S.B. 21**, **S.B. 37**, **S.B. 83**, and **Sub. S.B. 106** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

Mr. Speaker: February 10, 2005  
 The Senate passed, **H.B. 9**, SALES AND USE TAX – AGRICULTURAL EXEMPTION VEHICLE LIMITATION, by Representative R. Menlove, which has been signed by the President and it is transmitted for the signature of the Speaker; and



The Senate passed, **H.B. 12**, HEALTH CARE ASSISTANTS, by Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 40**, SUNSET OF TOWNSHIP PROVISION, by Representative M. S. Lawrence, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 53**, TAX TREATMENT OF PERSONAL PROPERTY, by Representative L. Shurtliff, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 69**, FEDERAL HEALTH CARE TAX CREDIT PROGRAM ACT, by Representative C. Oda, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 164**, REPEAL OF UTAH PERSONAL INTRODUCTION SERVICES PROTECTION ACT, by Representative S. Allen, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 168**, COOPERATIVE WILDLIFE MANAGEMENT UNIT AMENDMENTS, by Representative J. Gowans, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 179**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Representative P. Wallace, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 182**, HISTORICAL LIVESTOCK TRAILS, by Representative B. Johnson, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.C.R. 7**, CONCURRENT RESOLUTION OPPOSING NUCLEAR TESTING, by Representative M. Noel, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 9**, **H.B. 12**, **Sub. H.B. 40**, **H.B. 53**, **H.B. 69**, **H.B. 164**, **H.B. 168**, **H.B. 179**, **Sub. H.B. 182**, and **H.C.R. 7** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: February 10, 2005

The Senate substituted and passed, **Senate 2nd Sub. H.B. 36**, CHARTER SCHOOL CONSTRUCTION AMENDMENTS, by Representative J. Ferrin, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 186**, CONSUMER PROTECTION AMENDMENTS, by Representative S. Allen, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 60**, INSURANCE LICENSING AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **2nd Sub. H.B. 36**, **H.B. 186**, and **H.B. 60**, placed on the calendar for concurrence.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 10, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 116**, PRIVATE ACTIVITY BOND AMENDMENTS, by Representative D. Clark; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **1st Sub. H.B. 57**, TOURISM TASK FORCE, by Representative D. Ure.

David N. Cox, Chair

Reports filed. On motion of Representative D. Cox, the reports of the Workforce Services and Community and Economic Development committee were adopted.

**H.B. 116** and **Sub. H.B. 57**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 10, 2005

The Government Operations Committee reports a favorable recommendation on **H.B. 128**, COMPENSATION OF EXECUTIVE OFFICERS, by Representative L. Christensen; and

The Government Operations Committee reports a favorable recommendation on **H.B. 248**, CHILD SUPPORT OBLIGATIONS, by Representative E. Hutchings, with the following amendments:

1. Page 4, Lines 95 through 100:

95        (15) “Incarcerated obligor” means a person who:

96        (a) is or may become subject to an order establishing or  
modifying child support; and

97        (b) is {~~or is expected to be~~ } confined in a  
correctional facility, secure correctional facility, or

98        secure facility for at least 12 consecutive months from the date of  
initiation of an action to

99        establish a support order or from the date of a request to modify an  
existing order pursuant to

100       this section.

2. Page 11, Lines 322 through 325

322       (4) In cases where the monthly adjusted gross income of [the  
obligor] either parent is

323       between \$650 and \$1,050, the base child support award for that  
parent shall be the lesser of the amount

324       calculated in accordance with Subsection (2) and the amount  
calculated using the low income

325       table. If the income and number of children is found in an area of the  
low income table in

3. Page 13, Lines 386 through 388

386       (5) A child support award entered pursuant to  
Subsections (3) and (4) is effective only

387       during the period of incarceration, institutionalization,  
residential treatment, or physical or

388       mental disability, and for {~~six~~} three months after the  
parent’s release or termination of the disability.

4. Page 13, Lines 389 through 393

389       (6) An order entered in accordance with this section that  
establishes or modifies a child

390 support order may automatically adjust prospective support to a specified amount, based on

391 minimum wage or other projected income using the best available information, to take effect

392 without further notice to the parent on the first day of the month following {~~six~~} three months after the

393 parent's release or termination of disability.

5. Page 13, Lines 396 through 399

396 (8) This section does not apply to a parent who is incarcerated because of:

397 (a) nonpayment of child support;

398 (b) child abuse or neglect; {~~or~~}

399 (c) domestic violence ;

(d) a conviction of any crime from a plea agreement where a charge for an offense listed in subsection (a), (b), or (c) is dismissed; or

(e) any other crime in which the victim is a child .

The Government Operations Committee reports a favorable recommendation on **S.J.R. 10**, RESOLUTION TO CONGRESS REGARDING OIL AND GAS DRILLING AND EXPLORATION, by Senator H. Stephenson, et al.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Government Operations committee were adopted.

**H.B. 128, H.B. 248**, as amended, and **S.J.R. 10**, read the second time by short title and placed on the calendar for third reading.

**NOTICE OF BILL RETURNED TO RULES COMMITTEE**

Mr. Speaker:

February 10, 2005

The Government Operations Committee has returned **H.B. 99**, STATE FLEET VEHICLE CLASSIFICATION, by Representative E. Hutchings, to the Rules Committee.

Douglas C. Aagard, Chair

Report filed. **H.B. 99**, returned to the Rules Committee.

**REPORTS OF STANDING COMMITTEES**

Mr. Speaker: February 10, 2005

The Political Subdivisions Committee recommends **H.B. 113**, GOVERNMENT BOUNDARY CHANGES, by Representative K. Holdaway, be replaced and favorably recommends **1st Sub. H.B. 113**, GOVERNMENT BOUNDARY CHANGES; and

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 216**, GLOBAL POSITIONING REFERENCE NETWORK, by Representative K. Holdaway; and

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 368**, SPECIAL FUNCTION OFFICERS FOR DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING, by Representative N. Hendrickson.

Brad L. Dee, Chair

Reports filed. On motion of Representative Dee, the reports of the Political Subdivisions committee were adopted.

**Sub. H.B. 113, H.B. 216, and H.B. 368**, read the second time by short title and placed on the calendar for third reading.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to move to the Senate Third Reading Calendar.

**THIRD READING CALENDAR**

**Sub. S.B. 26**, PUBLIC UTILITIES AMENDMENTS, read the third time by short title and placed on its final passage.

**Sub. S.B. 26** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

- |          |          |             |           |
|----------|----------|-------------|-----------|
| Aagard   | Adams    | S. Allen    | Barrus    |
| Becker   | Bigelow  | Biskupski   | Bourdeaux |
| Bowman   | Buxton   | Christensen | D. Clark  |
| S. Clark | Cosgrove | D. Cox      | Daw       |
| Dayton   | Dee      | Donnelson   | Dougall   |

Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Curtis	

**Absent or not voting were:** Representatives

Alexander	Buttars	Lawrence	Wyatt
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**Sub. S.B. 26** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### UNFINISHED BUSINESS

On motion of Representative Ray, the House voted to uncircle **Sub. S.B. 42**.

**Sub. S.B. 42**, ALCOHOL RESTRICTED DRIVERS, was before the House on its final passage.

**Sub. S.B. 42**, as amended, then passed on the following roll call:

**Yeas, 59; Nays, 0; Absent or not voting, 16.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Barrus	Becker
Bigelow	Bourdeaux	Bowman	Buttars
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hansen	Harper
Hogue	Hughes	Hunsaker	B. Johnson
Jones	King	Last	Mascaro
Mathis	McGee	Menlove	Morgan

Morley	Moss	Murray	Newbold
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Adams	Alexander	Biskupski	Dougall
Dunnigan	Gowans	Hardy	Hendrickson
Holdaway	E. Hutchings	Kiser	Lawrence
Litvack	Lockhart	Noel	Ure

**Sub. S.B. 42**, as amended, returned to the Senate for further consideration.

**THIRD READING CALENDAR**

**S.B. 120**, ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS, read the third time by short title and placed on its final passage.

On motion of Representative Dayton, the House voted to circle **S.B. 120**.

**MISCELLANEOUS BUSINESS**

On motion of Representative Noel, the House voted to reconsider its action on **H.B. 225**.

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On motion of Representative Goodfellow, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

**RECONSIDERATION OF H.B. 225**

**H.B. 225**, BOAT REGISTRATION FEE, was before the House upon its reconsideration.

On motion of Representative Goodfellow, the House voted to circle **H.B. 225**.

**THIRD READING CALENDAR**

**H.B. 70**, HEALTH DISCOUNT PROGRAM CONSUMER PROTECTION ACT, read the third time by short title and placed on its final passage.

Representative Frank proposed the following amendment:

1. Page 2, Line 33

33 This bill takes effect on {~~July~~} September 1, 2005.

2. Page 8, Lines 233 through 234:

233 (iii) biographical information and {~~a criminal~~  
~~background check~~} when requested by the

234 commissioner a criminal background check, under the  
provisions of Subsection 31A-23a-105(3):

3. Page 9, Line 266:

266 (2) The {~~commissioner must approve~~} company must  
file prior to use :

4. Page 10, Lines 286 through 289

House Committee Amendments 2-1-2005:

286 (b) must {~~approve in writing~~} file with the  
commissioner all advertisement, marketing materials, brochures, and

287 discount programs prior to their use or distribution: and

288 (c) {~~is liable for any act or omission of its marketer or~~  
~~distributor; and~~

289 (d) - } must make the following disclosures:

5. Page 10, Lines 290 through 291

House Committee Amendments 2-1-2005:

290 (I) in writing in at least  $\hat{H} \rightarrow$  [12] 10  $\leftarrow \hat{H}$  point type  $\hat{H} \rightarrow$  [or]  
and  $\leftarrow \hat{H}$  {~~no smaller than the~~

290a largest type on the page  $\hat{H} \rightarrow$  [if

291 type appears on the page that is larger than 12 point type]  
 $\leftarrow \hat{H}$  } bolded ; and

6. Page 10, Line 303

House Committee Amendments 2-1-2005:

303 the health discount program separate from any fees or charges for  
the other product which can be purchased separately .



7. Page 11, Lines 312 through 313

House Committee Amendments 2-1-2005:

312 (3) (a) A contract must be signed by the H → {enrollee}  
purchaser ← H acknowledging

312a the terms before any fees

313 are collected and must include notice of the purchaser's 10-day  
recision rights.

(b) For purposes of this Subsection (3) and Section 46-4-201, when  
a contract is entered into via telephone, facsimile transmission or the  
internet, the following is considered a signing of the contract:

(i) if via the internet, the online application form is completed and  
sent by the purchaser to the health discount program operator;

(ii) if via facsimile transmission, the application is completed,  
signed and faxed to the health discount program operator; or

(iii) if via telephone, the script used by the health discount program  
operator to solicit the purchaser must include any limitations or  
exclusions to the program, and the contract must be provided to the  
purchaser via facsimile, mail, or e-mail within 10 working days of the  
purchaser consenting to enrolling over the telephone.

8. Page 11, Lines 318 through 319

House Committee Amendments 2-1-2005:

318 (2) A health discount program operator may not reimburse  
health care providers for

319 services rendered to an enrollee unless the health discount  
program operator is a licensed Third Party Administrator.

9. Page 14, Line 405:

405 This bill takes effect on {~~July~~ } September 1, 2005.

Representative Frank's motion to amend passed on a voice vote.

**H.B. 70**, as amended, then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark

S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Alexander	Barrus	Hansen
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**H.B. 70**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 209**, ADMINISTRATIVE RULES – IMPACT ON SMALL BUSINESSES, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **H.B. 209**.

\* \* \*

**H.B. 188**, BEGINNING TEACHER ENHANCEMENTS, read the third time by short title and placed on its final passage.

**H.B. 188** then passed on the following roll call:

**Yeas, 38; Nays, 37; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	Barrus	Becker
Biskupski	Bourdeaux	Buttars	Buxton
Christensen	S. Clark	Donnelson	Duckworth
Dunnigan	Ferrin	Ferry	Fowlke
Gibson	Goodfellow	Gowans	Harper
Hendrickson	Hogue	Holdaway	Hughes

Hunsaker	B. Johnson	King	Kiser
Menlove	Morgan	Noel	Oda
Painter	Urquhart	Wheatley	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Adams	S. Allen	Bigelow	Bowman
D. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Dougall	Fisher
Frank	Hansen	Hardy	E. Hutchings
Jones	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Morley	Moss	Murray	Newbold
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Walker	Wallace
Wiley			

**H.B. 188** transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Hughes, the House voted to uncircle **H.B. 209**.

**H.B. 209**, ADMINISTRATIVE RULES – IMPACT ON SMALL BUSINESSES, was before the House on its final passage.

**H.B. 209**, as amended, then passed on the following roll call:

**Yeas, 71; Nays, 1; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mathis

McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative was:** Representative  
Becker

**Absent or not voting were:** Representatives  
B. Johnson                      Mascaro                      Oda

**H.B. 209**, as amended, transmitted to the Senate for its consideration.

### THIRD READING CALENDAR

**2nd Sub. H.B. 74**, TUITION REIMBURSEMENT PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OR SPECIAL EDUCATION, read the third time by short title and placed on its final passage.

Representative Menlove proposed the following amendment:

1. Page 3, Lines 73 through 80  
House Committee Amendments 2-1-2005
  - 73 (c) Incentive loans shall be awarded in accordance with prioritized critical areas of need
  - 74 for teaching expertise within the {~~state's public education system~~} state as determined by the State
  - 75 Board of Education[.], ~~to~~  $\hat{H} \rightarrow$  [~~with first priority given to preparing teachers within this state as~~]
  - 75a including preparing persons as  $\leftarrow \hat{H}$  :
  - 76 (a) a special education teacher;
  - 77  $\hat{H} \rightarrow$  [~~(b) a school psychologist;~~
  - 78 ~~(c)]~~ (b)  $\leftarrow \hat{H}$  a speech or language pathologist; or
  - 79  $\hat{H} \rightarrow$  [~~(d)]~~ (c)  $\leftarrow \hat{H}$  another licensed professional providing services in the public

79a schools to pupils with  
80 disabilities.

Representative Menlove’s motion to amend passed on a voice vote.

**2nd Sub. H.B. 74**, as amended, then passed on the following roll call:

**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting was:** Representative Ferrin

**2nd Sub. H.B. 74**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.J.R. 11**, RESOLUTION ENCOURAGING SCHOOLS TO ADOPT NUTRITION AND PHYSICAL ACTIVITY POLICIES, read the third time by short title and placed on its final passage.

Representative Jones proposed the following amendment:

## 1. Page 1, Lines 14 through 17

14 ► urges that schools, school districts, health care  
 providers, community-based

15 organizations, businesses, and families work ~~{with the~~  
~~Legislature}~~ to establish

16 comprehensive wellness policies to help prevent and reduce the  
 prevalence of

17 overweight children and adolescents.

Representative Jones' motion to amend passed on a voice vote.

**H.J.R. 11**, as amended, then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Ferrin	Ferry
Fisher	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hunsaker
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

S. Allen	Dunnigan	Fowlke	Hughes
E. Hutchings			

**H.J.R. 11**, as amended, transmitted to the Senate for its consideration.

**RULES COMMITTEE REPORT**

Mr. Speaker:

February 10, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

**EDUCATION**

**H.B. 249** Carson Smith Special Needs Scholarships  
(Rep. M. Newbold)

**GOVERNMENT OPERATIONS**

**H.B. 266** Changes to Quality Growth Commission  
(Rep. C. Buttars)

**H.B. 274** Referendum Procedure (Rep. D. Hogue)

**H.B. 282** State Employee Ethics Amendments (Rep. J. Dougall)

**HEALTH AND HUMAN SERVICES**

**S.B. 50** Controlled Substance Amendments (Sen. P. Arent)

**JUDICIARY**

**H.B. 306** Amendment Regarding Controlled Substances  
(Rep. C. Oda)

**1st Sub. S.B. 10** Liability Reform Act Amendments (Sen. G. Bell)

**NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT**

**H.B. 264** State Land Use Management Plans Amendments  
(Rep. M. Noel)

**POLITICAL SUBDIVISIONS**

**H.B. 129** School Uniforms (Rep. C. Frank)

**H.B. 333** Density Credit for Land Donated to School District  
(Rep. D. Cox)

**H.B. 158** Election Requirements for County Candidates  
(Rep. R. Romero)

**PUBLIC UTILITIES AND TECHNOLOGY**

**H.B. 118** Revise Utility Improvement Districts (Rep. D. Ure)

**H.B. 126** Amendments to Facilities with Regional Impact  
(Rep. G. Hughes)

**RETIREMENT AND INDEPENDENT ENTITIES**

**H.B. 81** Workers' Compensation Coverage of Fire Department Employees (Rep. J. Murray); and

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 96**, Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels (Rep. F. Hunsaker) be replaced with **Substitute H.B. 96**, Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels (Rep. F. Hunsaker) and further recommends it be assigned to the Revenue and Taxation Standing Committee; and

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 219**, Traffic Enforcement Amendments (Rep. R. McGee) be replaced with **Substitute H.B. 219**, Traffic Enforcement Amendments (Rep. R. McGee) and further recommends it be assigned to the Law Enforcement and Criminal Justice Standing Committee.

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until February 11, 2005, at 10:00 a.m.



# TWENTY-SIXTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:05 a.m.

Roll call showed all members present except Representative Douglas C. Aagard, excused.

Pledge of Allegiance and prayer by Representative David Litvack.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 10, 2005

The Senate passed, as amended, **S.B. 114**, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS, by Senator M. Waddoups, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 114**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 10, 2005

The President of the Senate has signed **H.B. 162**, MUNICIPAL ABATEMENT OF WEEDS AND OTHER NEGLECTED ITEMS ON PROPERTY, by Representative M. Morley, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 162** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: February 10, 2005

The Senate substituted and passed, **Senate 1st Sub. H.B. 24**, TRAFFIC CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **Sub. H.B. 24**, placed on the calendar for concurrence.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker:

February 10, 2005

The Judiciary Committee reports a favorable recommendation on **H.B. 73**, LOCAL REFERENDUM REQUIREMENTS, by Representative D. Hogue, with the following amendments:

1. Page 3, Lines 60 through 65:

60       (4) (a) { ~~The local law has no force or effect unless and until~~  
61       ~~the voters approve the~~

61       ~~challenged local law:~~

62       ~~(i) at a regular municipal election or a municipal special~~  
63       ~~election, if the challenged law~~

63       ~~was enacted by a municipality; or~~

64       ~~(ii) at a regular general election or a county special election, if~~  
65       ~~the challenged law was~~

65       ~~enacted by a county. }       When a referendum petition has been  
declared sufficient, the law that is the subject of the petition does not take  
effect unless and until it is approved by a vote of the people at a regular  
general election, municipal general election, or a special election.~~

The Judiciary Committee reports a favorable recommendation on **H.B. 77**, PROVISIONS FOR EMANCIPATION OF A MINOR, by Representative R. McGee; and

The Judiciary Committee reports a favorable recommendation on **H.B. 280**, JOINT CUSTODY AMENDMENTS, by Representative L. Christensen; and

The Judiciary Committee recommends **H.J.R. 5**, RESOLUTION CLARIFYING REMOVAL PROVISIONS, by Representative D. Hogue, be replaced and favorably recommends **1st Sub. H.J.R. 5**, RESOLUTION CLARIFYING REMOVAL PROVISIONS; and

The Judiciary Committee reports a favorable recommendation on **H.J.R. 17**, RESOLUTION HONORING CELEBRATION OF MARRIAGE WEEK, by Representative L. Fowlke; and

The Judiciary Committee reports a favorable recommendation on **S.B. 131**, AUTHORIZATION FOR ADDITIONAL JUDICIAL POSITION, by Senator M. Madsen.

James A. Ferrin, Chair

Reports filed. On motion of Representative Alexander, the reports of the Judiciary committee were adopted.

**H.B. 73**, as amended, **H.B. 77**, **H.B. 280**, **Sub. H.J.R. 5**, and **H.J.R. 17**, read the second time by short title and placed on the calendar for third reading.

**S.B. 131**, read the second time by short title and referred to the Rules Committee due to fiscal impact.

### CONSENT CALENDAR

**H.B. 154**, SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 154** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Agard	Ferrin	Gowans	Jones
Painter	Urquhart		

**H.B. 154** transmitted to the Senate for its consideration.

\* \* \*

**2nd Sub. S.B. 43**, PENALTY FOR PROVIDING FALSE INFORMATION TO STATE AGENCY, read the third time by short title and placed on its final passage.

**2nd Sub. S.B. 43** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	B. Johnson	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Aagard	S. Clark	Ferrin	E. Hutchings
Jones	Painter		

**2nd Sub. S.B. 43** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 123, GOVERNMENTAL IMMUNITY ACT – TECHNICAL AMENDMENTS**, read the third time by short title and placed on its final passage.

**S.B. 123** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Aagard	S. Clark	Jones	Newbold
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**S.B. 123** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 4, UNINSURED MOTORIST PROPERTY DAMAGE COVERAGE AMENDMENTS**, read the third time by short title and placed on its final passage.

**S.B. 4** then passed on the following roll call:

**Yeas, 66; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hardy	Harper	Hendrickson
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Agard	Dee	Donnelson	Hansen
Hogue	Jones	Lockhart	McGee
Shurtliff			

**S.B. 4** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**H.B. 139, LOCAL SCHOOL BOARD AMENDMENTS**, read the third time by short title and placed on its final passage.

**H.B. 139** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall

Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Agard	Bourdeaux	B. Johnson	Jones
Urquhart			

**H.B. 139** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 279**, CLINICAL COUNSELOR – TITLE CHANGE, read the third time by short title and placed on its final passage.

**H.B. 279** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss

Murray	Newbold	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Curtis			

**Absent or not voting were:** Representatives

Aagard	Bourdeaux	Dayton	Jones
Noel	Wyatt		

**H.B. 279** transmitted to the Senate for its consideration.

\* \* \*

**H.J.R. 15**, RESOLUTION REGARDING UNITED STATES TRADE NEGOTIATIONS, read the third time by short title and placed on its final passage.

**H.J.R. 15** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Absent or not voting were:** Representatives

Aagard	Bourdeaux	Daw	Jones
Curtis			



**H.J.R. 15** transmitted to the Senate for its consideration.

\* \* \*

**Sub. S.B. 104, JUDICIARY AMENDMENTS**, read the third time by short title and placed on its final passage.

**Sub. S.B. 104** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Aagard	Bourdeaux	Donnelson	Gowans
E. Hutchings			

**Sub. S.B. 104** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 116, ARBITRATION – USE OF SUBPOENA AUTHORIZED**, read the third time by short title and placed on its final passage.

**S.B. 116** then passed on the following roll call:

**Yeas, 70; Nays, 2; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Buttars                      Ure

**Absent or not voting were:** Representatives

Aagard                      Fowlke                      McGee

**S.B. 116** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**H.B. 143, NATIONAL GUARD AMENDMENTS,** read the third time by short title and placed on its final passage.

**H.B. 143** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux

Bowman	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Agard	Buttars	Gowans	Jones
Mascaro			

**H.B. 143** transmitted to the Senate for its consideration.

\* \* \*

**S.B. 128**, CALCULATION OF INTEREST ON TAX OVERPAYMENTS, read the third time by short title and placed on its final passage.

**S.B. 128** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	Barrus	Becker
Bigelow	Biskupski	Bowman	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last

Lawrence	Litvack	Lockhart	Mascaro
Mathis	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Aagard	S. Allen	Bourdeaux	Buttars
Dunnigan	Gowans	McGee	

**S.B. 128** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 133, INDIVIDUAL TAX – RETURN FILING REQUIREMENTS**, read the third time by short title and placed on its final passage.

**S.B. 133** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

S. Allen	Barrus	Becker	Bigelow
Biskupski	Bourdeaux	Bowman	Buttars
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Agard	Adams	Alexander	Dougall
Jones	Wallace		

**S.B. 133** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**CONCURRENCE CALENDAR**

On motion of Representative Hunsaker, the House voted to concur in the Senate amendments to **H.C.R. 9, RESOLUTION HONORING OUTGOING USU PRESIDENT KERMIT L. HALL.**

**H.C.R. 9**, as amended by the Senate, then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Aagard	Buxton	Newbold
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**H.C.R. 9**, as amended by the Senate, transmitted to the Senate for signature of the president.

### MISCELLANEOUS BUSINESS

On motion of Representative Bigelow, under suspension of the rules, the House voted to consider **H.B. 1**, ANNUAL APPROPRIATIONS ACT, consider it read the second time by short title and placed at the top of the Third Reading Calendar.

On motion of Representative Bigelow, the House voted to circle **H.B. 1**.

\* \* \*

On motion of Representative Alexander, the House voted to recess 11:07 a.m.

Speaker Curtis called the House to order at 11:23 a.m.

### UNFINISHED BUSINESS

On motion of Representative Bigelow, the House voted to uncircle **H.B. 1**.

**H.B. 1**, ANNUAL APPROPRIATIONS ACT, read the third time by short title and placed on its final passage.

Representative Becker proposed the following amendment:

1. Page 63, Line 2375:  
Delete “129,594,700” and insert “59,594,700”
2. Page 63, Insert a new line 2375a:  
“From General Fund, One-time 40,000,000”
3. Page 63, Line 2386:  
Delete “239,023,500” and insert “209,023,500”

Representative Becker’s motion to amend failed on a voice vote.

**H.B. 1** then passed on the following roll call:

**Yeas, 55; Nays, 18; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Bigelow	Bowman	Buxton	Christensen
D. Clark	S. Clark	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Ferry	Fisher

Fowlke	Frank	Gibson	Hardy
Harper	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Kiser
Last	Lawrence	Lockhart	Mascaro
Mathis	Menlove	Morgan	Morley
Murray	Newbold	Noel	Oda
Painter	Ray	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheeler	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Cosgrove
Duckworth	Goodfellow	Gowans	Hansen
Hendrickson	Jones	King	Litvack
McGee	Moss	Romero	Shurtliff
Wheatley	Wiley		

**Absent or not voting were:** Representatives

Aagard	Buttars
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**H.B. 1** transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Snow, under suspension of the rules, the House voted to lift **H.B. 3** from the Rules committee, consider it read the second and third times by short title and placed at the top of the Third Reading Calendar.

On motion of Representative Snow, the House voted to circle **H.B. 3**.

\* \* \*

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

**AFTERNOON SESSION**

The House was called to order by Speaker Curtis at 2:10 p.m.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: February 11, 2005

The Senate passed, as substituted, and amended **1st Sub. S.B. 48**, INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS, by Senator P. Arent, and it is transmitted for consideration; and

The Senate passed **S.B. 55**, ACCESS TO PATIENT MEDICAL RECORDS, by Senator P. Arent, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 127**, TAX, FEE, OR CHARGE AMENDMENTS, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 142**, PHARMACY PRACTICE ACT AMENDMENTS, by Senator P. Knudson, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **2nd Sub. S.B. 34**, PATIENT ACCESS REFORM, by Senator D. C. Butters, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. S.B. 48**, **S.B. 55**, **S.B. 127**, **S.B. 142**, and **2nd Sub. S.B. 34**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 11, 2005

The Senate concurred in the House amendments and passed **1st Sub. S.B. 42**, ALCOHOL RESTRICTED DRIVERS, by Senator C. Walker, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **Sub. S.B. 42** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

Mr. Speaker: February 11, 2005

The Senate passed, **H.B. 195**, INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 195** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.



## REPORTS OF STANDING COMMITTEES

Mr. Speaker:

February 11, 2005

The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 109**, INFORMATION TECHNOLOGY GOVERNANCE AMENDMENTS, by Representative D. Clark, with the following amendments:

1. Page 2, Line 57:
 

57      This bill provides revisor instructions.  
       This bill provides a coordination clause.
  
2. Page 50, Lines 1521 through 1522:
 

1521    (iv) the Board of Regents; {~~and~~ }

1522    (v) institutions of higher education ;  
       (vi) independent entities as defined in Section 63E-1-102; and  
       (vii) the state auditor's office .
  
3. Page 50, Line 1528:
 

1528    (b) acquisition, storage, and conversion of data;
  
4. Page 58, Lines 1782 through 1783:
 

1782    (iii) software; {~~and~~ }

1783    (iv) services related to the items listed in Subsections (1)(a)(i)  
       through (iii) ; and  
       (v) data acquisition .
  
5. Page 64, Line 1975:
 

1975    (ii) the {~~Department~~ } Division of Agency Services  
       conducts an audit under Section 63F-1-604 and
  
6. Page 67, Lines 2072 through 2073:
 

2072    (e) an agency of the federal government; {~~or~~ }

2073    (f) an independent entity as defined in Section 63E-1-102 ;  
       and  
       (g) the state auditor's office .

7. Page 85, Lines 2617 through 2620:

2617 (b) submit a supplemental budget request and, if needed, a  
 2618 2006–07 budget recommendation to

2618 the commission by October 31, 2005 and to the Legislature  
 2619 prior to the 2006 General Session detailing steps necessary to transition

2619 employees, activities, assets, liabilities, budgets, and other  
 2620 authorities of appropriated and

2620 internal services fund technology functions into the department;

8. Page 87, Lines 2667 through 2668:

2667 “this bill” in Section 69, Transition to new department, with the  
 2668 bill’s designated chapter

2668 number in the Laws of Utah.

Section 73. Coordinating H.B. 109 with H.B. 216.

If this H.B. 109 and H.B. 216 Global Positioning Reference  
Network, both pass it is the intent of the Legislature that the Office Of  
Legislative Research and General Counsel in preparing the Utah Code  
database for publication merge the amendments of these bills as follows:

(1) Section 63A–6–205 in H.B. 216, Global Positioning Reference  
Network, shall be re–numbered to Section 63F–1–509; and

(2) Section 63F–1–502 in H.B. 109 shall be amended to insert a new  
Subsection (7) as follows:

“(7) Statewide Global Positioning Reference Network” or “network”  
means the network created in Section 63F–1–509.”

Sheryl L. Allen, Chair

Report filed. On motion of Representative Allen, the report of the Public Utilities and Technology committee was adopted.

**H.B. 109**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

February 11, 2005

The Health and Human Services Committee reports a favorable recommendation on **H.B. 241**, VETERANS NURSING HOME, by Representative D. G. Buxton; and

The Health and Human Services Committee reports a favorable recommendation on **H.R. 10**, RESOLUTION SUPPORTING PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION, by Representative B. Last; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 74**, MEDICAL RESERVE CORPS, by Senator L. Hillyard, with the following amendments:

1. Page 2, Lines 46 through 48:

46        (c) within the ten years preceding the declared emergency, held a valid license, in good

47        standing in Utah , for one of the occupations described in Subsection 58-13-2(1), but the license is not

48        currently active.

The Health and Human Services Committee reports a favorable recommendation on **S.B. 126**, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, by Senator S. Killpack; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 119**, RURAL MEDICAL RESIDENCY TRAINING PROGRAMS, by Senator P. Knudson.

Bradley G. Last, Chair

Reports filed. On motion of Representative Last, the reports of the Health and Human Services committee were adopted.

**H.B. 241**, **H.R. 10**, **S.B. 74**, as amended, and **S.B. 126**, read the second time by short title and placed on the calendar for third reading.

**S.B. 119**, read the second time by short title and referred to the Rules Committee due to fiscal impact.

\* \* \*

Mr. Speaker:

February 11, 2005

The Education Committee reports a favorable recommendation on **H.B. 138**, NONRESIDENT TUITION FOR HIGHER EDUCATION AMENDMENTS, by Representative M. S. Lawrence.

Margaret Dayton, Chair

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

**H.B. 138**, read the second time by short title and placed on the calendar for third reading.

**NOTICE OF BILL RETURNED TO RULES COMMITTEE**

Mr. Speaker: February 11, 2005

The Education Committee has returned **H.B. 239**, REPEAL OF EXEMPTION FROM NONRESIDENT TUITION, by Representative G. Donnelson, to the Rules Committee and refers the bill to interim study.

Margaret Dayton, Chair

Report filed. **H.B. 239**, returned to the Rules Committee.

\* \* \*

Mr. Speaker: February 11, 2005

The Business and Labor Committee recommends **H.B. 247**, CREDIT OR REFUND FOR TAX PAID ON CIGARETTE OR TOBACCO PRODUCT DESTROYED OR RETURNED TO THE MANUFACTURER, by Representative E. Hutchings, be replaced and reports a favorable recommendation on **1st Sub. H.B. 247**, CREDIT OR REFUND FOR TAX PAID ON CIGARETTE OR TOBACCO PRODUCT DESTROYED OR RETURNED TO THE MANUFACTURER with the following amendments:

- 1. Page 1, Lines 23 through 24:
  - 23 Other Special Clauses:
  - 24 This bill {~~has retrospective operation to~~  
~~January~~} takes effect on July 1, 2005.
- 2. Page 3, Lines 83 through 86:
  - 83 (2) A licensed person may apply to the commission for a credit  
or refund as provided
  - 84 in Subsection (3) if:
  - 85 (a) on or after {~~January~~} July 1, 2005, the following  
are removed from retail sale or from
  - 86 storage:

3. Page 5, Lines 132 through 133:

132 Section 3. {~~Retrospective operation~~} Effective  
date .

133 This bill {~~has retrospective operation to~~  
~~January~~ } takes effect on July 1, 2005.

The Business and Labor Committee recommends **H.B. 103**, STUDENT HOUSING BUILT BY HIGHER EDUCATION INSTITUTIONS, by Representative S. Clark, be replaced and favorably recommends **1st Sub. H.B. 103**, STUDENT HOUSING BUILT BY HIGHER EDUCATION INSTITUTIONS.

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the Business and Labor committee were adopted.

**Sub. H.B. 247** and **Sub. H.B. 103**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

February 10, 2005

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **S.B. 73**, TAMPERING WITH EVIDENCE, by Senator D. C. Buttars; and

The Law Enforcement and Criminal Justice Committee recommends **H.B. 202**, REVISIONS TO CHILD WELFARE, by Representative W. Harper, be replaced and reports a favorable recommendation on **2nd Sub. H.B. 202**, REVISIONS TO CHILD WELFARE with the following amendments:

1. Page 1, Lines 19 through 21:

19 ► lists the training that a child welfare caseworker is required to receive;

► provides for the removal of a person's name and information from the Licensing

Information System, created in Section 62A-4a-116.2, when a court finds that an allegation against that person of severe child abuse or neglect is unsubstantiated or without merit or when a court finds that the allegation is substantiated, but the finding is overturned on appeal;

20 ▶ deletes and repeals the provisions relating to the pilot program for differentiated

21 responses to child abuse and neglect reports;

2. Page 18, Lines 535 through 551:

535 (b) ~~{The }~~ Except as provided in Subsection (3)(e),  
 536 the alleged perpetrator's name and the information described in  
 537 Subsection (1)(b)

536 shall remain in the Licensing Information System:

537 ~~[(b)-If]~~ (i) if the alleged perpetrator fails to take action as  
 538 described in Subsection ~~[(6)]~~

538 (3)(a) within one year after service of the notice described in  
 539 ~~[Subsection (5), the alleged~~

539 ~~perpetrator's name and the notation described in Subsection (1)(a)~~  
 540 ~~shall remain in the Licensing~~

540 ~~Information System. This information shall also remain in the~~  
 541 ~~Licensing Information System~~

541 ~~while]~~ Subsections (1)(a) and (2):

542 (ii) during the time that the division awaits a response from the  
 543 alleged perpetrator

543 pursuant to Subsection ~~[(6)]~~ (3)(a); and

544 (iii) during the pendency of any proceeding ~~{-, including an~~  
 545 ~~appeal of a finding of~~

545 ~~unsubstantiated or without merit, under Section 78-3a-320-}~~ .

546 (c) The alleged perpetrator ~~[shall have]~~ has no right to petition  
 547 the juvenile court under

547 Subsection ~~[(6)(b)]~~ (3)(a)(ii) if the court ~~[has]~~ previously held a  
 548 hearing on the same alleged

548 incident of abuse or neglect pursuant to the filing of a petition under  
 549 Section 78-3a-305 by

549 some other party.

550 (d) Consent under Subsection ~~[(6)]~~ (3)(a)(iii) by a minor ~~[shall]~~  
 551 may only be given by

551 the minor's parent or guardian.

(e)(i) Notwithstanding Subsection (3)(b), the alleged perpetrator's

name and the information described in Subsection (1)(b) shall be removed from the Licensing Information System if the severe child abuse or neglect upon which the Licensing Information System entry was made:

(A) is found to be unsubstantiated or without merit by the juvenile court under Section 79-3a-320; or

(B) is found to be substantiated, but is subsequently reversed on appeal.

(ii) An alleged perpetrator’s name and information that is removed from the Licensing Information System under Subsection (3)(e)(i), may be placed back on the Licensing Information System if the court action that was the basis for removing the alleged perpetrator’s name and information is subsequently reversed on appeal.

3. Page 19, Lines 574 through 576:

574 (3) [~~The division shall promptly amend the Licensing Information System,~~] Except as

575 provided \_\_\_\_\_ in {~~Subsection~~ } Subsections  
62A-4a-116.1(3)(b)(iii) and (e) upon receipt of a finding from the  
juvenile

576 court under Section 78-3a-320, the division shall:

4. Page 54, Lines 1652 through 1654

1652 (c) “Mental cruelty” means conduct that is reasonably likely  
to cause {~~causes~~} a child to suffer:

1653 (i) mental anguish; or

1654 (ii) serious emotional injury.

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 223, AMENDMENTS TO DRIVER LICENSE AND IDENTIFICATION CARDS**, by Representative C. Oda, with the following amendments and recommends it be placed on the Consent Calendar.

1. Page 1, Lines 13 through 15:

13 ► requires the Driver License Division to make rules for  
acceptable documentation of

14 an applicant’s identity, Utah residence address, proof of legal  
presence, and proof of

15     ~~{United States Citizenship}~~     citizenship of a country other  
than the United States ;

2. Page 2, Lines 56 through 58:

56     (b) for acceptable documentation of an applicant's identity,  
Utah residence address,

57     proof of legal presence, proof of     ~~{United States }~~  
citizenship of a country other than the United States , and other proof  
or documentation

58     required under this chapter;

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 276**, DIVISION OF CRIMINAL INVESTIGATION AND TECHNICAL SERVICES AMENDMENTS, by Representative C. Oda, and recommends it be placed on the Consent Calendar.

DeMar "Bud" Bowman, Chair

Reports filed. On motion of Representative Bowman, the reports of the Law Enforcement and Criminal Justice committee were adopted.

**S.B. 73** and **2nd Sub. H.B. 202**, as amended, read the second time by short title and placed on the calendar for third reading.

**H.B. 223**, as amended and **H.B. 276**, read the second time by short title and placed on the Consent Calendar.

\* \* \*

Mr. Speaker:

February 10, 2005

The Transportation Committee reports a favorable recommendation on **H.B. 299**, MOTOR VEHICLE BUSINESS LICENSING AMENDMENTS, by Representative P. Ray, with the following amendments:

1. Page 1, Lines 17 through 19:

17     ~~{<sup>●</sup> charges filed by a county attorney, district attorney, or~~  
~~U.S. attorney alleging a~~

18     ~~violation of any state or federal law involving controlled~~  
~~substances, fraud, or a~~

19     ~~registerable sex offense; and }~~



2. Page 2, Line 52 through Page 3, Line 62:

52            {~~—~~} (ix) charges filed with any county attorney, district  
attorney, or U.S. attorney in any  
53 court of competent jurisdiction for a violation of any state or federal  
law involving the use of a  
54 motor vehicle {~~—~~}            ;            {~~—~~}  
55            {~~(ix)~~}            (x)    a violation of any state or federal law  
involving fraud; or  
56            {~~(x)~~}            (xi)    a violation of any state or federal law  
involving a registerable sex offense under  
57 Section 77-27-21.5 {~~—~~or }            ;  
58            {~~(xi) charges filed by any county attorney, district attorney,~~  
or U.S. attorney in a court of  
59 competent jurisdiction alleging any violation under Subsections  
(2)(b)(vii) through (x). }  
60            (c) Any action taken by the administrator under Subsection  
(2)(b) {~~—~~} (ix) {~~—~~}            {~~(xi)~~} shall  
61 remain in effect until a final resolution is reached by the court  
involved or the charges are  
62 dropped.

Joseph G. Murray, Chair

Report filed. On motion of Representative Murray, the report of the Transportation committee was adopted.

**H.B. 299**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

February 10, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 242**, CRIMINAL PENALTY FOR ANIMAL CRUELTY, by Representative S. Wyatt, with the following amendments:

1. Page 1, Line 17:

17 {~~—~~} ~~changes the intent provisions regarding abandonment~~  
~~and animal fighting; }~~

► clarifies the general applicability of the exemption for acting under a legal privilege;

2. Page 1, Line 18:

► clarifies the general applicability of the exemption for acting under a legal privilege;

► provides an exemption for animals kept and used for training hunting dogs and falcons;

18 ► includes the offense of seriously injuring an animal;

3. Page 2, Lines 54 through 55:

54 husbandry practices; {~~and~~ }

55 (C) protected and unprotected wildlife as defined in Section 23-13-2 and

(D) animals kept or owned for the purpose of hunting dog or falcon training and cared for in accordance with accepted husbandry practices

∆

4. Page 3, Line 63:

63 (i) appropriate and essential food and {~~potable~~ } water;

5. Page 3, Lines 65 through 66:

65 (iii) adequate protection, including appropriate shelter, against extreme weather

66 conditions {~~, including extremes of cold, heat, and precipitation~~ } ∆

6. Page 3, Line 67:

67 [(1)] (2) A person is guilty of cruelty to animals if the person ∆ without having legal privilege to do so, intentionally, knowingly,

7. Page 3, Lines 80 through 88:

80 [(3)] (4) A person is guilty of aggravated cruelty to an animal if the person ∆, without having legal privilege to do so :

81 [(a) tortures an animal;]

82 {~~(a) without having a legal privilege to do so: }~~

83 [(b)] (a) (i) administers or causes to be administered poison or poisonous substances to an

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

87 (b) causes to an animal serious bodily injury as defined in Section 76-1-601; or

88 (c) kills or causes to be killed an animal ~~{—without having a legal privilege to do so—}~~ .

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 246**, WASTE FEES AMENDMENTS, by Representative S. Urquhart, with the following amendments:

1. Page 1, Line 12:

12 for small municipal waste facilities. This bill allows collection of specified fees at a facility's

2. Page 1, Lines 16 through 19:

16 ► ~~{—changes—the—commercial—}~~ applies  
a nonhazardous solid waste disposal fee ~~{—from—}~~ ~~{—\$2.50~~  
~~to—}~~ ~~{—\$1.50—}~~ of \$2.50 to all municipal and commercial  
waste facilities ;

17 ► changes the construction and demolition waste disposal fee from 50 cents to ~~{—30—}~~ 40

18 cents ~~{—and applies the fee to both commercial and noncommercial facilities—}~~ on all commercial facilities that receive only construction and demolition waste ;

19 ► changes the municipal waste disposal fee from 50 cents to ~~{—30—}~~ 20 cents and applies the

3. Page 1, Lines 21 through 22:

21 ► allows the state to collect fees ~~{—from the operator of a collection or transfer facility—}~~ at a facility's collection or transfer point

22 within the state ~~{—,—}~~ from which the waste is sent to an unregulated facility, and states

4. Page 2, Line 29:

29 tons or more per year are subject to the fee of ~~{—30—}~~ 20 cents per ton.

5. Page 2, Line 43:

43 facility or incinerator, or the owner or operator of any commercial facility, except for facilities that receive the following

6. Page 2, Line 51:

51 ton {~~or fraction of a ton,~~} on all nonhazardous solid waste that is received at the facility or site for

7. Page 2, Lines 53 through 56:

53 (i) on and after July 1, 1992, through June 30, 1993, a fee of \$1.50 per ton {~~or fraction~~

54 ~~of a ton~~} on all nonhazardous solid waste received at the facility or site for disposal or treatment;

55 (ii) on and after July 1, 1993, through June 30, 1994, a fee of \$2.00 per ton {~~or fraction~~

56 ~~of a ton~~} on all nonhazardous solid waste received at the facility or site for disposal or treatment;

8. Page 2, Line 58:

58 (iii) on and after July 1, 1994, a fee of \$2.50 per ton {~~or fraction of a ton~~} on all

9. Page 3, Lines 60 through 61:

60 (iv) on and after July 1, 2005, a fee of {~~\$1.50~~} \$2.50 per ton {~~or fraction of a ton~~} on all

61 nonhazardous solid waste received at {~~the facility or site~~} any nonhazardous waste disposal facility or incinerator, whether the facility is commercial or noncommercial, for disposal or treatment.

10. Page 3, Line 68:

68 (c) (i) On and after January 1, 2004 through June 30, 2005, an owner or operator of any [~~commercial~~]

11. Page 3, Line 70:

70 shall pay a fee of {~~1~~} 50 {~~1~~} {~~30~~} cents per ton {~~, or fraction of a ton,~~} on any construction and demolition

## 12. Page 3, Line 72:

(ii) On and after July 1, 2005, an owner or operator of any nonhazardous solid waste disposal facility that receives only construction and demolition waste shall pay a fee of 40 cents per ton on any construction and demolition waste received at the facility or site for disposal.

72            {~~-(ii)-~~}    (iii)    An owner or operator of any [~~commercial~~] nonhazardous solid waste disposal

## 13. Page 3, Line 74:

74    [50]    {~~-30~~}    (20)    cents per ton {~~-, or fraction of a ton,-~~} on all municipal waste, including municipal

## 14. Page 3, Lines 76 through 79:

76            {~~-(iii)-~~}    (iv)    On and after January 1, 2004, through June 30, 2005, the owner or operator of any

77    facility under Subsection 19-6-102(3)(a) (b)(iii) shall pay a fee of 50 cents per ton {~~-, or fraction~~

78    of a ton,-} on all municipal waste received at the facility or site for disposal.

(v) On and after July 1, 2005, the owner or operator of any facility under Subsection 19-6-102(3)(b)(iii) shall pay a fee of 20 cents per ton on all municipal waste received at the facility or site for disposal.

79            (d)    {~~Facilities~~}    Wastes    subject to the fee under Subsections (1)(c)(i), (ii), {~~-and-~~} (iii) (iv) and (v) are not subject

## 15. Page 5, Line 131:

131    (i)    {~~-\$1.50~~}    \$2.50    per ton    {~~-or fraction of a ton~~} }    on all nonhazardous solid waste sent to an

## 16. Page 5, Lines 133 through 136:

133    (ii)    {~~-30~~}    40    cents per ton    {~~-or fraction of a ton~~} }    on all construction and demolition waste sent to

134    an unregulated facility for disposal;    {~~-and~~} }

135    (iii)    {~~-30~~}    20    cents per ton    {~~-or fraction of a ton~~} }    on all municipal waste, including municipal

136 incinerator ash, sent to an unregulated facility for disposal ; and (iv) wastes subject to fees under Subsection (6)(b)(ii) or (iii) are not subject to fees under Subsection (6)(b)(i) .

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.

**H.B. 242**, as amended, and **H.B. 246**, as amended, read the second time by short title and placed on the calendar for third reading.

### CONCURRENCE CALENDAR

On motion of Representative Ferrin, the House voted to concur in the Senate amendments to **2nd Sub. H.B. 36**, CHARTER SCHOOL CONSTRUCTION AMENDMENTS.

**2nd Sub. H.B. 36**, as amended by the Senate, then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Aagard	Bourdeaux	Buxton	Hardy
B. Johnson			

**2nd Sub. H.B. 36**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Allen, the House voted to concur in the Senate amendments to **H.B. 186**, CONSUMER PROTECTION AMENDMENTS.

**H.B. 186**, as amended by the Senate, then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	Barrus	Becker
Bigelow	Biskupski	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Agard	S. Allen	Bourdeaux	Bowman
Hardy	B. Johnson	Ray	

**H.B. 186**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Dunnigan, the House voted to concur in the Senate amendments to **H.B. 60**, INSURANCE LICENSING AMENDMENTS.

**H.B. 60**, as amended by the Senate, then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Agard	Hardy	B. Johnson	McGee
Tilton			

**H.B. 60**, as amended by the Senate, transmitted to the Senate for signature of the president.

**MISCELLANEOUS BUSINESS**

On motion of Representative Snow, under suspension of the rules, the House voted to allow opening of a bill file for a Supplemental Minimum School Finance Act.

**UNFINISHED BUSINESS**

On motion of Representative Snow, the House voted to uncircle **H.B. 3**.

**H.B. 3**, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, was before the House on its final passage.

Representative King proposed the following amendment:



- 1. Page 3, Line 86:  
After “district” insert “and charter school”

Representative King’s motion to amend passed on the following roll call:

**Yeas, 49; Nays, 20; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Adams	S. Allen	Becker	Bigelow
Bourdeaux	Buttars	Buxton	S. Clark
Cosgrove	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Gibson	Goodfellow
Gowans	Hansen	Harper	Hendrickson
Holdaway	Hunsaker	E. Hutchings	Jones
King	Last	Lawrence	Litvack
Mascaro	McGee	Menlove	Morgan
Moss	Murray	Ray	Romero
Shurtliff	G. Snow	Ure	Urquhart
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

**Voting in the negative were:** Representatives

Alexander	Barrus	Christensen	D. Clark
Daw	Dayton	Frank	Hogue
Hughes	Kiser	Lockhart	Mathis
Morley	Newbold	Noel	Oda
Painter	Tilton	Walker	Curtis

**Absent or not voting were:** Representatives

Aagard	Biskupski	Bowman	D. Cox
Hardy	B. Johnson		

###

Representative Ferrin proposed the following amendment:

- 1. Page 6, Line 179:  
Delete “November 30” and insert “September 30”

Representative Ferrin’s motion to amend passed on a voice vote.

**H.B. 3**, as amended, then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Aagard	Bowman	Hardy	B. Johnson
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**H.B. 3**, as amended, transmitted to the Senate for its consideration.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker:

February 11, 2005

The Senate passed, **H.B. 1**, ANNUAL APPROPRIATIONS ACT, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 1** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

**RULES COMMITTEE REPORTS**

Mr. Speaker:

February 11, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

- H.B. 273** Real Estate and Mechanics Liens – Security Alternatives  
(Rep. M. Morley)
- H.B. 302** Regulation of Construction Industry (Rep. J. S. Adams)
- 1st Sub. S.B. 48** Insurance Cancellation and Nonrenewal Restrictions  
(Sen. P. Arent)

**EDUCATION**

- H.B. 346** Schools for the Deaf and the Blind Salary Adjustments  
(Rep. K. Morgan)

**GOVERNMENT OPERATIONS**

- H.B. 119** Navajo Trust Fund Amendments (Rep. B. King)

**HEALTH AND HUMAN SERVICES**

- H.B. 310** Aging and Adult Services Program Amendments  
(Rep. E. Hutchings)
- S.B. 55** Access to Patient Medical Records (Sen. P. Arent)

**JUDICIARY**

- H.B. 342** Civil Legal Aid for Victims of Domestic Violence  
(Rep. S. Mascaro)

**POLITICAL SUBDIVISIONS**

- H.B. 361** Municipal Authority to Use Collection Agencies  
(Rep. M. Walker)
- S.B. 114** County and Municipal Zoning Regarding Billboards  
(Sen. M. Waddoups)

**PUBLIC UTILITIES AND TECHNOLOGY**

- S.B. 127** Tax, Fee, or Charge Amendments (Sen. L. Hillyard)

**WORKFORCE SERVICES AND COMMUNITY & ECONOMIC DEVELOPMENT**

- H.B. 348** Employment Agency Revisions (Rep. J. S. Adams); and

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 87**, Liability Insurance for County Recorders (Rep. S. Clark) be replaced with **Substitute H.B. 87**, Claims Against A County (Rep. S. Clark) and further recommends it be read for the first time and assigned to the Political Subdivision Standing Committee; and

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 153**, Security for Public Schools (Rep. S. Allen) be replaced with **Substitute H.B. 153**, Security for Public Schools (Rep. S. Allen) and further recommends it be assigned to the Law Enforcement and Criminal Justice Standing Committee.

Rebecca Lockhart, Chair

Reports filed. On motion of Representative Lockhart, the reports of the Rules Committee were adopted.

### **MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until February 14, 2005, at 10:00 a.m.

# TWENTY-NINTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present.

Prayer by Lynne Poulter, Father-in-law of Representative Michael T. Morley.

Pledge of Allegiance by Lynnette Poulter, Mother-in-law of Representative Michael T. Morley.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 11, 2005

The Senate passed, as substituted, and amended **1st Sub. S.B. 39**, CONSUMER CREDIT PROTECTION, by Senator C. Walker, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 52**, PRICE CONTROLS DURING EMERGENCIES ACT, by Senator P. Arent, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. S.B. 39** and **S.B. 52**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 11, 2005

The Senate passed, **H.B. 195**, INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 195** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

## REPORT OF STANDING COMMITTEES

Mr. Speaker:

February 11, 2005

The Political Subdivisions Committee reports a favorable recommendation on **H.C.R. 3, RESOLUTION REGARDING WASHINGTON COUNTY WASTE FACILITY**, by Representative B. Last.

Brad L. Dee, Chair

Report filed. On motion of Representative Dee, the report of the Political Subdivisions committee was adopted.

**H.C.R. 3**, read the second time by short title and placed on the calendar for third reading.

## INTRODUCTION OF BILLS

**H.B. 303, Shelter Hearing Amendments** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

**H.B. 311, Controlled Substance Law Amendments** (B. Dee), read the first time by short title and referred to the Rules Committee.

**H.B. 324, Taxable Value Adjustment for Property Damaged by a Natural Disaster** (B. Last), read the first time by short title and referred to the Rules Committee.

**H.B. 333, Density Credit for Land Donated to School District** (D. Cox), read the first time by short title and referred to the Rules Committee.

**H.B. 343, Medicaid – Pregnant Women Resource Test** (M. Wheatley), read the first time by short title and referred to the Rules Committee.

**H.B. 348, Employment Agency Revisions** (J. S. Adams), read the first time by short title and referred to the Rules Committee.

**H.B. 356, State Government Law Revisions – Withdrawal from Education Compact** (M. Dayton), read the first time by short title and referred to the Rules Committee.

## CONSENT CALENDAR

**S.B. 30, AMENDMENTS TO SEARCH WARRANTS**, read the third time by short title and placed on its final passage.

**S.B. 30** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Frank	Gibson
Goodfellow	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Buxton	Fowlke	Gowans	Hughes
Morgan			

**S.B. 30** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 118, IDENTITY FRAUD AMENDMENTS**, read the third time by short title and placed on its final passage.

**S.B. 118** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux

Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Lockhart	Mascaro
Mathis	McGee	Menlove	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Bigelow	Litvack	Morgan
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**S.B. 118** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**H.B. 283**, REAL ESTATE AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 283** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Frank
Gibson	Goodfellow	Hansen	Hardy
Harper	Hogue	Holdaway	Hughes



Hunsaker	B. Johnson	Jones	King
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Fowlke	Gowans	Hendrickson	E. Hutchings
Kiser	Morgan		

**H.B. 283** transmitted to the Senate for its consideration.

### CONCURRENCE CALENDAR

On motion of Representative Dunnigan, the House voted to concur in the Senate amendments to **Sub. H.B. 24**, TRAFFIC CODE AMENDMENTS.

**Sub. H.B. 24**, as amended by the Senate, then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Gibson
Goodfellow	Gowans	Hansen	Harper
Hendrickson	Hogue	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow

Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Alexander	Frank	Hardy	Holdaway
Morgan			

**Sub. H.B. 24**, as amended by the Senate, transmitted to the Senate for signature of the president.

**MISCELLANEOUS BUSINESS**

On motion of Representative Fowlke, under suspension of the rules, the House voted to lift **H.J.R. 17** from the bottom of the Third Reading Calendar and placed at the top of the Third Reading Calendar.

On motion of Representative Alexander, the House voted to circle **H.J.R. 17**.

**THIRD READING CALENDAR**

**H.B. 214**, EMERGING TECHNOLOGIES AND OPEN GOVERNMENT, read the third time by short title and placed on its final passage.

**H.B. 214** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Hansen
Hardy	Harper	Hendrickson	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Lawrence
Litvack	Lockhart	Mathis	McGee
Menlove	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow

Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Gowans	Hogue	Last	Mascaro
Morgan			

**H.B. 214** transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Fowlke, the House voted to uncircle **H.J.R. 17**.

**H.J.R. 17**, RESOLUTION HONORING CELEBRATION OF MARRIAGE WEEK, read the third time by short title and placed on its final passage.

**H.J.R. 17** then passed on the following roll call:

**Yeas, 71; Nays, 1; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Lockhart	Mascaro	Mathis
McGee	Menlove	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative was:** Representative

Litvack

**Absent or not voting were:** Representatives  
 Becker                      Biskupski                      Morgan

**H.J.R. 17** transmitted to the Senate for its consideration.

\* \* \*

On motion of Representative Hughes, the House voted to uncircle **Sub. H.B. 45**.

**Sub. H.B. 45**, ASSESSMENT OF PROPERTY AFFECTED BY BUSINESS INTERRUPTION, was before the House on its final passage.

On motion of Representative Hughes, the House voted to delete **Sub. H.B. 45** in title and body and insert **2nd Sub. H.B. 45** in lieu thereof.

On motion of Representative Hughes, the House voted to circle **2nd Sub. H.B. 45**.

### THIRD READING CALENDAR

**H.B. 79**, PROVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, read the third time by short title and placed on its final passage.

Representative Lockhart proposed the following amendment:

1. Page 1, Line 40:  
Delete "None" and insert "This bill provides a coordination clause."
2. Page, 14, Line 421:  
After line 421 insert:  
Section 9. Coordinating H.B. 79 with H.B. 64.  
If this H.B. 79 and H.B. 64, Provisions of Services for People with Disabilities, 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) combine the amendments made by this bill and H.B. 64 to Section 62A-2-121 so that Section 62A-2-121 reads as follows:  
"62A-2-121. Access to abuse and neglect information.  
(1) For purposes of this section:  
(a) "direct service worker" is as defined in Section 62A-5-101; and  
(b) "personal care attendant" is as defined in Section 62A-3-101.  
[(4)] (2) With respect to a human services [licensee] licensee, a direct service worker, or a personal care attendant, the department may access

only the Licensing Information System of the Division of Child and Family Services created by Section 62A-4a-116.2 and juvenile court records under Subsection 78-3a-320~~[(4)]~~(6), for the purpose of:

(a) (i) determining whether a person associated with a licensee, with direct access to children~~[-];~~

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and

~~[(b)]~~ (ii) informing a licensee that a person associated with the licensee;

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2)~~[-];~~

(b) (i) determining whether a direct service worker:

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and

(ii) informing a direct service worker or the direct service worker's employer that the direct service worker:

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); or

(c) (i) determining whether a personal care attendant:

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and

(ii) informing a person described in Subsections 62A-3-101(9)(a)(i) through (iv) that a personal care attendant:

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2).

~~[(2)]~~ (3) Notwithstanding Subsection ~~[(1)]~~ (2), the department may access the Division of Child and Family Service's Management Information System under Section 62A-4a-116 for the purpose of licensing and monitoring foster parents.

~~[(3)]~~ (4) After receiving identifying information for a person under Subsection 62A-2-120(1), the department shall process the information for the purposes described in Subsection ~~[(1)]~~ (2).

~~[(4)]~~ (5) The department shall adopt rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, consistent with this chapter, defining the circumstances under which a person ~~[who has]~~ may have direct access or provide services to children ~~[and who]~~ when:

(a) the person is listed in the Licensing Information System of the Division of Child and Family Services created by Section 62A-4a-116.2; or [has]

(b) juvenile court records show that a court made a substantiated finding [by a court of] under Section 78-3a-320, that the person committed a severe type of child abuse or neglect [under Subsections 78-3a-320(1) and (2) may provide services to children].” ; and(2) combine the amendments made by this bill and H.B. 64 to Section 62A-2-122 so that Section 62A-2-122 reads as follows:

“62A-2-122. Access to vulnerable adult abuse and neglect information.

(1) For purposes of this section:

(a) “direct service worker” is as defined in Section 62A-5-101; and

(b) “personal care attendant” is as defined in Section 62A-3-101.

[4] (2) With respect to a human services [licensees] licensee, a direct service worker, or a personal care attendant, the department may access the data base created by Section 62A-3-311.1 for the purpose of:

(a) (i) determining whether a person associated with a licensee, with direct access to vulnerable adults, has a substantiated finding of:

(A) abuse[;];

(B) neglect[;]; or

(C) exploitation; and

[6] (ii) informing a licensee that a person associated with the licensee has a substantiated finding of:

(A) abuse[;];

(B) neglect[;]; or

(C) exploitation[-];

(b) (i) determining whether a direct service worker has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation; and

(ii) informing a direct service worker or the direct service worker’s employer that the direct service worker has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation; or

(c) (i) determining whether a personal care attendant has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation; and  
(ii) informing a person described in Subsections 62A-3-101(9)(a)(i) through (iv) that a personal care attendant has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation;

~~[(2)]~~ (3) After receiving identifying information for a person under Subsection 62A-2-120(1), the department shall process the information for the purposes described in Subsection (1).

~~[(3)]~~ (4) The department shall adopt rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, consistent with this chapter and consistent with Section 62A-3-311.1, defining the circumstances under which a person ~~[who has]~~ may have direct access or provide services to vulnerable adults ~~[and who has a substantiated finding of abuse, neglect, or exploitation may provide services to vulnerable adults]~~ when the person is listed in the statewide database of the Division of Aging and Adult Services created by Section 62A-3-311.1 as having a substantiated finding of abuse, neglect, or exploitation.”

Section 10. Coordinating H.B. 79 with S.B. 107.

If this H.B. 79 and S.B. 107, Licensure and Regulation of Programs and Facilities, 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) combine the amendments made by this bill and S.B. 107 to Section 62A-2-121 so that Section 62A-2-121 reads as follows:

“62A-2-121. Access to abuse and neglect information.

(1) For purposes of this section “direct service worker” is as defined in Section 62A-5-101.

~~[(1)]~~ (2) With respect to ~~[human services licensees]~~ a licensee, a certified local inspector applicant, or a direct service worker, the department may access only the Licensing Information System of the Division of Child and Family Services created by Section 62A-4a-116.2 and juvenile court records under Subsection 78-3a-320~~[(4)]~~ (6), for the purpose of:

(a) (i) determining whether a person associated with a licensee, with direct access to children~~;~~;

(A) is listed in the Licensing Information System; or

(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and

~~[(b)]~~ (ii) informing a licensee that a person associated with the licensee;

(A) is listed in the Licensing Information System; or  
(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2)[-];  
(b) (i) determining whether a certified local inspector applicant:  
(A) is listed in the Licensing Information System; or  
(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and  
(ii) informing a local government that a certified local inspector applicant:  
(A) is listed in the Licensing Information System; or  
(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2);  
(c) (i) determining whether a direct service worker:  
(A) is listed in the Licensing Information System; or  
(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2); and  
(ii) informing a direct service worker or the direct service worker's employer that the direct service worker:  
(A) is listed in the Licensing Information System; or  
(B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78-3a-320(1) and (2).

~~[(2)]~~ (3) Notwithstanding Subsection ~~[(1)]~~ (2), the department may access the Division of Child and Family Service's Management Information System under Section 62A-4a-116 for the purpose of licensing and monitoring foster parents.

~~[(3)]~~ (4) After receiving identifying information for a person under Subsection 62A-2-120(1), the department shall process the information for the purposes described in Subsection ~~[(1)]~~ (2).

~~[(4)]~~ (5) The department shall adopt rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, consistent with this chapter, defining the circumstances under which a person ~~[who has]~~ may have direct access or provide services to children [and who] when:

(a) the person is listed in the Licensing Information System of the Division of Child and Family Services created by Section 62A-4a-116.2; or [has]

(b) juvenile court records show that a court made a substantiated finding [by a court of] under Section 78-3a-320, that the person committed a severe type of child abuse or neglect [under Subsections 78-3a-320(1) and (2) may provide services to children].'; and  
(2) combine the amendments made by this bill and S.B. 107 to Section 62A-2-122 so that Section 62A-2-122 reads as follows:



“62A-2-122. Access to vulnerable adult abuse and neglect information.

(1) For purposes of this section “direct service worker” is as defined in Section 62A-5-101.

~~[(1)]~~ (2) With respect to ~~[human services licensees]~~ a licensee, a direct service worker, or a certified local inspector applicant, the department may access the data base created by Section 62A-3-311.1 for the purpose of:

(a) (i) determining whether a person associated with a licensee, with direct access to vulnerable adults, has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation; and

~~[(b)]~~ (ii) informing a licensee that a person associated with the licensee has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation;

(b) (i) determining whether a direct service worker has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation; and

(ii) informing a direct service worker or the direct service worker’s employer that the direct service worker has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation; or

(c) (i) determining whether a certified local inspector applicant has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation; and

(ii) informing a local government that a certified local inspector applicant has a substantiated finding of:

(A) abuse;

(B) neglect; or

(C) exploitation.

~~[(2)]~~ (3) After receiving identifying information for a person under Subsection 62A-2-120(1), the department shall process the information for the purposes described in Subsection (1).

~~[(3)]~~ (4) The department shall adopt rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, consistent with this chapter and consistent with Section 62A-3-311.1, defining the circumstances under which a person ~~[who has]~~ may have direct access or provide services to vulnerable adults ~~[and who has a substantiated finding of abuse, neglect, or exploitation may provide services to vulnerable adults]~~ when the person is listed in the statewide database of the Division of Aging and Adult Services created by Section 62A-3-311.1 as having a substantiated finding of abuse, neglect, or exploitation.”

Representative Lockhart’s motion to amend passed on a voice vote.

**H.B. 79**, as amended, then passed on the following roll call:

**Yeas, 75; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**H.B. 79**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 22, INTERCOUNTRY ADOPTION ACCREDITATION**, read the third time by short title and placed on its final passage.

**H.B. 22** then passed on the following roll call:

**Yeas, 75; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**H.B. 22** transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Harper, the House voted to uncircle **Sub. H.B. 78**.

**Sub. H.B. 78**, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, was before the House on its final passage.

**Sub. H.B. 78** then passed on the following roll call:

**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove

D. Cox	Daw	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting was:** Representative  
Dayton

**Sub. H.B. 78** transmitted to the Senate for its consideration.

### THIRD READING CALENDAR

**H.B. 220**, SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION, read the third time by short title and placed on its final passage.

Representative Becker declared a conflict of interest because he is paying for college textbooks.

**H.B. 220** then passed on the following roll call:

**Yeas, 39; Nays, 36; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

Alexander	Bigelow	Biskupski	Bourdeaux
Bowman	Cosgrove	Dougall	Duckworth
Dunnigan	Ferry	Frank	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Hunsaker	E. Hutchings
Jones	King	Kiser	Lawrence
Litvack	Mascaro	McGee	Menlove
Morgan	Moss	Painter	Romero
Shurtliff	Tilton	Ure	Wheatley
Wheeler	Wiley	Curtis	

**Voting in the negative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Buttars	Buxton	Christensen
D. Clark	S. Clark	D. Cox	Daw
Dayton	Dee	Donnelson	Ferrin
Fisher	Fowlke	Gibson	Holdaway
Hughes	B. Johnson	Last	Lockhart
Mathis	Morley	Murray	Newbold
Noel	Oda	Ray	G. Snow
Urquhart	Walker	Wallace	Wyatt

**H.B. 220** transmitted to the Senate for its consideration.

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**Sub. H.B. 97**, STATE BUDGET PROVISIONS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **Sub. H.B. 97**.

\* \* \*

**Sub. H.B. 42**, MEDICAL RECOMMENDATIONS FOR CHILDREN, read the third time by short title and placed on its final passage.

Representative Mascaro proposed the following amendment:

1. Page 2, Line 53:  
Delete "or behavioral health evaluation or"
2. Page 2, Line 54:  
Delete "test, evaluation, or assessment"

Representative Holdaway proposed the following substitute motion to amend:

1. Page 2, Line 53:  
After "psychiatric" delete the rest of the line
2. Page 2, Line 54:  
Delete "test, evaluation, or"

Representative Holdaway's motion to amend failed on the following roll call:

**Yeas, 34; Nays, 38; Absent or not voting, 3.****Voting in the affirmative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Buxton	Cosgrove	Dee	Duckworth
Fisher	Fowlke	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Hogue
Holdaway	Hunsaker	Jones	King
Lawrence	Litvack	Mascaro	McGee
Menlove	Morgan	Moss	Murray
Romero	Shurtliff	Ure	Wheatley
Wiley	Wyatt		

**Voting in the negative were:** Representatives

Aagard	Adams	Barrus	Bowman
Buttars	Christensen	D. Clark	S. Clark
D. Cox	Daw	Dayton	Donnelson
Dougall	Dunnigan	Ferrin	Ferry
Frank	Gibson	Harper	Hughes
E. Hutchings	B. Johnson	Kiser	Last
Lockhart	Mathis	Morley	Newbold
Noel	Oda	Painter	Ray
G. Snow	Tilton	Urquhart	Walker
Wallace	Wheeler		

**Absent or not voting were:** Representatives

Alexander	Bigelow	Curtis
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Representative Mascaro's motion to amend failed on the following roll call:

**Yeas, 35; Nays, 39; Absent or not voting, 1.****Voting in the affirmative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Buxton	Cosgrove	Dee	Duckworth
Fisher	Fowlke	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Hogue
Holdaway	Hunsaker	E. Hutchings	Jones
King	Lawrence	Litvack	Mascaro
McGee	Menlove	Morgan	Moss
Murray	Romero	Shurtliff	Ure
Wheatley	Wiley	Wyatt	

**Voting in the negative were:** Representatives

Agard	Adams	Alexander	Barrus
Bowman	Buttars	Christensen	D. Clark
S. Clark	D. Cox	Daw	Dayton
Donnelson	Dougall	Dunnigan	Ferrin
Ferry	Frank	Gibson	Harper
Hughes	B. Johnson	Kiser	Last
Lockhart	Mathis	Morley	Newbold
Noel	Oda	Painter	Ray
G. Snow	Tilton	Urquhart	Walker
Wallace	Wheeler	Curtis	

**Absent or not voting was:** Representative

Bigelow

# # #

Representative Menlove moved to delete **Sub. H.B. 42** in title and body and insert **2nd Sub. H.B. 42** in lieu thereof. The motion to substitute failed on the following roll call:

**Yeas, 35; Nays, 38; Absent or not voting, 2.****Voting in the affirmative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Bowman	Buxton	Cosgrove	Dee
Duckworth	Fisher	Fowlke	Goodfellow
Gowans	Hansen	Hardy	Hendrickson
Hogue	Holdaway	Hunsaker	Jones
King	Last	Lawrence	Litvack
Mascaro	McGee	Menlove	Morgan
Moss	Murray	Romero	Shurtliff
G. Snow	Wheatley	Wiley	

**Voting in the negative were:** Representatives

Agard	Adams	Alexander	Barrus
Buttars	Christensen	D. Clark	S. Clark
D. Cox	Daw	Dayton	Donnelson
Dougall	Dunnigan	Ferrin	Ferry
Frank	Gibson	Harper	Hughes
E. Hutchings	B. Johnson	Lockhart	Mathis
Morley	Newbold	Noel	Oda

Painter	Ray	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Bigelow	Kiser
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Representative Litvack proposed the following amendment:

1. Page 7, Lines 189–198:  
Delete lines 189 through 198.

Representative Litvack's motion to amend failed on a voice vote.

**Sub. H.B. 42** then passed on the following roll call:

**Yeas, 41; Nays, 32; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bowman	Buttars	Christensen
D. Clark	S. Clark	D. Cox	Daw
Dayton	Donnelson	Dougall	Dunnigan
Ferrin	Ferry	Fowlke	Frank
Gibson	Harper	Hogue	Hughes
B. Johnson	Lockhart	Mathis	Morley
Newbold	Noel	Oda	Painter
Ray	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wyatt			

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Buxton
Cosgrove	Dee	Duckworth	Fisher
Goodfellow	Gowans	Hansen	Hardy
Hendrickson	Holdaway	Hunsaker	E. Hutchings
Jones	King	Last	Lawrence
Litvack	Mascaro	McGee	Menlove
Morgan	Moss	Murray	Romero
Shurtliff	Wheatley	Wiley	Curtis

**Absent or not voting were:** Representatives

Bigelow	Kiser
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**Sub. H.B. 42**, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Holdaway, the House voted to allow a resolution file be opened to honor a special person.

\* \* \*

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

**AFTERNOON SESSION**

The House was called to order by Speaker Curtis at 2:00 p.m.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: February 14, 2005  
The Senate passed, as amended, **S.B. 72**, CHILD WELFARE AMENDMENTS, by Senator D. Eastman, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 146**, AVOIDING APPREHENSION AMENDMENT, by Senator M. Waddoups, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 49**, MOTOR VEHICLE LIABILITY COVERAGE AMENDMENTS, by Senator D. Eastman, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 72**, **S.B. 146**, and **S.B. 49**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 14, 2005  
The President of the Senate has signed **2nd Sub. H.B. 36**, CHARTER SCHOOL CONSTRUCTION AMENDMENTS, by Representative J. Ferrin, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 60**, INSURANCE LICENSING AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 186**, CONSUMER PROTECTION AMENDMENTS, by Representative S. Allen, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **2nd Sub. H.B. 36**, **H.B. 60**, and **H.B. 186** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 11, 2005

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 54**, PROPERTY TAX CONFIDENTIALITY AMENDMENTS, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 140**, INDIVIDUAL INCOME TAX CONTRIBUTION FOR COMMUNITY SPAY AND NEUTER PROGRAMS, by Representative M. Noel, with the following amendments:

1. Page 3, Lines 62 through 68:

62 (4) The department shall distribute contributions and interest  
deposited into the Cat and

63 Dog Community Spay and Neuter Program Restricted Account to  
one or more organizations:

64 (a) that are exempt from federal income taxation under Section  
501(c)(3). Internal

65 Revenue Code:

66 (b) that operate a mobile spay and neuter clinic for cats and  
dogs; and

67 (c) that provide annual spay and neuter services at the mobile  
spay and neuter clinic

68 described in Subsection (4)(b) :  
(i) to one or more communities in at least 20 counties in the  
state { } ; and

(ii) by veterinarians who are licensed by Title 58, Chapter 28,  
Veterinary Practice Act.

2. Page 3, Lines 71 through 73:

71 (b) An organization that receives a distribution from the  
department in accordance with

72 Subsection (4) :  
(i) shall expend the distribution only to spay or neuter dogs and  
cats :  
(A) owned by

73 persons having low incomes;  
(B) by veterinarians who are licensed by Title 58, Chapter 28,  
Veterinary Practice Act;  
(C) through a statewide voucher program; and  
(D) at a location that:  
(I) is not a mobile spay and neuter clinic; and  
(II) does not receive any funding from a governmental entity; and  
(ii) may not expend the distribution for any administrative cost  
relating to an expenditure authorized by Subsection (5)(b)(i); and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 147, PROPERTY TAX EXEMPTION FOR VETERANS**, by Representative G. Hughes, with the following amendments:

1. Page 1, Lines 13 through 20:

13 This bill:

- ▶ limits the property that is eligible for the exemption described in this bill to either or both of the following:
  - the claimant’s primary residence; or
  - tangible personal property that is held exclusively for personal use and  
is not used in a trade or business;

14 ▶ ~~{-removes-}~~ increases the ~~{-\$82,500-}~~ limitation on the property tax exemption relating to disabled

15 veterans and veterans who are killed in action or die in the line of duty from \$82,500 to:

- for 2005, \$200,000; and
- for each year after 2005, \$200,000 plus an amount  
calculated by multiplying the  
amount of the limitation for the previous year by the actual percent  
change in the Consumer Price Index during the previous calendar  
year ;

16       ▶ provides that the property tax exemption relating to a  
disabled veteran with a

17 service related disability of 10% or more is equal to the greater of:

18       • the percentage of the service related disability  
multiplied by the ~~{value of the~~

19 ~~property entitled to the exemption;~~

20       limitation described previously ; or

2. Page 2, Line 33:

33       ~~{None}~~       This bill provides retrospective operation.

3. Page 2, Lines 41 through 42:

41       (1) As used in this section and Section 59-2-1105:

(a) “adjusted taxable value limit” means:

(i) for the year 2005, \$200,000; and

(ii) for each year after 2005, the amount of the adjusted  
taxable value limit for the previous year, plus an amount calculated by  
multiplying the amount of the adjusted taxable value limit for the  
previous year by the actual percent change in the Consumer Price Index  
during the previous calendar year.

42       ~~{(a)}~~       (b) “claimant” means:

4. Page 2, Line 54 through Page 3, Line 57:

54       (B) who files an application under Section 59-2-1105 for a  
veteran’s exemption;

(c) “consumer price index” is as described in Section  
1(f)(4), Internal Revenue Code, and defined in Section 1(f)(5), Internal  
Revenue Code;

55       ~~{(b)}~~       (d) “deceased disabled veteran” means a  
deceased person who was a disabled veteran

56 at the time the person died;

57       ~~{(e)}~~       (e) “disabled veteran” means a disabled  
person who, during military training or a

5. Page 3, Line 60:

60           {~~(d)~~}       (f)   “military entity” means:

6. Page 3, Lines 65 through 67:

65           {~~(e)~~}       (g)   “residence” is as defined in Section  
59-2-1202, except that a rented dwelling is not

66   considered to be a residence;

67           {~~(f)~~}       (h)   “veteran who was killed in action or died  
in the line of duty” means a person who

7. Page 3, Lines 71 through 72:

71           {~~(g)~~}       (i)   “veteran’s exemption” means a property  
tax exemption provided for in Subsection

72   (2).

8. Page 3, Lines 80 through 83:

80       (b) Subsection (2)(a) applies to the following property:

81       (i)   {~~real property, including a~~}   the claimant’s  
primary residence;

82       (ii) tangible personal property that:  
(A) is held exclusively for personal use; and  
(B) is not used in a trade or business ; or

83       (iii) a combination of Subsections (2)(b)(i) and (ii).

9. Page 4, Line 115 through Page 5, Line 125:

115       (f) Except as provided in Subsection (2)(g), the amount of the  
taxable value of the

116 property described in Subsection (2)(b) that is exempt under  
Subsection (2)(c)(i) is {~~the greater~~

117 ~~of:~~

118   {~~(i)~~}   equal to the percentage of disability listed on the  
certificate described in Subsection

119 59-2-1105(3)(a) multiplied by the {~~taxable value of the~~  
property described in Subsection (2)(b):

120 ~~or~~

121 ~~(ii) the percentage of disability listed on the certificate described in Subsection~~

122 ~~59-2-1105(3)(a) multiplied by \$82,500 } adjusted taxable value limit~~ .

123 (g) Notwithstanding Subsection (f), the amount of the taxable value of the property

124 described in Subsection (2)(b) that is exempt under Subsection (2)(c)(i) may not be greater than

125 the taxable value of the property described in Subsection (2)(b), Section 2. Retrospective operation.

This bill provides retrospective operation to January 1, 2005.

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 129**, BRINE SHRIMP ROYALTY ACT AMENDMENTS, by Senator T. Hatch.

Wayne A. Harper, Chair

Reports filed. On motion of Representative Harper, the reports of the Revenue and Taxation committee were adopted.

**S.B. 54**, **H.B. 140**, as amended, and **H.B. 147**, as amended, read the second time by short title and placed on the calendar for third reading.

**S.B. 129**, read the second time by short title and referred to the Rules Committee due to fiscal impact.

\* \* \*

Mr. Speaker:

February 11, 2005

The Government Operations Committee reports a favorable recommendation on **H.B. 266**, CHANGES TO QUALITY GROWTH COMMISSION, by Representative C. Buttars, with the following amendments:

1. Page 1, Line 15:

15     ▶     requires     {~~legislative approval for~~}     the commission to report to the Legislative Management Committee before making     certain loans or grants of money from the LeRay

2. Page 2, Lines 34 through 35:

34        ~~[(b)]~~ (iii) six elected officials at the local government level,  
           ~~{-two }~~        three    of whom may not be  
 35        residents of a county of the first or second class; and

3. Page 2, Lines 36 through 37:

36        ~~[(e)]~~ (iv) five persons from the profit and nonprofit private  
 sector,    ~~{-three }~~        two    of whom may  
 37        not be residents of a county of the first or second class and no more  
           than three of whom may be

4. Page 4, Line 120 through Page 5, Line 121:

120        (f) (i) The commission may not ~~{-without the~~  
           ~~Legislature's prior approval, }~~    make a grant or  
 121        loan from the fund that exceeds \$1,000,000 until after making a  
           report to the Legislative Management Committee about the grant or  
           loan .

(ii) The Legislative Management Committee may make a  
           recommendation to the commission concerning the intended grant or  
           loan, but the recommendation is not binding on the commission; and

The Government Operations Committee reports a favorable recommendation on **H.B. 274**, REFERENDUM PROCEDURE, by Representative D. Hogue, with the following amendments:

1. Page 2, Line 50:

50        (d) a copy of the law that is subject to    ~~{-the }~~        a  
           referendum.

2. Page 2, Lines 56 through 57:

56        (i) notify the sponsors and identify the corrections that  
           must be made in order to meet the requirements of

57        Subsection (2); and

3. Page 4, Lines 112 through 120:

112        (3) (a) If the lieutenant governor refuses to ~~[accept and file any~~  
           ~~referendum petition]~~

113 certify the referendum for the ballot after it has been declared  
 114 sufficient , any voter may apply to the Supreme Court for an

115 extraordinary writ to compel him to do so within ten days after the  
 116 refusal.

117 (b) If the Supreme Court determines that the referendum  
 118 [~~petition is legally sufficient,~~

119 ~~the lieutenant governor shall file it, with a verified copy of the~~  
 120 ~~judgment attached to it, as of the~~

121 ~~date on which it was originally offered for filing in his office]~~ has  
 122 been declared sufficient and meets the legal requirements to

123 be placed on the ballot, the Supreme Court shall order the lieutenant  
 124 governor and all other

125 officers to certify and print the ballot title and numbers of that  
 126 measure on the official ballot for

127 the next election.

4. Page 5, Line 139:

139 (d) one copy of the law that is subject to {~~the~~} a  
 140 referendum.

5. Page 5, Lines 145 through 146:

145 (i) notify the sponsors and identify the corrections that  
 146 must be made in order to meet the requirements of

147 Subsection (2); and

6. Page 7, Lines 202 through 209:

202 (4) (a) If the local clerk refuses to [~~accept and file any~~  
 203 ~~referendum petition]~~ certify the

204 referendum for the ballot after it has been declared sufficient ,  
 205 any voter may apply to the Supreme Court for an extraordinary writ

206 to compel him to do so within ten days after the refusal.

207 (b) If the Supreme Court determines that the referendum  
 208 [~~petition is legally sufficient,~~

209 ~~the local clerk shall file it, with a verified copy of the judgment~~  
 210 ~~attached to it, as of the date on~~



207 ~~which it was originally offered for filing in his office]~~ has been  
declared sufficient and ~~meets the legal requirements to be placed~~

208 on the ballot, the Supreme Court shall order the local clerk and all  
other officers to certify and

209 print the ballot title and numbers of that measure on the official  
ballot for the next election.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Urquhart, the reports of the Government Operations committee were adopted.

**H.B. 266**, as amended, and **H.B. 274**, as amended, read the second time by short title and placed on the calendar for third reading.

#### **NOTICE OF BILL RETURNED TO RULES COMMITTEE**

Mr. Speaker: February 11, 2005

The Government Operations Committee has returned **H.B. 58**, GOVERNMENT EFFICIENCY AND EFFECTIVENESS REVIEW COMMITTEE, by Representative P. Wallace, to the Rules Committee.

Douglas C. Aagard, Chair

Report filed. **H.B. 58**, returned to the Rules Committee.

#### **REPORTS OF STANDING COMMITTEES**

Mr. Speaker: February 14, 2005

The Judiciary Committee reports a favorable recommendation on **1st Sub. S.B. 10**, LIABILITY REFORM ACT AMENDMENTS, by Senator G. Bell; and

The Judiciary Committee reports a favorable recommendation on **S.B. 14**, UNIFORM PARENTAGE ACT, by Senator L. Hillyard, with the following amendments:

1. Page 1, Lines 21 through 22  
Senate Committee Amendments 1-20-2005:

21 Other Special Clauses:

22 ~~§ [This bill has an immediate effective date.]~~ { ~~THIS BILL~~  
~~TAKES EFFECT ON JANUARY 1, 2006.~~ § } None

2. Page 6, Lines 159 through 162:

159 (3) “Declarant father” means a male who {~~-,~~along with the  
biological mother, } [declares

160 ~~that he is the father of a child conceived as a result of sexual  
intercourse with the mother]~~

161 claims to be the genetic father of a child, and , along with the  
biological mother, signs a voluntary declaration of paternity to

162 establish the child’s paternity.

3. Page 17, Lines 518 through 520:

518 ~~78-45g-109.~~ Limitation on recovery from the father.

519 The {~~father’s~~ } obligor’s liabilities for past support  
are limited to the period of four years preceding

520 the commencement of an action.

4. Page 34, Lines 1038 through 1050:

1038 ~~78-45g-607.~~ Limitation — Child having presumed father.

1039 (1) Paternity of a child conceived or born during a marriage with  
a presumed father as

1040 described in Subsection 78-45g-204(1)(a), (b), or (c), may  
{~~only~~ } be raised by the presumed

1041 father or the mother at any time prior to filing an action for  
divorce or in the pleadings at the

1042 time of the divorce of the parents.

1043 (a) If the issue is raised prior to the adjudication, genetic testing  
may be ordered by the

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

1048 mother. {~~Once~~ } If the question of paternity has  
been raised in the pleadings in a divorce and the tribunal addresses the  
issue and enters an order {~~is entered~~ } .

1049 the parties are stopped from raising the issue again, and the  
order of the tribunal may not be

1050 challenged on the basis of material mistake of fact.

- 5. Page 41, Lines 1258 through 1259:

1258 (3) In a proceeding to dissolve a marriage, the tribunal is considered to have made an

1259 adjudication of the parentage of a child if the question of paternity is raised and the tribunal adjudicates according to Part 6, Adjudication of Parentage, and the final order:

- 6. Page 41, Line 1267 through Page 42, Line 1273:

1267 (5) Once the paternity of a child has been adjudicated, an individual who was not a

1268 party to the paternity proceeding may not challenge the paternity, unless:

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

1273 (c) there would be { ~~irreparable~~ } harm to the child to leave the order in place.

- 7. Page 44, Lines 1331 through 1345:

1331 78-45g-801. Gestational agreement authorized.

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

(2) The intended gestational mother may not currently be receiving Medicaid or any other state assistance.

1340 Renumber remaining subsections accordingly.

- 8. Page 44, Line 1360 through Page 45, Line 1369:

1360 (2) The tribunal may issue an order under Subsection (1) only on finding that:

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

(d) all parties have participated in counseling with a licensed mental health professional as evidenced by a certificate signed by the licensed mental health professional which affirms that all parties have discussed options and consequences of the agreement and presented to the tribunal;

Renumber remaining subsections accordingly.

- 9. Page 48, Lines 1471 through 1475  
Senate Committee Amendments 1-20-2005:

1471 { ~~Section 101. Effective date.~~

1472 ~~§ [If approved by two-thirds of all members elected to each house, this bill takes effect~~

1473 ~~upon approval by the governor, or the day following the constitutional time limit of Utah~~

1474 ~~Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,~~

1475 ~~the date of veto override.]~~

The Judiciary Committee reports a favorable recommendation on **H.B. 306**, AMENDMENT REGARDING CONTROLLED SUBSTANCES, by Representative C. Oda, with the following amendments:

1. Page 1, Lines 15 through 17:

15 members of Indian tribes regarding the peyote use exemption;  
{-and-}

16 ► provides a reference to the exemption created by the definitions under the listing of

17 Schedule I controlled substances : and  
► provides related qualifying language regarding driving with any measurable controlled substance in the body .

2. Page 1, Lines 23 through 24:

23 AMENDS:

24 41-6a-517, as renumbered and amended by Chapter 2, Laws of Utah 2005

3. Page , Line 28 through Page 2, Line 28:

28 Be it enacted by the Legislature of the state of Utah:

Section 1. Section 41-6A-517 is amended to read:

41-6a-517. Definitions -- Driving with any measurable controlled substance in the body -- Penalties -- Arrest without warrant.

(1) As used in this section:

(a) "Controlled substance" means any substance scheduled under Section 58-37-4.

(b) "Practitioner" has the same meaning as provided in Section 58-37-2.

(c) "Prescribe" has the same meaning as provided in Section 58-37-2.

(d) "Prescription" has the same meaning as provided in Section 58-37-2.

(2) In cases not amounting to a violation of Section 41-6a-502, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.

(3) It is an affirmative defense to prosecution under this section that the controlled substance was

- (a) involuntarily ingested by the accused ~~{-or-}~~ ;
- (b) prescribed by a practitioner for use by the accused ; or
- (c) otherwise legally ingested .

(4) A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.

(5) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer's presence, and if the officer has probable cause to believe that the violation was committed by the person.

(6) The Driver License Division shall:

(a) suspend, for 90 days, the driver license of a person convicted under Subsection (2);

(b) revoke, for one year, the driver license of a person convicted of a second or subsequent offense under Subsection (2) or if the person has a prior conviction as defined under Subsection 41-6a-501(2), if the violation is committed within a period of ten years after the date of the prior violation; and

(c) subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.

(7) (a) The court shall notify the Driver License Division if a person fails to:

(i) complete all court ordered screening and assessment, educational series, and substance abuse treatment; or

(ii) pay all fines and fees, including fees for restitution and treatment costs.

(b) Upon receiving the notification, the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

(8) The court shall order supervised probation in accordance with Section 41–6a–507 for a person convicted under Subsection (2).

Renumber remaining sections accordingly.

The Judiciary Committee reports a favorable recommendation on **H.B. 342**, CIVIL LEGAL AID FOR VICTIMS OF DOMESTIC VIOLENCE, by Representative S. Mascaro.

James A. Ferrin, Chair

Reports filed. On motion of Representative Ferrin, the reports of the Judiciary committee were adopted.

**Sub. S.B. 10, S.B. 14**, as amended, **H.B. 306**, and **H.B. 342**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

February 14, 2005

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.C.R. 14**, CONCURRENT RESOLUTION HONORING AMERICA'S MILITARY WAR DOGS, by Representative S. Mascaro, and recommends it be placed on the Consent Calendar; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **1st Sub. S.B. 135**, DRUG COURTS PILOT PROJECT, by Senator L. Hillyard.

DeMar "Bud" Bowman, Chair

Reports filed. On motion of Representative Ure, the reports of the Law Enforcement and Criminal Justice committee were adopted.

**H.C.R. 14**, read the second time by short title and placed on the Consent Calendar.

**Sub. S.B. 135**, read the second time by short title and placed on the calendar for third reading.

### UNFINISHED BUSINESS

On motion of Representative D. Clark, the House voted to uncircle **H.B. 213**.

**H.B. 213**, UNUSED SICK LEAVE AT RETIREMENT AMENDMENTS, was before the House on its final passage.

Representative D. Clark proposed the following amendment:

1. Page 7, Lines 183 through 198

183 (2) (a) The Unused Sick Leave Retirement Program II provides  
184 that upon retirement an

185 employee who is employed by the state on or after January 1, 2006,  
186 shall receive remuneration

187 for the employee's unused accumulated sick leave and converted  
188 sick leave accrued beginning January 1, 2006 in

189 accordance with this section as follows:

190 (i) subject to federal requirements and limitations, a  
191 contribution at the employee's rate

192 of pay at the time of retirement for 25% of the employee's unused  
193 accumulated sick leave and

194 converted sick leave shall be transferred directly to the employee's  
195 defined contribution plan

196 qualified under Section 401(k) of the Internal Revenue Code which  
197 is sponsored by the Utah

198 State Retirement Board; and

199 (ii) participation in a benefit plan that provides for  
200 reimbursement for medical

201 expenses using monies deposited at the employee's rate of pay at  
202 the time of retirement from remaining unused accumulated sick leave  
203 and converted sick leave balances

204 (b) If the amount calculated under Subsection (2)(a)(i) exceeds  
205 the federal contribution

206 limitations, the amount representing the excess shall be deposited  
207 under Subsection (2)(a)(ii).

208 (3) The Utah State Retirement Office shall develop and  
209 maintain a program to provide

210 a benefit plan that provides for reimbursement for medical  
211 expenses under Subsection

212 (2)(a)(ii) with:

213 (a) monies deposited under Subsection (2)(a)(ii); and

214 (b) accrued earnings

Representative D. Clark's motion to amend passed on a voice vote.

###

Representative Hansen proposed the following amendment:

1. Page 1, Lines 14 through 16
 

14       ▶ provides that after December 31,  
       {~~2005~~} 2006 , new sick leave hours may not be  
 15 accumulated for future use under the current Unused Sick Leave  
 Retirement Option  
 16 Program;
2. Page 1, Lines 26 through 27:
 

26       ▶ creates the Unused Sick Leave Retirement Program II  
 for sick leave hours  
 27 accumulated on or after January 1, {~~2006~~} 2007 , which  
 provides:
3. Page 2, Lines 33 through 34  
 House Committee Amendments 2-7-2005:
 

33       ▶ allows employees to make a one-time election to  
 transfer unused sick leave hours to  
 34 the new program beginning January 1, {~~2011~~} 2012 ;
4. Page 2, Line 43  
 House Committee Amendments 2-7-2005:
 

43        $\hat{H} \rightarrow$  [~~None~~] This bill takes effect on January 1,  
       {~~2006~~} 2007 .  $\leftarrow \hat{H}$
5. Page 4, Lines 95 through 96:
 

95       (i) Unused Sick Leave Retirement Option Program I under  
Section 67-19-14.2 if  
 96 earned prior to January 1, {~~2006~~} 2007 , unless the  
transfer is made under Subsection 67-19-14.4(1)(c);
6. Page 4, Lines 98 through 99:
 

98       (ii) Unused Sick Leave Retirement Option Program II under  
Section 67-19-14.4 if



99 earned on or after January 1, { -2006 } 2007 .

7. Page 4, Line 109 through Page 5, Line 123:

109 (2) The Unused Sick Leave Retirement Option Program provides that upon retirement

110 an employee who was employed by the state prior to January 1, { -2006 } 2007 :

111 (a) [is paid] receives a contribution under Subsection (3) for [up to] 25% of the

112 employee's unused accumulated sick leave accrued prior to January 1, { -2006 } 2007 , at the employee's

113 rate of pay at the time of retirement;

114 (b) receives continuing medical and life insurance benefits until the earlier of:

115 (i) the date the employee reaches the age eligible for Medicare; or [for up to five years;

116 which ever occurs sooner; and]

117 (ii) up to the following number of years:

118 (A) five years if the employee retires during calendar year { -2006 } 2007 ;

119 (B) four years if the employee retires during calendar year { -2007 } 2008 ;

120 (C) three years if the employee retires during calendar year { -2008 } 2009 ;

121 (D) two years if the employee retires during calendar year { -2009 } 2010 ;

122 (E) one year if the employee retires during calendar year { -2010 } 2011 ; or

123 (F) zero years if the employee retires after calendar year { -2010 } 2011 ; and

8. Page 5, Lines 135 through 146:

135 (4) (a) An employee may purchase continuing medical and life insurance benefits, at

136 the rate of one month's coverage per policy for eight hours of unused sick leave remaining

137 after:

138 (i) the ~~[pay-out]~~ contribution of unused sick leave under  
Subsection (2)(a); and

139 (ii) an additional reduction ~~[of 480 hours]~~, at the time of  
retirement, of unused sick

140 leave[-] hours as follows:

141 (A) 480 hours if the employee retires during calendar year  
{-2006 } 2007 :

142 (B) 384 hours if the employee retires during calendar year  
{-2007 } 2008 :

143 (C) 288 hours if the employee retires during calendar year  
{-2008 } 2009 :

144 (D) 192 hours if the employee retires during calendar year  
{-2009 } 2010 :

145 (E) 96 hours if the employee retires during calendar year  
{-2010 } 2011 ;or

146 (F) 0 hours if the employee retires after calendar year  
{-2010 } 2011 .

9. Page 6, Lines 178 through 180:

178 (c) Beginning January 1, {-2011 } 2012 , an  
employee who is participating in the Unused Sick

179 Leave Retirement Program I under Section 67-19-14.2 may make  
a one-time and irrevocable

180 election to transfer all unused sick leave hours which shall include  
all converted sick leave

10. Page 7, Lines 183 through 185:

183 (2) (a) The Unused Sick Leave Retirement Program II provides  
that upon retirement an

184 employee who is employed by the state on or after January 1,  
{-2006 } 2007 , shall receive remuneration

185 for the employee's unused accumulated sick leave and converted  
sick leave accrued in

- 11. Page 7, Line 198b  
House Committee Amendments 2-7-2005:

198b    This bill takes effect on January 1, {~~2006~~ } 2007 .  
 ←H

Representative Dee proposed the following substitute motion to amend:

- 1. Page 2, Lines 30 through 32  
House Committee Amendments 2-7-2005

30        •        participation in a benefit plan that provides for  
 reimbursement for medical  
 31    expenses using the remainder of unused sick leave hours at the  
 employee's rate  
 32    of pay at the time of retirement    but not less than the average rate  
of pay as for employees who retired in the same state retirement system  
during the previous calendar year    ;

- 2. Page 7, Lines 192 through 195  
House Committee Amendments 2-7-2005:

192    (ii) participation in a benefit plan that provides for  
reimbursement for medical  
 193    expenses using monies deposited at the employee's rate of pay at  
the time of retirement.  
 194    (b) If the amount calculated under Subsection (2)(a)(i) exceeds  
the federal contribution  
 195    limitations, the amount representing the excess shall be deposited  
under Subsection (2)(a)(ii).  
       (c) An employee's rate of pay at the time of retirement for purposes  
of Subsection (2)(a)(ii) may not be less than the average rate of pay of  
state employees who retired in the same retirement system under Title  
49, Utah State Retirement and Insurance Benefit Act, during the previous  
calendar year.

Representative Dee's motion to amend passed on a voice vote.

###

Representative Hansen proposed the following amendment:

1. Page 1, Lines 14 through 16

14 ► provides that after December 31,  
 {~~2005~~} 2006, new sick leave hours may not be

15 accumulated for future use under the current Unused Sick Leave  
 Retirement Option

16 Program;

2. Page 1, Lines 26 through 27:

26 ► creates the Unused Sick Leave Retirement Program II  
 for sick leave hours

27 accumulated on or after January 1, {~~2006~~} 2007, which  
 provides:

3. Page 2, Lines 33 through 34

House Committee Amendments 2-7-2005:

33 ► allows employees to make a one-time election to  
 transfer unused sick leave hours to

34 the new program beginning January 1, {~~2011~~} 2012 ;

4. Page 2, Line 43

House Committee Amendments 2-7-2005:

43 <sup>H</sup>→ [None] This bill takes effect on January 1,  
 {~~2006~~} 2007 . ←<sup>H</sup>

5. Page 4, Lines 95 through 96:

95 (i) Unused Sick Leave Retirement Option Program I under  
Section 67-19-14.2 if

96 earned prior to January 1, {~~2006~~} 2007 , unless the  
transfer is made under Subsection 67-19-14.4(1)(c);

6. Page 4, Lines 98 through 99:

98 (ii) Unused Sick Leave Retirement Option Program II under  
Section 67-19-14.4 if

99 earned on or after January 1, {~~2006~~} 2007 .

7. Page 4, Line 109 through Page 5, Line 123:

109 (2) The Unused Sick Leave Retirement Option Program I provides that upon retirement

110 an employee who was employed by the state prior to January 1, {~~2006~~ } 2007 :

111 (a) [~~is paid~~] receives a contribution under Subsection (3) for [up to] 25% of the

112 employee's unused accumulated sick leave accrued prior to January 1, {~~2006~~ } 2007 , at the employee's

113 rate of pay at the time of retirement;

114 (b) receives continuing medical and life insurance benefits until the earlier of:

115 (i) the date the employee reaches the age eligible for Medicare; or [~~for up to five years,~~

116 ~~which ever occurs sooner; and]~~

117 (ii) up to the following number of years:

118 (A) five years if the employee retires during calendar year {~~2006~~ } 2007 :

119 (B) four years if the employee retires during calendar year {~~2007~~ } 2008 :

120 (C) three years if the employee retires during calendar year {~~2008~~ } 2009 :

121 (D) two years if the employee retires during calendar year {~~2009~~ } 2010 :

122 (E) one year if the employee retires during calendar year {~~2010~~ } 2011 ; or

123 (F) zero years if the employee retires after calendar year {~~2010~~ } 2011 ; and

8. Page 5, Lines 135 through 146:

135 (4) (a) An employee may purchase continuing medical and life insurance benefits, at

136 the rate of one month's coverage per policy for eight hours of unused sick leave remaining

137 after:

138 (i) the ~~[pay-out]~~ contribution of unused sick leave under  
Subsection (2)(a); and

139 (ii) an additional reduction ~~[of 480 hours]~~, at the time of  
retirement, of unused sick

140 leave[-] hours as follows:

141 (A) 480 hours if the employee retires during calendar year  
{-2006 } 2007 :

142 (B) 384 hours if the employee retires during calendar year  
{-2007 } 2008 :

143 (C) 288 hours if the employee retires during calendar year  
{-2008 } 2009 :

144 (D) 192 hours if the employee retires during calendar year  
{-2009 } 2010 :

145 (E) 96 hours if the employee retires during calendar year  
{-2010 } 2011 ;or

146 (F) 0 hours if the employee retires after calendar year  
{-2010 } 2011 .

9. Page 6, Lines 178 through 180:

178 (c) Beginning January 1, {-2011 } 2012 , an  
employee who is participating in the Unused Sick

179 Leave Retirement Program I under Section 67-19-14.2 may make  
a one-time and irrevocable

180 election to transfer all unused sick leave hours which shall include  
all converted sick leave

10. Page 7, Lines 183 through 185:

183 (2) (a) The Unused Sick Leave Retirement Program II provides  
that upon retirement an

184 employee who is employed by the state on or after January 1,  
{-2006 } 2007 , shall receive remuneration

185 for the employee's unused accumulated sick leave and converted  
sick leave accrued in

- 11. Page 7, Line 198b  
House Committee Amendments 2-7-2005:

198b    This bill takes effect on January 1, {~~2006~~ } 2007 .  
 ←H

Representative Ray proposed the following substitute motion to amend:

- 1. Page 1, Lines 14 through 16

14       ►       provides       that       after       December       31,  
           {~~2005~~-}       2010       , new sick leave hours may not be  
 15       accumulated for future use under the current Unused Sick Leave  
 Retirement Option  
 16       Program;

- 2. Page 1, Lines 26 through 27:

26       ►       creates the Unused Sick Leave Retirement Program II  
 for sick leave hours  
 27       accumulated on or after January 1, {~~2006~~-}       2011       , which  
 provides:

- 3. Page 2, Lines 30 through 32  
House Committee Amendments 2-7-2005:

30       •       participation in a benefit plan that provides for  
 reimbursement for medical  
 31       expenses using the remainder of unused sick leave hours at the  
 employee's rate  
 32       of pay at the time of retirement       but not less than the median rate  
of pay as for employees who retired in the same state retirement system  
during the previous calendar year       ;

- 4. Page 4, Lines 95 through 99:

95       (i) Unused Sick Leave Retirement Option Program I under  
Section 67-19-14.2 if  
 96       earned prior to January 1, {~~2006~~ }       2011 . unless the  
transfer is made under Subsection 67-19-14.4(1)(c);  
 97       or

98 (ii) Unused Sick Leave Retirement Option Program II under  
Section 67-19-14.4 if

99 earned on or after January 1, { -2006 } 2011 .

5. Page 4, Lines 109 through 112:

109 (2) The Unused Sick Leave Retirement Option Program I  
 provides that upon retirement

110 an employee who was employed by the state prior to January 1,  
{ -2006 } 2011 :

111 (a) [is-paid] receives a contribution under Subsection (3) for [up  
to] 25% of the

112 employee's unused accumulated sick leave accrued prior to  
January 1, { -2006 } 2011 , at the employee's

6. Page 7, Lines 183 through 186:

183 (2) (a) The Unused Sick Leave Retirement Program II provides  
that upon retirement an

184 employee who is employed by the state on or after January 1,  
{ -2006 } 2011 , shall receive remuneration

185 for the employee's unused accumulated sick leave and converted  
sick leave accrued beginning January 1, 2011 in

186 accordance with this section as follows:

7. Page 7, Lines 194 through 195

House Committee Amendments 2-7-2005:

194 (b) If the amount calculated under Subsection (2)(a)(i) exceeds  
the federal contribution

195 limitations, the amount representing the excess shall be deposited  
under Subsection (2)(a)(ii).

(c) An employee's rate of pay at the time of retirement for purposes of  
Subsection (2)(a)(ii) may not be less than the median rate of pay of state  
employees who retired in the same retirement system under Title 49,  
Utah State Retirement and Insurance Benefit Act, during the previous  
calendar year.

Representative Ray's motion to amend failed on the following roll call:

**Yeas, 35; Nays, 39; Absent or not voting, 1.**



**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Becker	Bigelow
Biskupski	Bourdeaux	Bowman	Cosgrove
Donnelson	Duckworth	Dunnigan	Fowlke
Goodfellow	Gowans	Hansen	Hendrickson
Hogue	Holdaway	E. Hutchings	Jones
King	Kiser	Litvack	Mascaro
McGee	Menlove	Morgan	Moss
Oda	Ray	Romero	Shurtliff
Wheatley	Wheeler	Wiley	

**Voting in the negative were:** Representatives

Adams	Alexander	Barrus	Buxton
Christensen	D. Clark	S. Clark	D. Cox
Daw	Dayton	Dee	Dougall
Ferrin	Ferry	Fisher	Frank
Gibson	Hardy	Harper	Hughes
Hunsaker	B. Johnson	Last	Lawrence
Lockhart	Mathis	Morley	Murray
Newbold	Noel	Painter	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wyatt	Curtis	

**Absent or not voting was:** Representative

Buttars

Representative Hansen's motion to amend failed on the following roll call:

**Yeas, 34; Nays, 39; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Cosgrove	Donnelson
Duckworth	Fowlke	Goodfellow	Gowans
Hansen	Hendrickson	Hogue	Holdaway
Hunsaker	E. Hutchings	Jones	King
Lawrence	Litvack	Mascaro	McGee
Menlove	Morgan	Moss	Murray
Ray	Romero	Shurtliff	Wheatley
Wheeler	Wiley		

**Voting in the negative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Buxton	Christensen	D. Clark	S. Clark

D. Cox	Daw	Dee	Dougall
Dunnigan	Ferrin	Ferry	Fisher
Frank	Gibson	Hardy	Harper
Hughes	B. Johnson	Kiser	Last
Lockhart	Mathis	Morley	Newbold
Noel	Oda	Painter	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Buttars                      Dayton

Representative Hutchings moved to delete **H.B. 213** in title and body and insert **Sub. H.B. 213** in lieu thereof. The motion failed on the following roll call:

**Yeas, 34; Nays, 39; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Becker	Biskupski	Bourdeaux
Bowman	Cosgrove	Donnelson	Duckworth
Dunnigan	Fowlke	Goodfellow	Gowans
Hansen	Hendrickson	Hogue	Holdaway
Hunsaker	E. Hutchings	Jones	King
Litvack	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Oda
Ray	Romero	Shurtliff	Wheatley
Wheeler	Wiley		

**Voting in the negative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Buxton	Christensen	D. Clark	S. Clark
D. Cox	Daw	Dayton	Dee
Dougall	Ferrin	Ferry	Fisher
Frank	Gibson	Hardy	Harper
Hughes	B. Johnson	Kiser	Last
Lawrence	Lockhart	Morley	Murray
Newbold	Noel	Painter	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Bigelow                      Buttars

**H.B. 213**, as amended, then passed on the following roll call:

**Yeas, 38; Nays, 36; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Buxton	Christensen	D. Clark	S. Clark
D. Cox	Daw	Dayton	Dee
Dougall	Ferrin	Ferry	Fisher
Frank	Gibson	Hardy	Hughes
B. Johnson	Kiser	Last	Lawrence
Lockhart	Mathis	Morley	Newbold
Noel	Painter	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Aagard	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Cosgrove	Donnelson
Duckworth	Dunnigan	Fowlke	Goodfellow
Gowans	Hansen	Harper	Hendrickson
Hogue	Holdaway	Hunsaker	E. Hutchings
Jones	King	Litvack	Mascaro
McGee	Menlove	Morgan	Moss
Murray	Oda	Ray	Romero
Shurtliff	Wheatley	Wheeler	Wiley

**Absent or not voting was:** Representative

Buttars

**H.B. 213**, as amended, transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.B. 98**, OFFENSES COMMITTED AGAINST CORRECTIONAL AND PEACE OFFICERS, read the third time by short title and placed on its final passage.

**H.B. 98** then passed on the following roll call:

**Yeas, 56; Nays, 2; Absent or not voting, 17.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Bowman

Buxton	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Ferrin	Ferry	Fisher
Frank	Gibson	Goodfellow	Gowans
Harper	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	Last
Lawrence	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Romero	Shurtliff	G. Snow
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Voting in the negative were:** Representatives

Duckworth                  Hansen

**Absent or not voting were:** Representatives

Adams	Biskupski	Buttars	S. Clark
Dougall	Dunnigan	Fowlke	Hardy
Hendrickson	Hughes	King	Kiser
Litvack	Lockhart	Ray	Tilton
Ure			

**H.B. 98** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 95, SEX OFFENDER REGISTRATION AMENDMENTS**, read the third time by short title and placed on its final passage.

**H.B. 95**, as amended, then passed on the following roll call:

**Yeas, 59; Nays, 0; Absent or not voting, 16.**

**Voting in the affirmative were:** Representatives

Agard	S. Allen	Barrus	Becker
Bigelow	Bourdeaux	Bowman	Buxton
Christensen	D. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Duckworth	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Harper	Hogue	Holdaway
Hunsaker	E. Hutchings	B. Johnson	Jones

King	Last	Lawrence	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Adams	Alexander	Biskupski	Buttars
S. Clark	Dougall	Dunnigan	Ferrin
Hardy	Hendrickson	Hughes	Kiser
Litvack	Lockhart	Noel	Ure

**H.B. 95**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 149**, VEHICLE IDENTIFICATION NUMBER INSPECTORS, read the third time by short title and placed on its final passage.

**H.B. 149** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Duckworth
Dunnigan	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Alexander	Buttars	Dougall	Ferrin
Ferry	Hughes		

**H.B. 149** transmitted to the Senate for its consideration.

**RULES COMMITTEE REPORTS**

Mr. Speaker: February 14, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

**H.B. 133** Mobile Home Park – Notice of Sale of Underlying Property (Rep. M. Wheatley)  
**H.B. 289** Authority for Design–build Construction (Rep. M. Morley)

**EDUCATION**

**H.B. 141** School Breakfast Program (Rep. D. Litvack)

**GOVERNMENT OPERATIONS**

**H.B. 267** Election Day Voter Registration (Rep. N. Hansen)

**HEALTH AND HUMAN SERVICES**

**H.B. 146** Vaccine Restrictions (Rep. E. Hutchings)  
**H.B. 303** Shelter Hearing Amendments (Rep. E. Hutchings)  
**S.B. 72** Child Welfare Amendments (Sen. D. Eastman)

**JUDICIARY**

**H.B. 252** Marriage Preparation Education (Rep. R. McGee)  
**H.B. 297** Aggravated Murder Amendments (Rep. S. Wyatt)

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

**H.B. 338** Child and Family Welfare Revisions (Rep. L. Christensen)  
**S.B. 146** Avoiding Apprehension Amendment (Sen. M. Waddoups)

**NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT**

**H.B. 308** Archeological Resources Amendments (Rep. B. Johnson)

**POLITICAL SUBDIVISIONS**

**H.B. 94** Youth Corrections Amendments (Rep. C. Moss)

**H.B. 122** Bail Bond Amendments (Rep. K. Gibson)

**TRANSPORTATION**

**S.B. 49** Motor Vehicle Liability Coverage Amendments  
(Sen. D. Eastman)

**REVENUE AND TAXATION**

**H.B. 324** Taxable Value Adjustment for Property Damaged by a  
Natural Disaster (Rep. B. Last); and

The Rules Committee recommends that **S.B. 114**, County and Municipal Zoning Regarding Billboards (Sen. M. Waddoups), be lifted from the Political Subdivisions Standing Committee and assigned to the Transportation Standing Committee; and

The Rules Committee recommends that **H.B. 129**, School Uniforms (Rep. C. Frank) be lifted from the Political Subdivisions Standing Committee and assigned to the Education Standing Committee; and

The Rules Committee recommends that **H.B. 311**, Controlled Substance Law Amendments (Rep. B. Dee), due to a short title change, be read for the first time and assigned to the Political Subdivisions Standing Committee.

Rebecca Lockhart, Chair

Reports filed. On motion of Representative Lockhart, the reports of the Rules Committee were adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Ferry, the House voted to adjourn until February 15, 2005, at 10:00 a.m.

# THIRTIETH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:10 a.m.

Roll call showed all members present except Representatives Paul Ray and Pat Jones, excused.

Pledge of Allegiance and prayer by Representative Karen Morgan.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 14, 2005

The Senate passed **S.B. 145**, PROHIBITION AGAINST CERTAIN MEDICAL NONCOMPETITION AGREEMENTS, by Senator A. Christensen, and it is transmitted for consideration; and

The Senate passed **S.B. 147**, PSYCHOLOGIST LICENSING ACT AMENDMENTS, by Senator E. Mayne, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 153**, TAX REFORM TASK FORCE, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed **S.J.R. 11**, RESOLUTION LIMITING NUMBER OF GOVERNOR'S TERMS, by Senator C. Walker, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 145**, **S.B. 147**, **S.B. 153**, and **S.J.R. 11**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 14, 2005

The Senate passed, **H.B. 3**, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Representative G. Snow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **1st Sub. H.B. 24**, TRAFFIC CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate



Communications filed. **H.B. 3** and **Sub. H.B. 24** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

**REPORTS OF STANDING COMMITTEES**

Mr. Speaker: February 14, 2005

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 245**, COMPENSATION OF CONSTITUTIONAL OFFICERS – BENEFITS AND INSURANCE, by Representative M. Noel; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 130**, RETIREMENT FOR AIRPORT POLICE, by Senator M. Dmitrich.

Michael T. Morley, Chair

Reports filed. On motion of Representative Morley, the reports of the Retirement and Independent Entities committee were adopted.

**H.B. 245** and **S.B. 130**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 14, 2005

The Health and Human Services Committee reports a favorable recommendation on **H.B. 233**, ADOPTION LAW REVISIONS, by Representative R. McGee, with the following amendments and recommends it be placed on the Consent Calendar.

- 1. Page 1, Line 26 through Page 2, Line 29:

26 (1) [~~Prior~~] Except as provided in Subsection (4), prior to the date  
that a final decree of

27 adoption is entered { ~~in any adoption proceeding~~ } , an  
affidavit regarding fees and expenses,

28 signed by the adoptive parent or parents and the person or agency  
placing the child, shall be

29 filed with the court. [~~That~~]

The Health and Human Services Committee reports a favorable recommendation on **S.B. 55**, ACCESS TO PATIENT MEDICAL RECORDS, by Senator P. Arent, and recommends it be placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **H.J.R. 19**, JOINT RESOLUTION URGING HEALTH CARE FOR UTAH'S INDIGENT AND NEEDY UNINSURED, by Representative L. Fowlke; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 50**, CONTROLLED SUBSTANCE AMENDMENTS, by Senator P. Arent.

Bradley G. Last, Chair

Reports filed. On motion of Representative Last, the reports of the Health and Human Services committee were adopted.

**H.B. 233**, as amended, and **S.B. 55**, read the second time by short title and placed on the Consent Calendar.

**H.J.R. 19**, and **S.B. 50**, read the second time by short title and placed on the calendar for third reading.

### UNFINISHED BUSINESS

On motion of Representative Goodfellow, the House voted to uncircle **H.B. 225**.

**H.B. 225**, BOAT REGISTRATION FEE, was before the House on its final passage.

**H.B. 225** then passed on the following roll call:

**Yeas, 39; Nays, 31; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Alexander	S. Allen	Barrus	Becker
Biskupski	Bourdeaux	Bowman	Buttars
Buxton	Cosgrove	D. Cox	Duckworth
Fowlke	Gibson	Goodfellow	Gowans
Hansen	Hardy	Hogue	Holdaway
Hunsaker	E. Hutchings	King	Last
Litvack	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Noel
Romero	Shurtliff	G. Snow	Wheatley
Wheeler	Wiley	Wyatt	

**Voting in the negative were:** Representatives

Aagard	Adams	Bigelow	Christensen
D. Clark	S. Clark	Daw	Dayton

Dee	Donnelson	Dougall	Dunnigan
Ferrin	Fisher	Frank	Harper
Hendrickson	Hughes	Kiser	Lawrence
Morley	Murray	Newbold	Oda
Painter	Tilton	Ure	Urquhart
Walker	Wallace	Curtis	

**Absent or not voting were:** Representatives

Ferry	B. Johnson	Jones	Lockhart
Ray			

**H.B. 225** transmitted to the Senate for its consideration.

### THIRD READING CALENDAR

**H.B. 226, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT REQUIREMENTS REGARDING ANIMAL IDENTIFICATION PROGRAM**, read the third time by short title and placed on its final passage.

Representative Buttars proposed the following amendment:

1. Page 1, Line 14:  
Delete “private” and insert “protected”
2. Page 1, Line 17:  
Delete “private” and insert “protected”

Representative Buttars’ motion to amend passed on a voice vote.

**H.B. 226**, as amended, then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Duckworth	Dunnigan	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hunsaker	E. Hutchings	B. Johnson	King

Kiser	Last	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Painter	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Dougall	Ferrin	Hughes	Jones
Lawrence	Oda	Ray	

**H.B. 226**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.J.R. 13**, RESOLUTION SUPPORTING NATIONAL BEAR RIVER HERITAGE AREA ACT, read the third time by short title and placed on its final passage.

**H.J.R. 13** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Frank	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Newbold
Noel	Oda	Painter	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Buxton	Dougall	Fowlke	Gibson
Jones	Murray	Ray	

**H.J.R. 13** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 145**, AMENDMENTS TO HEARING AND SPEECH IMPAIRED TELECOMMUNICATIONS PROGRAM, read the third time by short title and placed on its final passage.

Representative Ure proposed the following amendment:

- 1. Page 4, Lines 91 through 92

91 (c) (i) The commission { ~~may~~ } shall make rules  
under Title 63, Chapter 46a, Utah Administrative

92 Rulemaking Act, for the administration of monies under  
Subsection (5)(b)(vi).

(ii) In the initial rulemaking to determine the administration of  
monies under Subsection (5)(b)(vi), the commission shall give notice  
and hold a public hearing.

Representative Ure’s motion to amend passed on a voice vote.

**H.B. 145**, as amended, then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
King	Kiser	Last	Lawrence
Litvack	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Murray

Newbold	Oda	Painter	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Barrus	Harper	Jones	Lockhart
Morley	Noel	Ray	

**H.B. 145**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 238**, UTAH TECHNOLOGY COMMISSION MEMBERSHIP, read the third time by short title and placed on its final passage.

**H.B. 238**, as amended, then passed on the following roll call:

**Yeas, 64; Nays, 0; Absent or not voting, 11.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Bigelow	Biskupski	Bowman	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
King	Kiser	Last	Lawrence
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Romero	Shurtliff	G. Snow	Tilton
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

S. Allen	Becker	Bourdeaux	Buttars
Fowlke	B. Johnson	Jones	Litvack
Painter	Ray	Ure	

**H.B. 238**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 236**, HEALTH INSURANCE LAW AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Dunnigan proposed the following amendment:

- 1. Page 41, Lines 1253 through 1260

1253        ~~{-(C) In the case of an individual whose coverage ceases, if a certificate of creditable~~

1254        ~~coverage with respect to that cessation is not provided on or before the date coverage ceases,~~

1255        ~~then the period that begins on the first date that an individual has no creditable coverage and~~

1256        ~~that continues through the earlier of the following two dates is not taken into account in~~

1257        ~~determining whether a significant break in coverage has occurred;~~

1258        ~~(I) the date that a certificate of creditable coverage with respect to that cessation is~~

1259        ~~provided; or~~

1260        ~~(II) the date 44 days after coverage ceases. }~~

- 2. Page 52, Lines 1581 through 1583:

1581        31A-22-722 or federal COBRA coverage ~~H~~→ [if offered]  
←~~H~~;    {~~and~~}

1582        (c) has not acquired or is not covered under any other group coverage that covers all

1583        preexisting conditions, including maternity, if the coverage exists ~~;~~ and

(d) resides in the insurer's service area .

- 3. Page 52, Lines 1597 through 1599:

1597        ~~H~~→        {~~-~~} or {~~+~~}    ←~~H~~

1598        (iii) made intentional misrepresentation of material fact under the terms of coverage~~[-];~~

1599  $\hat{H} \rightarrow$  { ~~-(iv) individual no longer resides in the service area;~~  
~~or~~ }  $\leftarrow \hat{H}$  or

Representative Dunnigan’s motion to amend passed on a voice vote.

**H.B. 236**, as amended, then passed on the following roll call:

**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Hendrickson	Hogue	Holdaway	Hughes
E. Hutchings	B. Johnson	King	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wiley
Curtis			

**Absent or not voting were:** Representatives

Buttars	Fowlke	Harper	Hunsaker
Jones	Kiser	Morgan	Ray
Wheeler	Wyatt		

**H.B. 236**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 135**, IMPLEMENTING FEDERAL EDUCATIONAL PROGRAMS, read the third time by short title and placed on its final passage.

On motion of Representative Dayton, the House voted to circle **H.B. 135**.

\* \* \*

**H.J.R. 3**, RESOLUTION REGARDING NO CHILD LEFT BEHIND, read the third time by short title and placed on its final passage.



**H.J.R. 3** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
King	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Alexander	Buxton	Jones	Kiser
Ray			

**H.J.R. 3** transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Dayton, the House voted to uncircle **H.B. 135**.

**H.B. 135**, IMPLEMENTING FEDERAL EDUCATIONAL PROGRAMS, was before the House on its final passage.

**H.B. 135** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski

Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Jones                      Ray

**H.B. 135** transmitted to the Senate for its consideration.

\* \* \*

On motion of Representative Ferrin, the House voted to uncircle **H.B. 189**.

**H.B. 189**, APPLIED TECHNOLOGY PROGRAM AMENDMENTS, was before the House on its final passage.

Representative Ferrin proposed the following amendment:

1. Page 1, Lines 9 through 11

9            This bill authorizes a {~~local school board or~~} charter  
school to allow a student in grade

10        seven or eight to earn additional credit in certain subjects in lieu of  
taking the

11        Technology, Life, and Careers course.

2. Page 1, Lines 14 through 19:

14        ►        authorizes a {~~local school board or~~} charter  
school to allow a student in grade seven or

15 eight to earn one additional unit of credit in certain subjects in lieu  
of taking the

16 Technology, Life, and Careers course; and

17 ► provides that a {~~local school board or~~} charter  
school is not required to offer the

18 Technology, Life, and Careers course if at least six hours of  
alternative career and agri-business instruction is provided and other  
courses are offered that may be

19 substituted for the Technology, Life, and Careers course.

3. Page 2, Lines 55 through 58:

55 (6) (a) In lieu of taking the Technology, Life, and Careers  
course, a {~~local school board~~

56 ~~or~~ } charter school may allow a student in grade seven or eight to  
earn one additional unit of

57 credit in language arts, mathematics, science, social studies, or  
computer technology beyond

58 the minimum credit requirements for those subjects in grades seven  
and eight.

4. Page 3, Lines 59 through 61:

59 (b) A { local school board or } charter school is not  
required to offer the Technology, Life,

60 and Careers course if ;

(i) other courses are offered that may be substituted for the Technology,

61 Life, and Careers course, as provided in Subsection (6)(a) ; and

(ii) at least six hours of alternative instruction in careers and  
agri-business is provided by the charter school .

Representative Ferrin’s motion to amend passed on a voice vote.

**H.B. 189**, as amended, then failed to pass on the following roll call:

**Yeas, 25; Nays, 41; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Clark	D. Cox
Daw	Dayton	Donnelson	Ferrin

Fowlke	Frank	Hardy	Harper
Hughes	E. Hutchings	Kiser	Lawrence
Lockhart	Mascaro	Morley	Newbold
Oda	Painter	Tilton	Walker
Wallace			

**Voting in the negative were:** Representatives

Adams	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
Cosgrove	Dee	Duckworth	Dunnigan
Fisher	Gibson	Goodfellow	Gowans
Hansen	Hendrickson	Hogue	Hunsaker
King	Last	Litvack	Mathis
McGee	Menlove	Morgan	Moss
Murray	Noel	Romero	Shurtliff
G. Snow	Wheatley	Wheeler	Wiley
Wyatt			

**Absent or not voting were:** Representatives

Dougall	Ferry	Holdaway	B. Johnson
Jones	Ray	Ure	Urquhart
Curtis			

**H.B. 189**, as amended, was filed.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

### AFTERNOON SESSION

The House was called to order by Speaker Curtis at 2:00 p.m.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 15, 2005

The Senate passed, as amended, **S.B. 19**, DISEASE TESTING OF INDIVIDUALS EXPOSED TO BLOOD BORNE PATHOGENS, by Senator P. Arent, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 41**, SCHOOL AND INSTITUTIONAL TRUST LANDS MANAGEMENT ACT REVISIONS, by Senator M. Dmitrich, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 80**, SPECIAL SERVICE DISTRICTS – SERVICE EXPANSION, by Senator M. Dmitrich, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 134**, POWERSPORT VEHICLE FRANCHISE ACT, by Senator D. Eastman, and it is transmitted for consideration; and

The Senate passed **S.B. 138**, JUDGMENT INTEREST AMENDMENTS, by Senator E. Mayne, and it is transmitted for consideration; and

The Senate passed **S.B. 141**, MILITARY INSTALLATION PARTNERSHIPS, by Senator S. Killpack, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 144**, MOTOR VEHICLE STOPS AT PORT-OF-ENTRY, by Senator P. Knudson, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 148**, CONSERVATION EASEMENT ENDOWMENT RESTRICTED ACCOUNT, by Senator B. Evans, and it is transmitted for consideration; and

The Senate passed **S.B. 163**, CAPITOL PRESERVATION BOARD AMENDMENTS, by Senator B. Evans, and it is transmitted for consideration; and

The Senate passed **S.C.R. 5**, RESOLUTION APPROVING SETTLEMENT OF LAWSUIT, by Senator P. Knudson, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 19**, **S.B. 41**, **Sub. S.B. 80**, **S.B. 134**, **S.B. 138**, **S.B. 141**, **S.B. 144**, **S.B. 148**, **S.B. 163**, and **S.C.R. 5**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 15, 2005

The Senate passed, **H.B. 173**, STATE EMPLOYEE AMENDMENTS, by Representative A. Hardy, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 173** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 14, 2005

The Business and Labor Committee reports a favorable recommendation on **H.B. 273**, REAL ESTATE AND MECHANICS LIENS – SECURITY ALTERNATIVES, by Representative M. Morley, and recommends it be placed on the Consent Calendar; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 349**, MONEY MANAGEMENT ACT AMENDMENTS, by Representative D. Clark, with the following amendments and recommends it be placed on the Consent Calendar.

1. Page 1, Lines 10 through 13:

10 This bill:

11 ► amends the State Money Management Act to provide that a certified investment

12 adviser's violation of rules and orders under the act must be {~~willful~~} intentional in order for a

13 criminal penalty to apply.

2. Page 1, Lines 25 through 27:

25 (1) Each certified investment adviser who {~~willfully~~} intentionally violates Section 51-7-7, 51-7-11, or

26 51-7-11.5, or who {~~willfully~~} intentionally violates any rule or order under this chapter is guilty of a third

27 degree felony.

The Business and Labor Committee reports a favorable recommendation on **H.R. 9**, HOUSE RESOLUTION DISCOURAGING PARTICIPATION IN FREE TRADE AREAS OF THE AMERICAS, by Representative G. Donnelson, and recommends it be placed on the Consent Calendar; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 255**, INVESTMENT OF HIGHER EDUCATION INSTITUTION

ENDOWMENT FUNDS, by Representative D. Clark, with the following amendments:

1. Page 6, Lines 152 through 156:
  - 152 (1) The State Board of Regents shall:
  - 153 (a) establish asset allocations for the endowment funds;
  - 154 (b) in consultation with the commissioner of higher education,  
establish guidelines for
  - 155 investing the funds; and
  - 156 (c) establish a written policy governing conflicts of  
interest.
  
2. Page 6, Lines 168 through 175:
  - 168 (b) The investment policy shall:
  - 169 (i) define the groups, and the responsibilities of those groups,  
that must be involved
  - 170 with investing the endowment funds;
  - 171 (ii) ensure that the groups defined under Subsection (3)(b)(i) at  
least include the board
  - 172 of trustees, an investment committee, institutional staff, and a  
custodian bank;
  - 173 (iii) create an investment committee that includes not more than  
two members of the
  - 174 board of trustees and no less than two independent investment  
management professionals;
  - 175 (iv) determine an appropriate risk level for the endowment  
funds;
  
3. Page 8, Lines 224 through 229:
  - 224 (b) "Endowment funds" does not mean monies used for the  
general operation of a
  - 225 higher education institution that are received by the higher  
education institution from:
  - 226 (i) state appropriations;
  - 227 (ii) federal contracts;

228 (iii) federal grants; { ~~or~~ }

229 (iv) private research grants; and  
 (v) tuition and fees collected from students.

4. Page 10, Lines 282 through 287:

282 [(21)] (23) { ~~(a)~~ } “Public funds” means monies, funds,  
 and accounts, regardless of the

283 source from which the monies, funds, and accounts are derived, that  
 are owned, held, or

284 administered by the state or any of its boards, commissions,  
 institutions, departments,

285 divisions, agencies, bureaus, laboratories, or other similar  
 instrumentalities, or any county, city,

286 school district, political subdivision, or other public body.

287 { ~~(b) “Public funds” does not mean endowment funds.~~ }

5. Page 11, Lines 312 through 319:

312 [(27)] (29) { ~~(a)~~ } “State funds” means:

313 { ~~(i)~~ } (a) { ~~(i)~~ } { ~~(ii)~~ } public monies raised by  
 operation of law for the support and operation of the

314 state government; and

315 { ~~(b)~~ } { ~~(ii)~~ } all other monies, funds, and  
 accounts, regardless of the source from which the

316 monies, funds, or accounts are derived, that are owned, held, or  
 administered by the state or any

317 of its boards, commissions, institutions, departments, divisions,  
 agencies, bureaus, laboratories,

318 or other similar instrumentalities.

319 { ~~(b) “State funds” does not mean endowment funds.~~ }

The Business and Labor Committee reports a favorable recommendation on  
**1st Sub. S.B. 48, INSURANCE CANCELLATION AND NONRENEWAL  
 RESTRICTIONS**, by Senator P. Arent, with the following amendments:



1. Page 4, Line 118 through Page 5, Line 131:

118 (5) Notwithstanding Subsections (2) and (4), an insurer may not cancel or fail to renew

119 ~~§~~ ~~→~~ ~~[an insurance policy]~~ the following personal lines insurance policies ~~←~~ ~~§~~ solely on the basis

119a of:

120 (a) in the case of a motor vehicle insurance policy:

121 (i) a claim from the insured that:

122 (A) results from an accident ;

(I) in which the insured is not at fault; and

(II) the driver of the motor vehicle that is covered by the motor vehicle insurance policy is 21 years of age or older; and

123 (B) is the only claim meeting the condition of Subsection (5)(a)(i)(A) within a

124 36-month period;

125 (ii) a single traffic violation by an insured that:

126 (A) is a violation of a speed limit under Title 41, § ~~→~~ ~~[Chapter 6, Traffic Rules and~~

127 ~~Regulations;]~~ Chapter 6a, Traffic Code;

127a (B) is not in excess of ten miles per hour over the speed limit;

128 ~~[(B)] (C)~~ ~~←~~ ~~§~~ ~~is not a~~ ~~§~~ ~~→~~ ~~[school zone]~~ ~~→~~ ~~§~~ traffic violation under § ~~←~~ ~~:~~

128a (I) Subsection 41-6a-601;

128b (II) ← ~~§~~ Section § ~~→~~ [41-6-48.5;] 41-6a-604; or

128c (III) Section 41-6a-605; { -and }

129 ~~[(C) is not in excess of ten miles per hour over the speed limit; and]~~ ~~←~~ ~~§~~

(D) is not a violation by an insured driver who is younger than 21 years of age; and

130 ~~{ -(D) }~~ (E) is the only violation meeting the conditions of Subsections (5)(a)(ii)(A) through

131 ~~{ -(C) }~~ (D) within a 36-month period;

2. Page 5, Lines 143 through 146a  
Senate 2nd Reading Amendments 2-10-2005:

143     (i) results solely from:  
 144     (A) wind:  
 145     (B) hail: {~~-\$~~→ [~~or~~] ←\$ }     or  
 146     (C) lightning: {~~-\$~~→     ~~or~~  
 146a    (D) fire: ←\$ }

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the Business and Labor committee were adopted.

**H.B. 273, H.B. 349**, as amended, and **H.R. 9**, read the second time by short title and placed on the Consent Calendar.

**H.B. 255**, as amended, and **Sub. S.B. 48**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 14, 2005

The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 118, REVISE UTILITY IMPROVEMENT DISTRICTS**, by Representative D. Ure, with the following amendments:

1. Page 4, line 105:  
After "within" delete "120" and insert "90"
2. Page 6, line 161:  
Delete "35%" and insert "50%"
3. Page 6, line 163:  
Delete "35%" and insert "50%"
4. Page 6, line 165:  
Delete "35%" and insert "50%"
5. Page 6, line 167:  
Delete "35%" and insert "50%"
6. Page 6, line 169:  
Delete "35%" and insert "50%"

- 7. Page 6, line 172:  
Delete “35%” and insert “50%”

Sheryl L. Allen, Chair

Reports filed. On motion of Representative Hunsaker, the reports of the Public Utilities and Technology committee were adopted.

**H.B. 118**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 14, 2005

The Education Committee reports a favorable recommendation on **H.B. 124**, ENROLLMENT GROWTH PROGRAM AMENDMENTS, by Representative B. Last; and

The Education Committee reports a favorable recommendation on **H.B. 148**, SCHOOL TRUANCY AMENDMENTS, by Representative E. Hutchings, with the following amendments:

- 1. Page 3, Lines 60 through 63:
  - 60            ~~{ (4) For the purposes of this section, failure to resolve a~~  
~~child’s excessive absenteeism is~~
  - 61   ~~evidenced by ten unexcused absences, as defined by a school~~  
~~district’s or charter school’s~~
  - 62   ~~policy, following a parent’s receipt of the written notice required~~  
~~under Subsection~~
  - 63   ~~53A-11-103(1)(b). }~~  
(4)(a) For the purposes of this section, a parent is considered to have  
knowingly failed to resolve a child’s excessive absenteeism if the child,  
during any one school year, has ten absences without a valid excuse, as  
defined in Subsection (4)(b), following the parent’s receipt of the written  
notice required under Subsection 53A-11-103(1)(b).  
(b) As used in this section, “valid excuse” means:  
(i) illness;  
(ii) family death or crisis;  
(iii) approved school activity;  
(iv) family activity with prior school notice and approval; or  
(v) additional reasons established by a local school board or school  
community council.

2. Page 3, Lines 73 through 85:

73 (1) For each school-age minor who is or should be enrolled  
within that school district,

74 the local school board or school district shall make efforts to resolve  
a minor's school

75 attendance problems. Those efforts shall include, as reasonably  
feasible:

76 (a) counseling of the minor by school authorities;

77 (b) a written request for parental support in securing regular  
attendance by the minor

78 delivered by certified mail or by hand to the parent, containing  
notice of the requirements of

79 this section [~~and stating that refusal to respond to the notice is a~~  
~~class B misdemeanor~~];

80 (c) at least one meeting with the minor and the parents;

81 (d) any necessary adjustment to the curriculum and schedule to  
meet special needs of

82 the minor; [~~and~~]

83 (e) monitoring school attendance of the minor for a period not to  
exceed 30 days[-];

84 {- and-}

85 (f) consideration of alternatives proposed by the  
parent {- } :and

(g) participation in a truancy mediation.

The Education Committee reports a favorable recommendation on **1st Sub. S.B. 122, RESIDENT TUITION STATUS FOR JOB CORPS STUDENTS**, by Senator G. Bell.

Margaret Dayton, Chair

Reports filed. On motion of Representative Christensen, the reports of the Education committee were adopted.

**H.B. 124, H.B. 148**, as amended, and **Sub. S.B. 122**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 15, 2005

The Government Operations Committee reports a favorable recommendation on **H.B. 119**, NAVAJO TRUST FUND AMENDMENTS, by Representative B. King; and

The Government Operations Committee recommends **H.B. 282**, STATE EMPLOYEE ETHICS AMENDMENTS, by Representative J. Dougall, be replaced and reports a favorable recommendation on **1st Sub. H.B. 282**, STATE EMPLOYEE ETHICS AMENDMENTS with the following amendments:

- 1. Page 4, Line 94:

94 (v) an unsolicited item or memento having a value not exceeding { ~~\$5~~ } \$25 :

- 2. Page 4, Lines 98 through 99:

98 { ~~or~~ }

99 (vii) a bona fide loan made in the ordinary course of business { ~~-~~ } : or

(viii) a gift from a charitable organization to the public employee or his immediate family.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Government Operations committee were adopted.

**H.B. 119** and **Sub. H.B. 282**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 15, 2005

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 96**, AMENDMENTS RELATING TO CLEAN FUELS AND VEHICLES USING CLEAN FUELS, by Representative F. Hunsaker, with the following amendments:

- 1. Page 14, Lines 400 through 405:

400 (2) The HOV lane exception [~~for clean fuel special group license plate vehicles~~] in

401 Subsection { ~~41-6-53.5(5)~~ } 41-6a-702(5) is repealed December 31, [~~2005~~] 2010.

- 402 Section 8. Effective date — Retrospective operation.
- 403 (1) Except as provided in Subsections (2) and (3), this bill takes effect on May 2, 2005.
- 404 (2) Notwithstanding Subsection (1), the amendments to Section {~~41-6-53.5~~} 41-6a-702(5) take effect
- 405 on July 1, 2005.

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 53**, LAND VALUE PROPERTY TAX STUDY, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 121**, PROPERTY TAX EXEMPTION AMENDMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 125**, AMENDMENTS TO INDIVIDUAL INCOME TAX CREDIT FOR SPECIAL NEEDS ADOPTIONS, by Senator P. Hellewell.

Wayne A. Harper, Chair

Reports filed. On motion of Representative Donnelson, the reports of the Revenue and Taxation committee were adopted.

**Sub. H.B. 96**, as amended, **S.B. 53**, **S.B. 121**, and **S.B. 125**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 15, 2005

The Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 87**, CLAIMS AGAINST A COUNTY, by Representative S. Clark; and

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 361**, MUNICIPAL AUTHORITY TO USE COLLECTION AGENCIES, by Representative M. Walker, et al.

Brad L. Dee, Chair

Reports filed. On motion of Representative Dee, the reports of the Political Subdivisions committee were adopted.

**Sub. H.B. 87** and **H.B. 361**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

February 15, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 348, EMPLOYMENT AGENCY REVISIONS**, by Representative J. S. Adams, and recommends it be placed on the Consent Calendar.

David N. Cox, Chair

Report filed. On motion of Representative Cox, the report of the Workforce Services and Community and Economic Development committee was adopted.

**H.B. 348**, read the second time by short title and placed on the Consent Calendar.

### INTRODUCTION OF BILLS

**H.B. 314, Driving with Any Measurable Controlled Substance in the Body Revisions** (M. Noel), read the first time by short title and referred to the Rules Committee.

**H.B. 321, Background Checks for Boarding Schools** (B. Last), read the first time by short title and referred to the Rules Committee.

**H.B. 326, High School Curriculum and Early Graduation** (B. Daw), read the first time by short title and referred to the Rules Committee.

### MISCELLANEOUS BUSINESS

On motion of Representative Dougall, the House voted to lift **Sub. H.B. 97, STATE BUDGET PROVISIONS**, from the Third Reading Calendar and refer it to the Rules Committee for interim study.

### THIRD READING CALENDAR

**H.B. 62, AMENDMENTS TO INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED**, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle **H.B. 62**.

\* \* \*

**H.B. 44, ADDITIONAL STATE RETIREMENT BENEFIT**, read the third time by short title and placed on its final passage.

**H.B. 44** then passed on the following roll call:

**Yeas, 38; Nays, 37; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

S. Allen	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Cosgrove	Daw
Dee	Duckworth	Fowlke	Gibson
Goodfellow	Gowans	Hansen	Hardy
Hendrickson	Hogue	Holdaway	E. Hutchings
Jones	King	Lawrence	Litvack
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Noel
Painter	Ray	Romero	Shurtliff
Wheatley	Wiley		

**Voting in the negative were:** Representatives

Aagard	Adams	Alexander	Barrus
Buttars	Buxton	Christensen	D. Clark
S. Clark	D. Cox	Dayton	Donnelson
Dougall	Dunnigan	Ferrin	Ferry
Fisher	Frank	Harper	Hughes
Hunsaker	B. Johnson	Kiser	Last
Lockhart	Morley	Newbold	Oda
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheeler	Wyatt
Curtis			

**H.B. 44** transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Hughes, the House voted to uncircle **2nd Sub. H.B. 45**.

**2nd Sub. H.B. 45**, ASSESSMENT OF PROPERTY AFFECTED BY BUSINESS INTERRUPTION, was before the House on its final passage.

On motion of Representative Hughes, under suspension of the rules, the House voted to consider **2nd Sub. H.B. 45** read the first, second, and third times by short title.

**2nd Sub. H.B. 45** then passed on the following roll call:



**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Absent or not voting was:** Representative

Curtis

**2nd Sub. H.B. 45** transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.B. 217, PUBLIC SAFETY RETIREMENT – EXEMPTION OF CERTAIN EMPLOYEES**, read the third time by short title and placed on its final passage.

**H.B. 217** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson

Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

**Absent or not voting were:** Representatives

Bigelow                      Curtis

**H.B. 217** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 121**, PROPERTY EXEMPT FROM EXECUTION, read the third time by short title and placed on its final passage.

Representative Christensen proposed the following amendment:

1. Page 1, Line 14:  
Delete "\$250,000 of"
2. Page 3, Line 76:  
Delete "\$250,000 of"
3. Page 3, Lines 77–79:  
After "children of the debtor" delete the rest of the line and lines 78 and 79.
4. Page 3, Line 80:  
Delete "\$250,000 of"
5. Page 3, Lines 81–82:  
After "death of the debtor" delete the rest of the line and lines 81 and 82.

Representative D. Clark proposed the following substitute motion to amend:

- 1. Page 3, Line 77:  
After “spouse or” insert “dependent”
- 2. Page 3, Line 81:  
After “spouse or” insert “dependent”

Representative D. Clark’s motion to amend passed on the following roll call:

**Yeas, 38; Nays, 29; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bourdeaux	Bowman	Buttars
Buxton	D. Clark	D. Cox	Daw
Dayton	Dee	Fisher	Fowlke
Goodfellow	Gowans	Harper	Hogue
Holdaway	Hunsaker	B. Johnson	Jones
Last	Lawrence	Mascaro	Menlove
Murray	Newbold	Ray	Romero
G. Snow	Urquhart	Wheatley	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Becker	Christensen	S. Clark	Cosgrove
Donnelson	Duckworth	Dunnigan	Ferrin
Ferry	Frank	Gibson	Hansen
Hughes	E. Hutchings	King	Kiser
Mathis	McGee	Morgan	Morley
Moss	Noel	Oda	Painter
Shurtliff	Tilton	Walker	Wallace
Wiley			

**Absent or not voting were:** Representatives

Bigelow	Biskupski	Dougall	Hardy
Hendrickson	Litvack	Lockhart	Ure

###

Representative Christensen proposed the following amendment:

- 1. Page 1, Line 14:  
Delete “\$250,000 of”
- 2. Page 3, Line 76:  
Delete “\$250,000 of”

3. Page 3, Lines 77–79:  
After “children of the debtor” delete the rest of the line and lines 78 and 79.
4. Page 3, Line 80:  
Delete “\$250,000 of”
5. Page 3, Lines 81–82:  
After “death of the debtor” delete the rest of line 81 and line 82.

Representative Christensen’s motion to amend passed on the following roll call:

**Yeas, 41; Nays, 21; Absent or not voting, 13.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Becker	Bowman	Buttars	Buxton
Christensen	Dayton	Dee	Donnelson
Duckworth	Dunnigan	Ferrin	Ferry
Frank	Gibson	Gowans	Hansen
Harper	Hogue	Holdaway	Hunsaker
Kiser	Last	Lawrence	Lockhart
Mathis	Menlove	Morgan	Morley
Moss	Murray	Noel	Oda
Painter	Shurtliff	Walker	Wallace
Wiley			

**Voting in the negative were:** Representatives

Barrus	Bourdeaux	Cosgrove	D. Cox
Daw	Fisher	Fowlke	Goodfellow
B. Johnson	Jones	King	Mascaro
McGee	Newbold	Ray	Romero
G. Snow	Wheatley	Wheeler	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Bigelow	Biskupski	D. Clark	S. Clark
Dougall	Hardy	Hendrickson	Hughes
E. Hutchings	Litvack	Tilton	Ure
Urquhart			

**H.B. 121**, as amended, then passed on the following roll call:

**Yeas, 61; Nays, 7; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	Jones	King
Last	Lawrence	Litvack	Mascaro
Mathis	Morgan	Morley	Moss
Murray	Noel	Oda	Painter
Ray	G. Snow	Tilton	Ure
Walker	Wallace	Wheatley	Wheeler
Wiley			

**Voting in the negative were:** Representatives

Dougall	McGee	Newbold	Romero
Urquhart	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Bigelow	E. Hutchings	B. Johnson	Kiser
Lockhart	Menlove	Shurtliff	

**H.B. 121**, as amended, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until February 16, 2005, at 10:00 a.m.

# THIRTY–FIRST DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present.

Pledge of Allegiance and prayer by Representative Joseph Murray.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 15, 2005

The Senate passed, as amended, **S.B. 51**, NEW MOTOR VEHICLE FRANCHISE ACT AMENDMENTS, by Senator D. Eastman, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 132**, HEALTH CARE CONSUMER'S REPORT, by Senator A. Christensen, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 51** and **S.B. 132**, read the first time by short title and referred to the Rules Committee.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 15, 2005

The Judiciary Committee reports a favorable recommendation on **H.B. 252**, MARRIAGE PREPARATION EDUCATION, by Representative R. McGee, with the following amendments:

1. Page 4, Lines 93 through 94:

93 (B) the minister's designee, who shall be a person trained or  
designated by the minister or

94 denomination to conduct premarital education;

The Judiciary Committee reports a favorable recommendation on **H.B. 297**, AGGRAVATED MURDER AMENDMENTS, by Representative S. Wyatt; and

The Judiciary Committee reports a favorable recommendation on **H.B. 259**, ADOPTION AMENDMENTS, by Representative A. Hardy.

James A. Ferrin, Chair

Reports filed. On motion of Representative Ferrin, the reports of the Judiciary committee were adopted.

**H.B. 252**, as amended, **H.B. 297**, and **H.B. 259**, read the second time by short title and placed on the calendar for third reading.

### CONSENT CALENDAR

**H.B. 223**, AMENDMENTS TO DRIVER LICENSE AND IDENTIFICATION CARDS, read the third time by short title and placed on its final passage.

**H.B. 223** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Alexander	Buttars	Ferry	B. Johnson
Wiley			

**H.B. 223** transmitted to the Senate for its consideration.

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**H.B. 276**, DIVISION OF CRIMINAL INVESTIGATION AND TECHNICAL SERVICES AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 276** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

D. Clark	E. Hutchings
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**H.B. 276** transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Mathis, the House voted to uncircle **S.B. 47**.

**S.B. 47**, WRONGFUL LIEN OFFENSES, was before the House on its final passage.



Representative Mathis proposed the following amendment:

1. Page 3, Lines 71 through 72

71 As used in this chapter, “wrongful lien” refers to a lien made in violation of Section

72 76-6-503.5 , and includes an instrument or document as defined in Section 38-9-1 .

2. Page 8, Line 242 through Page 9, Line 245:

242 (1) “Lien” means:

243 (a) an instrument or document filed pursuant to Section 70A-9a-516;

244 (b) an instrument or document { ~~filed pursuant to or authorized by Title 38, Chapter 9~~ } described in Subsection 38-9-1(6) .

245 Wrongful Liens and Wrongful Judgment Liens; and

3. Page 9, Line 246:

246 (c) any instrument or document that creates or purports to create a lien or encumbrance on an owner’s

4. Page 9, Lines 247 through 248:

247 interest in real or personal property or a claim on another’s assets.

248 (2) A person is guilty of the crime of { ~~making a~~ } wrongful lien if that person knowingly

5. Page 9, Line 261:

261 (b) { ~~Fraudulent handling of recordable writings~~ } A violation of Subsection (4)(a) is a third degree felony unless the

6. Page 9, Lines 269 through 270:

269 removes, or conceals any writing { ~~—~~ } , other than the writings enumerated in Section { ~~—~~ } [76-6-503, or] 76-6-503.5

270 for which the law provides public recording or any record, public or private, with intent to

Representative Mathis’ motion to amend passed on a voice vote.

**S.B. 47**, as amended, then passed on the following roll call:

**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting was:** Representative

Menlove

**S.B. 47**, as amended, returned to the Senate for further consideration.

\* \* \*

On motion of Representative Dayton, the House voted to uncircle **S.B. 120**.

**S.B. 120**, ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS, was before the House on its final passage.

**S.B. 120**, as amended, then passed on the following roll call:

**Yeas, 70; Nays, 1; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski

Bourdeaux	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Murray	Newbold
Noel	Painter	Ray	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Voting in the negative was:** Representative Romero

**Absent or not voting were:** Representatives

Bowman	Moss	Oda	Curtis
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**S.B. 120**, as amended, returned to the Senate for further consideration.

**THIRD READING CALENDAR**

**Sub. S.J.R. 8**, JOINT RULES RESOLUTION – APPEARANCE OF BILLS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **Sub. S.J.R. 8**.

\* \* \*

**S.J.R. 10**, RESOLUTION TO CONGRESS REGARDING OIL AND GAS DRILLING AND EXPLORATION, read the third time by short title and placed on its final passage.

**S.J.R. 10** then passed on the following roll call:

**Yeas, 64; Nays, 6; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bourdeaux	Bowman

Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Mascaro	Mathis	Menlove
Morgan	Morley	Murray	Noel
Painter	Ray	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt

**Voting in the negative were:** Representatives

Becker	Biskupski	Litvack	McGee
Romero	Wiley		

**Absent or not voting were:** Representatives

Lockhart	Moss	Newbold	Oda
Curtis			

**S.J.R. 10** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

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**S.B. 74, MEDICAL RESERVE CORPS**, read the third time by short title and placed on its final passage.

**S.B. 74**, as amended, then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry

Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Absent or not voting were:** Representatives

Alexander	Buxton	B. Johnson	Oda
Curtis			

**S.B. 74**, as amended, returned to the Senate for further consideration.

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**S.B. 126**, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle **S.B. 126**.

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**S.B. 73**, TAMPERING WITH EVIDENCE, read the third time by short title and placed on its final passage.

**S.B. 73** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans

Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

**Absent or not voting were:** Representatives

B. Johnson                  Curtis

**S.B. 73** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 54, PROPERTY TAX CONFIDENTIALITY AMENDMENTS**, read the third time by short title and placed on its final passage.

**S.B. 54** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel

Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

E. Hutchings	B. Johnson	Lockhart	Curtis
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**S.B. 54** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**Sub. S.B. 10**, LIABILITY REFORM ACT AMENDMENTS, read the third time by short title and placed on its final passage.

**Sub. S.B. 10** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	Jones	King
Kiser	Last	Litvack	Mascaro
Mathis	McGee	Menlove	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Dayton	Hardy	E. Hutchings	B. Johnson
Lawrence	Lockhart	Morgan	Curtis

**Sub. S.B. 10** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### UNFINISHED BUSINESS

On motion of Representative Ure, the House voted to uncircle **Sub. S.B. 44**.

**Sub. S.B. 44**, GOVERNMENT RECORDS AMENDMENTS, was before the House on its final passage.

**Sub. S.B. 44** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Hughes	Hunsaker	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Holdaway	E. Hutchings	Lockhart	Curtis
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**Sub. S.B. 44** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### THIRD READING CALENDAR

**S.B. 14**, UNIFORM PARENTAGE ACT, read the third time by short title and placed on its final passage.



On motion of Representative Fowlke, the House voted to circle **S.B. 14**.

\* \* \*

**Sub. S.B. 135**, DRUG COURTS PILOT PROJECT, read the third time by short title and placed on its final passage.

**Sub. S.B. 135** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Absent or not voting were:** Representatives

Hunsaker	B. Johnson	Lockhart	Urquhart
Curtis			

**Sub. S.B. 135** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**COMMITTEE OF THE WHOLE**

On motion of Representative Alexander, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing Representative Bud Bowman present a citation to Martin Tyne who presented his Golden Eagle named Bud.

On motion of Representative Alexander, the Committee of the Whole was dissolved.

### UNFINISHED BUSINESS

On motion of Representative Alexander, the House voted to uncircle **S.B. 115**.

**S.B. 115**, PERMANENT TOTAL DISABILITY AMENDMENTS, was before the House on its final passage.

**S.B. 115** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheeler	Wiley
Wyatt			

**Absent or not voting were:** Representatives

Dayton	Gibson	Lockhart	Ure
Wheatley	Curtis		

**S.B. 115** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**THIRD READING CALENDAR**

**S.B. 130, RETIREMENT FOR AIRPORT POLICE**, read the third time by short title and placed on its final passage.

**S.B. 130** then passed on the following roll call:

**Yeas, 48; Nays, 21; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bowman	Buxton
D. Clark	Cosgrove	D. Cox	Dee
Duckworth	Ferry	Fowlke	Goodfellow
Hansen	Hardy	Harper	Hendrickson
Hogue	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Last	Lawrence
Litvack	Mascaro	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	Ure	Wallace
Wheatley	Wheeler	Wiley	Wyatt

**Voting in the negative were:** Representatives

Adams	Alexander	Buttars	Christensen
S. Clark	Daw	Dayton	Donnelson
Dougall	Dunnigan	Ferrin	Fisher
Frank	Hughes	Kiser	Mathis
Morley	G. Snow	Tilton	Urquhart
Walker			

**Absent or not voting were:** Representatives

Bourdeaux	Gibson	Gowans	Holdaway
Lockhart	Curtis		

**S.B. 130** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 50, CONTROLLED SUBSTANCE AMENDMENTS**, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **S.B. 50**.

\* \* \*

**Sub. S.B. 48**, INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS, read the third time by short title and placed on its final passage.

On motion of Representative Oda, the House voted to circle **Sub. S.B. 48**.

\* \* \*

**Sub. S.B. 122**, RESIDENT TUITION STATUS FOR JOB CORPS STUDENTS, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **Sub. S.B. 122**.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

### AFTERNOON SESSION

The House was called to order by Speaker Curtis at 2:00 p.m.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 16, 2005

The Senate passed, as substituted, **S.B. 75**, PUBLIC SAFETY DATABASE AMENDMENTS, by Senator E. Mayne, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 149**, PETE SUAZO ATHLETIC COMMISSION AMENDMENTS, by Senator E. Mayne, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 150**, FOOD SAFETY MANAGER CERTIFICATION, by Senator D. Peterson, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 152**, BUSINESS LICENSE FEES, by Senator M. Waddoups, and it is transmitted for consideration; and

The Senate passed **S.B. 157**, UTAH CONSUMER CREDIT CODE AMENDMENTS, by Senator P. Knudson, and it is transmitted for consideration; and

The Senate passed **S.B. 158**, DISHONORED INSTRUMENT AMENDMENTS, by Senator P. Knudson, and it is transmitted for consideration; and

The Senate passed **S.B. 161**, AMENDMENTS TO THE PROPERTY TAX VALUATION AGENCY FUND ASSESSING AND COLLECTING LEVY, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed **S.B. 174**, SECURITY SERVICE AMENDMENTS, by Senator R. Allen, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 182**, VETERINARY PRACTICE ACT – EXEMPTIONS, by Senator M. Dmitrich, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 75**, **Sub. S.B. 149**, **Sub. S.B. 150**, **Sub. S.B. 152**, **S.B. 157**, **S.B. 158**, **S.B. 161**, **S.B. 174**, and **S.B. 182**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 16, 2005

The Senate passed, **H.B. 23**, DEPARTMENT OF WORKFORCE SERVICES – WORK EXPERIENCE AND TRAINING PROGRAMS, by Representative D. Cox, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 90**, SEARCH AND RESCUE ADVISORY BOARD – AMENDMENTS, by Representative J. S. Adams, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 222**, PILOT PROGRAM REPEAL CLEAN-UP, by Representative R. Romero, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 23**, **H.B. 90**, and **H.B. 222** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: February 16, 2005  
The Senate passed, as amended, **H.B. 30**, CONSUMER SALES PRACTICES ACT AMENDMENTS, by Representative T. Kiser, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 30**, placed on the calendar for concurrence.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 16, 2005  
The Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 126**, AMENDMENTS TO FACILITIES WITH REGIONAL IMPACT, by Representative G. Hughes, with the following amendments:

1. Page 2, Line 29:  
After “means a” insert “specified local entity’s”
2. Page 2, Lines 57–58:  
Delete lines 57 through 58  
Re-number Accordingly
3. Page 3, Line 65:  
After “plan;” insert “and”
4. Page 3, Line 68:  
After “land” delete “; and”  
Insert “.”
5. Page 3, Lines 69–70:  
Delete lines 69 through 70  
Re-number Accordingly
6. Page 3, Line 75:  
After “means a” insert “specified local entity’s”
7. Page 4, Lines 103–104:  
Delete lines 103 through 104  
Re-number Accordingly

8. Page 4, Line 111:  
After "plan," insert "and"
9. Page 4, Line 114:  
After "land" delete "; and"  
Insert "."
10. Page 4, Lines 115–116:  
Delete lines 115 through 116

The Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 127**, TAX, FEE, OR CHARGE AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 41, Line 1266:

1266 (b) sales of an item described in Subsection (12)(c) provided for  
a patient {~~at~~} by :

Sheryl L. Allen, Chair

Reports filed. On motion of Representative Allen, the reports of the Public Utilities and Technology committee were adopted.

**H.B. 126**, as amended, read the second time by short title and placed on the calendar for third reading.

**S.B. 127**, as amended, read the second time by short title and referred to the Rules Committee due to fiscal impact.

\* \* \*

Mr. Speaker:

February 16, 2005

The Education Committee reports a favorable recommendation on **H.B. 129**, SCHOOL UNIFORMS, by Representative C. Frank, with the following amendments:

1. Page 3, Lines 74 through 76:

74 (5) A school uniform policy shall include a provision allowing a  
principal at any time

75 during the school year to grant an exemption from wearing a school  
uniform to a student

76 because of extenuating circumstances.

(6)(a) If a school adopts a school uniform policy under this part, that

school's governing body or local school board shall adopt local appellate procedures for school actions under this part, including a denial of an exemption requested under Subsection (5).

(b) A person may seek judicial review of an action under this part only after exhausting the remedies provided under this Subsection (6).

2. Page 2, Lines 46 through 47:

46 (b) the wearing of certain types of clothing  
 { ~~identifies~~ } may identify students as members of youth

47 gangs and { ~~has contributed~~ } contribute to disruptive  
 behavior and violence in the schools;

3. Page 2, Lines 52 through 58:

52 (d) school uniforms may:

53 (i) decrease violence and theft among students { ~~over~~  
~~designer clothing or expensive~~

54 shoes } ; and

55 (ii) { ~~instill students with discipline:~~ } foster and  
promote desirable school operating conditions and a positive educational  
environment in accordance with this part.

56 { ~~(iii) help parents and students resist peer pressure;~~

57 (iv) help students concentrate on their school work; and

58 (v) help school officials recognize intruders who come to a  
school. }

4. Page 3, Lines 59 through 60:

59 (2) { ~~A~~ } In accordance with Section 53A-15-1003,  
a school may adopt a school uniform policy that requires students  
enrolled at that

60 school to wear a designated school uniform during the school day.

The Education Committee reports a favorable recommendation on **H.B. 249**, CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS, by Representative M. Newbold, et al, with the following amendments:



- 1. Page 2, Lines 57 through 60:

57        The Legislature finds that:

58        (1) the state system of public education as established and maintained under the state

59        constitution { ~~is charged with making available a free public education for~~ } shall be open to all children of the

60        state;

- 2. Page 3, Line 87 through Page 4, Line 92:

87        (1) "Assessment team" means a team consisting of:

88        (a) the student's parent or guardian;

89        (b) the student's private school classroom teacher;

90        (c) special education personnel from the student's resident school district; and

91        (d) if available, special education personnel from the private school at which the

92        student is enrolled.

- 3. Page 5, Line 147 through Page 6, Line 155:

147        (5) (a) The scholarship application form shall contain the following statement:

148        "I acknowledge that:

149        (1) A private school may not provide the same level of special education services that

150        are provided in a public school; {~~and~~ }

151        (2) I will assume full financial responsibility for the education of my scholarship

152        student if I accept this scholarship ; and

(3) Acceptance of this scholarship has the same effect as a parental refusal to consent to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act 20 U.S.C. Sec. 1400 et seq ."

153        (b) Upon acceptance of the scholarship, the parent assumes full financial responsibility

154 for the education of the scholarship student.

(c) Acceptance of a scholarship has the same effect as a parental refusal to consent to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

155        {~~(e)~~ }    (d) The creation of the scholarship program or granting of a scholarship does not:

The Education Committee reports a favorable recommendation on **H.B. 362**, APPROPRIATION FOR HIGHLY QUALIFIED TEACHERS, by Representative K. Holdaway; and

The Education Committee reports a favorable recommendation on **H.B. 346**, SCHOOLS FOR THE DEAF AND THE BLIND SALARY ADJUSTMENTS, by Representative K. Morgan, and recommends it be placed on the Consent Calendar.

Margaret Dayton, Chair

Reports filed. On motion of Representative Dayton, the reports of the Education committee were adopted.

**H.B. 129**, as amended, **H.B. 249**, as amended, and **H.B. 362**, read the second time by short title and placed on the calendar for third reading.

**H.B. 346**, read the second time by short title and placed on the Consent Calendar.

\* \* \*

Mr. Speaker:

February 16, 2005

The Health and Human Services Committee reports a favorable recommendation on **H.B. 303**, SHELTER HEARING AMENDMENTS, by Representative E. Hutchings; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 310**, AGING AND ADULT SERVICES PROGRAM AMENDMENTS, by Representative E. Hutchings, with the following amendments:

1. Page 2, Lines 33 through 34:

33        (c) administer, coordinate, and monitor home and community based in-home care and other

34 alternatives for the aging and adult population of the state; and

2. Page 2, Lines 52 through 55:

52 (ii) designate an area agency on high risk adults within each planning and service area

53 in accordance with Subsection (3)(b) to design and implement a comprehensive and

54 coordinated system of case management and programs for high risk adults { ~~including home and~~

55 ~~community based in-home care programs.~~ } within appropriations from the Legislature.

3. Page 5, Lines 121 through 123:

121 (b) design and implement a comprehensive and coordinated system of services

122 including home and community based in-home care within a designated planning and service

123 area pursuant to rules promulgated by the division ;

The Health and Human Services Committee reports a favorable recommendation on **S.B. 72**, CHILD WELFARE AMENDMENTS, by Senator D. Eastman.

Bradley G. Last, Chair

Reports filed. On motion of Representative Ray, the reports of the Health and Human Services committee were adopted.

**H.B. 303** and **H.B. 310**, as amended, read the second time by short title and placed on the calendar for third reading.

**S.B. 72**, read the second time by short title and referred to the Rules Committee due to fiscal impact.

\* \* \*

Mr. Speaker:

February 16, 2005

The Business and Labor Committee recommends **H.B. 302**, REGULATION OF CONSTRUCTION INDUSTRY, by Representative J. S. Adams, be replaced and favorably recommends **1st Sub. H.B. 302**, REGULATION OF CONSTRUCTION INDUSTRY.

Stephen D. Clark, Chair

Reports filed. On motion of Representative Ferry, the reports of the Business and Labor committee were adopted.

**Sub. H.B. 302**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

February 15, 2005

The Law Enforcement and Criminal Justice Committee recommends **1st Sub. H.B. 153**, SECURITY FOR PUBLIC SCHOOLS, by Representative S. Allen, be replaced and reports a favorable recommendation on **2nd Sub. H.B. 153**, SECURITY FOR PUBLIC SCHOOLS with the following amendments:

1. Page 3, Lines 57 through 67:

57           {~~—~~} (viii) school district police officers as designated by  
the board of education for the   {~~—~~}

58        {~~—~~} school district;   {~~—~~}

59           {~~—~~} (ix)   {~~—~~}   {~~—(viii)~~} } the executive director  
of the Department of Corrections and any

60    correctional enforcement or investigative officer designated by the  
executive director and

61    approved by the commissioner of public safety and certified by the  
division;

62           {~~—~~} (x)   {~~—~~}   {~~—(ix)~~} } correctional enforcement,  
investigative, or adult probation and parole officers

63    employed by the Department of Corrections serving on or before  
July 1, 1993;

64           {~~—~~} (xi)   {~~—~~}    {~~—(x)~~} } members of a law  
enforcement agency established by a private college or

65    university provided that the college or university has been certified  
by the commissioner of

66    public safety according to rules of the Department of Public Safety;  
and

67           {~~—~~} (xii)   {~~—~~}    {~~—(xi)~~} } airport police officers  
of any airport owned or operated by the state or any of

2. Page 8, Lines 212 through 236:

212 (ii) contract with individuals, organizations, or private  
213 security firms for security services as provided by the board of  
214 education for the district ; or

{-213 (iii) employ personnel to serve as special function  
214 officers, as defined in Section

214 53-13-105.

215 (b) (i) A special function officer employed by a local school  
216 board may exercise law

216 enforcement authority as described in, and subject to the training  
217 requirements of, Section

217 53-13-103, except as provided in Subsections (19)(b)(ii) and (iii).

218 (ii) The jurisdiction in which a special function officer  
219 employed by a local school

219 board may exercise law enforcement authority shall be  
220 geographically limited to the area

220 within 1000 feet of real property or facilities owned or operated by  
221 the school district.

221 (iii) A special function officer employed by a local school  
222 board:

222 (A) may transport a person detained to a local law enforcement  
223 agency; and

223 (B) may not exercise law enforcement authority outside of the  
224 limited geographic area

224 described in Subsection (19) (b)(ii) pursuant to Title 77, Chapter 9,  
225 Uniform Act on Fresh

225 Pursuit.

226 (c) (i) If a local school board employs special function officers,  
227 the local school board

227 shall submit a report by August 31, 2006 to the Law Enforcement  
228 and Criminal Justice Interim

228 Committee and the Education Interim Committee evaluating the  
229 cost effectiveness of

229 employing special function officers.

230 (ii) The report shall address the costs and outcomes of  
 231 employing special function

232 officers.

233 (iii) A local school board shall consult with the local law  
 234 enforcement agencies having

235 jurisdiction within the school district in preparing the report.

236 (d) (i) A local school board may not employ personnel to serve  
 237 as law enforcement

238 officers, as defined in Section 53–13–103, except as provided in  
 239 Subsection (19)(d)(ii).–}

240 {–(ii)} } iii A local school board may employ law  
 241 enforcement officers on a temporary.

The Law Enforcement and Criminal Justice Committee recommends **H.B. 338, CHILD AND FAMILY WELFARE REVISIONS**, by Representative L. Christensen, be replaced and favorably recommends **1st Sub. H.B. 338, CHILD AND FAMILY WELFARE REVISIONS**; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **S.B. 146, AVOIDING APPREHENSION AMENDMENT**, by Senator M. Waddoups.

DeMar “Bud” Bowman, Chair

Reports filed. On motion of Representative Bowman, the reports of the Law Enforcement and Criminal Justice committee were adopted.

**2nd Sub. H.B. 153**, as amended, and **Sub. H.B. 338**, read the second time by short title and placed on the calendar for third reading.

**S.B. 146**, read the second time by short title and referred to the Rules Committee due to fiscal impact.

### THIRD READING CALENDAR

**S.B. 53, LAND VALUE PROPERTY TAX STUDY**, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **S.B. 53**.

\* \* \*

**S.B. 121, PROPERTY TAX EXEMPTION AMENDMENTS**, read the third time by short title and placed on its final passage.

**S.B. 121** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Lockhart	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

S. Clark	Gowans	Litvack	Mascaro
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**S.B. 121** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### UNFINISHED BUSINESS

On motion of Representative Harper, the House voted to uncircle **S.B. 53**.

**S.B. 53**, LAND VALUE PROPERTY TAX STUDY, was before the House on its final passage.

**S.B. 53** then passed on the following roll call:

**Yeas, 66; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman

Buttars	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Lockhart	Mascaro
Mathis	Menlove	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Alexander	Bigelow	Buxton	Christensen
Fowlke	Litvack	McGee	Morgan
Walker			

**S.B. 53** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

On motion of Representative Lockhart, the House voted to uncircle **S.C.R. 1**.

**S.C.R. 1**, RESOLUTION ENCOURAGING MANAGED LANES STUDY, was before the House on its final passage.

**S.C.R. 1** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher



Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Curtis	

**Absent or not voting were:** Representatives

Alexander	Bigelow	Buttars	Wyatt
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**S.C.R. 1** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

On motion of Representative Lockhart, the House voted to uncircle **Sub. S.J.R. 8**.

**Sub. S.J.R. 8**, JOINT RULES RESOLUTION – APPEARANCE OF BILLS, was before the House on its final passage.

**Sub. S.J.R. 8** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	B. Johnson	Jones

King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Bigelow	Gowans	E. Hutchings	Menlove
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**Sub. S.J.R. 8** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### COMMITTEE OF THE WHOLE

On motion of Representative Alexander, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from Lieutenant Governor Scott Herbert along with employees from Delta Airlines.

On motion of Representative Alexander, the Committee of the Whole was dissolved.

### UNFINISHED BUSINESS

On motion of Representative Fowlke, the House voted to uncircle **S.B. 14**.

**S.B. 14**, UNIFORM PARENTAGE ACT, was before the House on its final passage.

On motion of Representative Lawrence, the House voted to circle **S.B. 14**.

### COMMUNICATION FROM THE SENATE

Mr. Speaker: February 16, 2005

The Senate passed, as substituted, **Sub. S.C.R. 9**, CONCURRENT RESOLUTION REGARDING DELTA AIRLINES, by Senator D. Eastman, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **Sub. S.C.R. 9**, read the first time by short title. On motion of Representative Alexander, under suspension of the rules, the House

voted to consider **Sub. S.C.R. 9** read the second time by short title and place at the top of the Third Reading Calendar.

**THIRD READING CALENDAR**

**Sub. S.C.R. 9**, CONCURRENT RESOLUTION REGARDING DELTA AIR LINES, read the third time by short title and placed on its final passage.

**Sub. S.C.R. 9** then passed on the following roll call:

**Yeas, 60; Nays, 0; Absent or not voting, 15.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Duckworth
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Harper
Hogue	Holdaway	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Ray	Romero
Shurtliff	G. Snow	Urquhart	Wallace
Wheatley	Wheeler	Wiley	Wyatt

**Absent or not voting were:** Representatives

Adams	Buttars	Dougall	Dunnigan
Ferrin	Hansen	Hardy	Hendrickson
Hughes	Lockhart	Painter	Tilton
Ure	Walker	Curtis	

**Sub. S.C.R. 9** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**UNFINISHED BUSINESS**

On motion of Representative Oda, the House voted to uncircle **Sub. S.B. 48**.

**Sub. S.B. 48**, INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS, was before the House on its final passage.

On motion of Representative Oda, the House voted to delete **Sub. S.B. 48** in title and body and insert **2nd Sub. S.B. 48** in lieu thereof.

**2nd Sub. S.B. 48**, as amended, then passed on the following roll call:

**Yeas, 66; Nays, 4; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Frank	Gibson	Goodfellow
Hansen	Hardy	Harper	Hendrickson
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	King	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Voting in the negative were:** Representatives

Fowlke	Hogue	Kiser	Morley
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**Absent or not voting were:** Representatives

Alexander	Dayton	Gowans	Jones
Curtis			

**2nd Sub. S.B. 48**, as amended, returned to the Senate for further consideration.

\* \* \*

On motion of Representative Fowlke, the House voted to uncircle **S.B. 14**.

**S.B. 14**, UNIFORM PARENTAGE ACT, was before the House on its final passage.

Representative Lawrence proposed the following amendment:

- 1. Page 5, Line 122

122 78-45g-809, Utah Code Annotated 1953  
78-45g-810, Utah Code Annotated 1953

- 2. Page 44, Lines 1344 through 1345  
 House Committee Amendments 2-14-2005:

1344  $\hat{H} \rightarrow$  ~~(4)~~ (5)  $\leftarrow \hat{H}$  A gestational agreement does not apply to the birth of a child conceived by

1344a means

1345 of sexual intercourse.

(6) The parties to a gestational agreement shall be 21 years of age or older.

(7) The gestational mother's eggs may not be used in the assisted reproduction procedure.

(8) If the gestational mother is married, her husband's sperm may not be used in the assisted reproduction procedure.

- 3. Page 44, Line 1360 through Page 45, Line 1377a  
 House Committee Amendments 2-14-2005:

1360 (2) The tribunal may issue an order under Subsection (1) only on finding that:

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

1375 with the gestational agreement until the birth of the child, including responsibility for those

1376 expenses if the agreement is terminated: {~~and~~}

1377  $\hat{H} \rightarrow$  ~~(g)~~ (h)  $\leftarrow \hat{H}$  the consideration, if any, paid to the prospective gestational mother is

1377a reasonable :

(i) all the parties to the agreement are 21 years of age or older;

(j) the gestational mother's eggs are not being used in the assisted reproduction procedure; and

(k) if the gestational mother is married, her husband's sperm is not being used in the assisted reproduction procedure .

4. Page 47, Lines 1432 through 1435:

1432 (3) The individuals who are parties to a nonvalidated gestational agreement as intended

1433 parents may be held liable for support of the resulting child, even if the agreement is otherwise

1434 unenforceable. The liability under this Subsection (3) includes assessing all expenses and fees

1435 as provided in Section 78-45g-622.

Section 97. Section 78-45g-810 is enacted to read:

(1) Before the tribunal issues an order confirming that the intended parents are the parents of the child, an affidavit regarding fees and expenses, signed by the intended parents, the surrogate parent, and her husband, if any, shall be filed with the tribunal.

(2) The affidavit shall itemize the following items in connection with the assisted reproduction and surrogacy agreement:

(a) all fees and expenses which have been or will be paid to or on behalf of the surrogate mother and her husband, if any, including the source of payment;

(b) all gifts, property, or other items which have been or will be provided to the surrogate mother and her husband, if any, including the source of the gifts, property, or other items;

(c) all public funds used for any medical or hospital costs in connection with the pregnancy and delivery of the child or care of the child;

(d) a description of services, including counseling services, provided to the surrogate mother and her husband, if any, in connection with the assisted pregnancy and surrogacy agreement.

(3) A copy of this affidavit shall be provided to the Department of Human Services.

The motion was divided and Items 1 and 4 failed on the following roll call:

**Yeas, 30; Nays, 39; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Alexander	S. Allen	Bowman	Christensen
S. Clark	Daw	Dayton	Dunnigan
Fisher	Frank	Goodfellow	Hardy
Harper	Hughes	King	Kiser
Lawrence	Mathis	Morgan	Morley

Moss	Murray	Noel	Oda
Painter	Romero	Ure	Walker
Wheeler	Wyatt		

**Voting in the negative were:** Representatives

Aagard	Barrus	Becker	Bigelow
Biskupski	Bourdeaux	Buttars	Buxton
D. Clark	Cosgrove	D. Cox	Dee
Donnelson	Dougall	Duckworth	Ferrin
Ferry	Fowlke	Gibson	Gowans
Hansen	Hendrickson	Hogue	Holdaway
Hunsaker	E. Hutchings	B. Johnson	Jones
Last	Litvack	Lockhart	McGee
Menlove	Newbold	Shurtliff	G. Snow
Wallace	Wheatley	Wiley	

**Absent or not voting were:** Representatives

Adams	Mascaro	Ray	Tilton
Urquhart	Curtis		

Items 2 and 3 passed on a voice vote.

Representative Hutchings proposed the following amendment:

1. Page 44, Line 1345:  
After “intercourse” insert “or if neither intended parent is a donor”

Representative Hutchings’ motion to amend passed on a voice vote.

**S.B. 14**, as amended, then passed on the following roll call:

**Yeas, 38; Nays, 31; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bigelow	Bourdeaux	Bowman	Buttars
Buxton	S. Clark	Cosgrove	D. Cox
Dee	Duckworth	Ferrin	Fowlke
Gibson	Goodfellow	Gowans	Hansen
Hendrickson	Hogue	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Last
Litvack	Menlove	Moss	Romero
Shurtliff	Ure	Wallace	Wheatley
Wiley	Curtis		

**Voting in the negative were:** Representatives

Alexander	Biskupski	Christensen	Daw
Dayton	Donnelson	Dougall	Dunnigan
Fisher	Frank	Hardy	Harper
Holdaway	Hughes	Kiser	Lawrence
Lockhart	Mathis	McGee	Morgan
Morley	Murray	Newbold	Noel
Oda	Painter	G. Snow	Tilton
Walker	Wheeler	Wyatt	

**Absent or not voting were:** Representatives

Becker	D. Clark	Ferry	Mascaro
Ray	Urquhart		

**S.B. 14**, as amended, returned to the Senate for further consideration.

**RULES COMMITTEE REPORT**

Mr. Speaker:

February 16, 2005

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 39**, Tuition Tax Credits (Rep. J. Ferrin), be replaced with **2nd Sub. H.B. 39**, Tuition Tax Credits (Rep. J. Ferrin), and further recommends it be assigned to the Education Standing Committee; and

The House Rules Committee recommends, with written request of the sponsor that, **H.B. 232**, Utah Basic Skills Competency Test Alternatives (Rep. P. Ray), be replaced with **1st Sub. H.B. 232**, Utah Basic Skills Competency Test Alternatives (Rep. P. Ray) and further recommends it be assigned to the Education Standing Committee; and

The Rules Committee recommends the following bill be placed at the top of the Third Reading Calendar for Senate bills:

**S.B. 129**                      Brine Shrimp Royalty Act Amendments (Sen. T. Hatch);  
and

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

**2nd Sub. S.B. 34**      Patient Access Reform (Sen. D. C. Buttars)

**S.B. 147**                      Psychologist Licensing Act Amendments (Sen. E. Mayne)



**EDUCATION**

**S.B. 41** School and Institutional Trust Lands Management Act Revisions (Sen. M. Dmitrich)

**GOVERNMENT OPERATIONS**

**H.B. 262** Licensure of Athletic Trainers (Rep. P. Ray)  
**H.B. 373** Education Technology Task Force (Rep. E. Hutchings)  
**H.R. 11** Resolution Urging Congress to Pass Balanced Budget Amendment (Rep. N. Hansen)  
**S.B. 141** Military Installation Partnerships (Sen. S. Killpack)  
**S.B. 148** Conservation Easement Endowment Restricted Account (Sen. B. Evans)  
**S.B. 163** Capitol Preservation Board Amendments (Sen. B. Evans)  
**S.J.R. 11** Resolution Limiting Number of Governor's Terms (Sen. C. Walker)

**HEALTH AND HUMAN SERVICES**

**H.B. 114** Children's Health Care Coverage Amendments (Rep. D. Hogue)  
**H.B. 268** Drug Utilization Review Committee Amendments (Rep. R. Lockhart)  
**H.B. 304** Premium Assistance Program for Covered-at-work (Rep. K. Holdaway)  
**S.B. 19** Disease Testing of Individuals Exposed to Blood Borne Pathogens (Sen. P. Arent)

**JUDICIARY**

**H.B. 127** Offer of Settlement Provisions (Rep. L. Christensen)  
**H.B. 275** Business Entity Amendments (Rep. R. Romero)  
**S.B. 138** Judgment Interest Amendments (Sen. E. Mayne)

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

**H.B. 50** Criminal Penalty Amendment (Rep. D. Litvack)

**POLITICAL SUBDIVISIONS**

**H.B. 307** Redevelopment Agency Changes (Rep. J. Dougall)  
**H.B. 335** Disconnecting Territory from a Municipality (Rep. C. Frank)  
**H.B. 380** Amendments to Local Districts (Rep. K. Morgan)

**1st Sub. S.B. 80** Special Service Districts – Service Expansion  
(Sen. M. Dmitrich)

**PUBLIC UTILITIES AND TECHNOLOGY**

**H.B. 312** Municipal Electrical Entities Amendments  
(Rep. A. Tilton)

**REVENUE AND TAXATION**

**H.B. 107** Amendments to Taxes, Fees, or Charges (Rep. W. Harper)

**H.B. 130** Income Tax Subtraction for Specialized Immigrant  
Services (Rep. A. Tilton)

**S.B. 153** Tax Reform Task Force (Sen. C. Bramble)

**TRANSPORTATION**

**H.B. 367** Restrictions on High Occupancy Vehicle Lane  
(Rep. D. Litvack)

**S.B. 51** New Motor Vehicle Franchise Act Amendments  
(Sen. D. Eastman)

**S.B. 134** Powersport Vehicle Franchise Act (Sen. D. Eastman)

**S.B. 144** Motor Vehicle Stops At Port-of-entry (Sen. P. Knudson)

Rebecca Lockhart, Chair

Reports filed. On motion of Representative Lockhart, the reports of the Rules Committee were adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to recess for 10 minutes.

Speaker Pro Tem Snow called the House to order at 4:15 p.m.

**THIRD READING CALENDAR**

**S.B. 129, BRINE SHRIMP ROYALTY ACT AMENDMENTS**, read the third time by short title, under suspension of the rules, and placed on its final passage.

**S.B. 129** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski

Bourdeaux	Bowman	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Buttars	Jones	Lockhart	Ure
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**S.B. 129** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 125**, AMENDMENTS TO INDIVIDUAL INCOME TAX CREDIT FOR SPECIAL NEEDS ADOPTIONS, read the third time by short title and placed on its final passage.

**S.B. 125** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hansen	Hardy

Harper	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Buttars	Gowans	Hendrickson
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**S.B. 125** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### UNFINISHED BUSINESS

On motion of Representative Lockhart, the House voted to uncircle **S.B. 50**.

**S.B. 50**, CONTROLLED SUBSTANCE AMENDMENTS, was before the House on its final passage.

**S.B. 50** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Hansen
Hardy	Harper	Hendrickson	Hogue
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan

Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Ure
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Absent or not voting were:** Representatives

Gowans	Holdaway	Tilton	Urquhart
Curtis			

**S.B. 50** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

### THIRD READING CALENDAR

**Sub. H.B. 105, CONSTRUCTION FILING AMENDMENTS**, read the third time by short title and placed on its final passage.

Representative Morley proposed the following amendment:

1. Page 2, Lines 46 through 48

46 ~~► { provides that a qualified beneficiary may recover from the Residence Lien Recovery~~

47 ~~Fund only if the qualified beneficiary files an action within 180 days after a notice~~

48 ~~of claim is filed under Section 38-1-7 }~~ addresses requirements for a qualified beneficiary's recovery from the Residence Lien Recovery Fund ; and

2. Page 10, Line 298

298 cost of the division's oversight under Subsection (2)(b).

(5)(a) The database is classified as a public record under Title 63, Chapter 2, Government Records Access and Management Act, unless otherwise classified by the division.

(b) A request for information submitted to the designated agent is not subject to Title 63, Chapter 2, Government Records Access and Management Act.

(c) Information contained in a public record contained in the database shall be requested from the designated agent.

(d) The designated agent may charge a commercially reasonable fee allowed by the designated agent's contract with the division for providing information under Subsection (5)(c).

(e) Notwithstanding Title 63, Chapter 2, Government Records Access and Management Act, if information is available in a public record contained in the database, a person may not request the information from the division.

(f)(i) A person may request information that is not a public record contained in the database from the division in accordance with Title 63, Chapter 2, Government Records Access and Management Act.

(ii) The division shall inform the designated agent of how to direct inquiries made to the designated agent for information that is not a public record contained in the database.

3. Page 10, Line 299

299 { ~~(5)~~ } (6) The following are not an adjudicative proceeding under Title 63, Chapter 46b.

4. Page 11, Line 305

305 { ~~(6)~~ } (7) The division and the designated agent need not determine the timeliness of any

5. Page 11, Line 307

307 { ~~(7)~~ } (8) (a) A person who is delinquent on the payment of a fee established under

6. Page 21, Line 638 through Page 22, Line 646

638 (d) (i) unless precluded from doing so by the nonpaying party's bankruptcy filing within the applicable time, the qualified beneficiary filed { ~~;~~

639 (A) ~~an action against the nonpaying party to recover monies owed to the qualified~~

640 ~~beneficiary within 180 days from the date the qualified beneficiary [last provided qualified~~

641 ~~services] filed a notice of claim under Section 38-1-7, unless precluded from doing so by the~~

642 nonpaying party's bankruptcy filing within the 180 days [after  
completion of services] ~~from the~~

643 date the qualified beneficiary filed the notice of claim; and

644 (B) a notice of commencement of action with the division  
within 30 days from the date

645 the qualified beneficiary filed the civil action if a civil action was  
filed as required by

646 Subsection (4)(d)(i)(A); } an action against the nonpaying  
party to recover monies owed to the qualified beneficiary within the  
earlier of:

(A) 180 days from the date the qualified beneficiary filed a notice of  
claim under Section 38-1-7; or

(B) 270 days from the completion of the original contract pursuant to  
Subsection 38-1-7(1);

7. Page 22, Line 671 through Page 23, Line 679

671 { ~~(6)~~ If a qualified beneficiary fails to file the notice with the  
division required under

672 Subsection (4)(d)(i)(B), the claim of the qualified beneficiary shall  
be paid:

673 (a) if otherwise qualified under this chapter;

674 (b) to the extent that the limit of Subsection 38-11-203(4)(a)  
has not been reached by

675 payments from the fund to qualified beneficiaries who have  
complied with the notice

676 requirements of Subsection (4)(d)(i)(B); and

677 (c) in the order that the claims are filed by persons who fail to  
comply with Subsection

678 (4)(d)(i)(B), not to exceed the limit of Subsection  
38-11-203(4)(a). }

679 { ~~(7)~~ } (6) To recover from the fund a laborer shall:

8. Page 23, Line 683

683 { ~~(8)~~ } (7) A fee determined by the division under  
Section 63-38-3.2 shall be deducted from

9. Page 23, Line 685

685 { ~~(9)~~ } (8) The requirements of Subsections (4)(a) and (4)(b) may be satisfied if an owner or

10. Page 23, Line 696

696 { ~~(10)~~ } (9) The director shall have equitable power to determine if the requirements of

Representative Morley's motion to amend passed on a voice vote.

###

Representative S. Clark proposed the following amendment:

1. Page 3, Line 69

69 63-56-38.1 (Superseded 05/01/05), as last amended by Chapter 30, Laws of Utah 2004

REPEALS:

38-1-38 as enacted by Chapter 188, Laws of Utah 2004

2. Page 8, Line 212:

212 (4) { ~~(e)~~ } (d) of the issuance or denial of a certificate of compliance.

3. Page 24, Lines 713 through 714:

713 commencement of any action on the payment bond.

Section 13. Repealer.

This bill repeals Section 38-1-38. Lien Notification.

714 Section {~~-13-~~} 14 . Retrospective operation.

Representative S. Clark's motion to amend passed on a voice vote.

**Sub. H.B. 105**, as amended, then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox



Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Walker	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Buxton	Gowans	Lockhart	Urquhart
Wallace			

**Sub. H.B. 105**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 86**, UTAH COLLEGE OF APPLIED TECHNOLOGY AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Bigelow proposed the following amendment:

1. Page 9, Lines 269 through 273c

House Committee Amendments 2-7-2005

269 (1) In accordance with Subsection 53B-2a-112(2), a college campus may enter into a

270 lease with other higher education institutions, public school districts, state agencies, or business

271 and industry for a term of:

272 (a) one year or less with the approval of the campus board of directors; and

273 (b) more than one year with ~~H~~→ {—;}

273a ~~(1)~~ } ←H the approval of the board of trustees

~~H~~→ {—; } and ;

273b {-(ii) } (i) the approval of funding for the lease by the Legislature prior to a college

273c campus entering into the lease ; or  
(ii) the lease agreement includes language that allows termination of the lease ← H .

Representative Bigelow’s motion to amend passed on a voice vote.

###

Representative Alexander proposed the following amendment:

- 1. Refer to Representative Bigelow’s amendment:  
After “lease” insert “without penalty”

Representative Alexander’s motion to amend passed on a voice vote.

**H.B. 86**, as amended, then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Gowans	Urquhart
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**H.B. 86**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 102**, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 102**, as amended, then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Litvack	Lockhart	Mascaro
Mathis	McGee	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Gowans	Lawrence	Menlove	Urquhart
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**H.B. 102**, as amended, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until February 17, 2005, at 10:00 a.m.

# THIRTY-SECOND DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present except Representatives Peggy Wallace, and David Cox, excused.

Prayer by Tracy Van Wagoner, intern to Representative Ralph Becker. Pledge of allegiance by Representative Ralph Becker.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 16, 2005  
The Senate passed, as substituted, **1st Sub. S.B. 58**, LIABILITY PROTECTION OF EDUCATORS, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 59**, HOME SCHOOL AMENDMENTS, by Senator M. Madsen, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 151**, DRIVER EDUCATION AMENDMENTS, by Senator T. Hatch, and it is transmitted for consideration; and

The Senate passed **S.B. 159**, ASSESSMENT OFFSET FOR DONATIONS PROMOTING OCCUPATIONAL HEALTH AND SAFETY, by Senator E. Mayne, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. S.B. 58**, **S.B. 59**, **S.B. 151**, and **S.B. 159**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 16, 2005  
The Senate passed, **H.C.R. 2**, COWBOY HALL OF FAME RESOLUTION, by Representative L. Shurtliff, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.C.R. 6**, RESOLUTION RECOGNIZING UTAH'S LEGISLATORS BACK TO SCHOOL PROGRAM, by Representative M. Dayton, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.C.R. 2** and **H.C.R. 6** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 15, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 264**, STATE LAND USE MANAGEMENT PLANS AMENDMENTS, by Representative M. Noel, with the following amendments:

1. Page 4, Lines 102 through 108:

102 (c) assist city, county, metropolitan, and regional planning agencies in performing

103 local, metropolitan, and regional planning, provided that the state planning coordinator and his

104 agents and designees:

105 (i) whenever possible, comply with and uphold the plans, policies, programs, processes, and desired

106 outcomes of each planning agency; and

107 (ii) do not {~~interfere with,~~ } undermine {~~—~~ } or disrupt {~~—, in any way,~~ } the plans, policies,

108 programs, processes, or desired outcomes of each planning agency.

2. Page 4, Lines 112 through 114:

112 (a) recognize, uphold, and promote, to the maximum extent {~~permitted under~~ } consistent with state and

113 federal law, the plans, policies, programs, processes, and desired outcomes of the counties

114 where the federal lands or natural resources are located;

## 3. Page 4, Lines 115 through 118:

115 ~~(b) develop~~, research, and use ~~[of]~~ factual information, legal analysis, and statements of

116 desired future condition for the state, or subregion of the state, as ~~[are]~~ necessary to support the

117 plans, ~~policies~~, programs, processes, ~~[or policies]~~ and desired outcomes of the state and counties where the

118 federal lands or natural resources are located;

## 4. Page 5, Lines 146 through 149:

146 (b) The state planning coordinator and any state planning agent shall to the maximum extent consistent with state and federal law, ensure that any

147 policies, plans, programs, processes, or desired outcomes developed under Subsection (5)(a)

148 are consistent with the policies, plans, programs, processes, and desired outcomes of the

149 political subdivisions.

## 5. Page 6, Lines 154 through 157:

154 (a) ~~(i)~~ the citizens of the state are best served by ~~[the application of]~~ applying

155 multiple-use and sustained-yield principles {~~—when making decisions concerning the~~

156 ~~management and use of the]~~ to all lands administered by the Bureau of Land Management and

157 ~~the U.S. Forest Service—}~~ in public land use planning and management ;

## 6. Page 6, Lines 163 through 168:

163 (B) support valid existing transportation, mineral, and grazing rights at historic levels or higher ;

164 (C) support the specific plans, programs, processes, and policies of state agencies and

165 local governments ~~[and which are]~~;

166 (D) are designed to produce and provide the watersheds, food,  
167 fiber, livestock forage, wildlife forage,

167 and minerals that are necessary to meet present needs and future  
168 economic growth [~~needs,~~] and

168 community expansion[~~;~~]; and

7. Page 6, Lines 172 through 176:

172 (b) {~~(i)~~} managing public lands for “wilderness  
173 characteristics” circumvents the statutory wilderness process and is  
174 inconsistent with the

173 multiple-use and sustained-yield management standard that  
174 applies to all public lands that are

174 not wilderness areas or wilderness study areas;

175 {~~(ii) the state does not support use of the term “wilderness~~  
176 characteristics management”

176 as a euphemism for an attempt to circumvent the statutory  
177 wilderness process; }

8. Page 6, Line 182 through Page 7, Line 183:

182 (d) the state has the right to develop and use its entitlement to  
183 interstate rivers {~~without~~

183 interference from the federal government } ;

9. Page 7, Line 213 through Page 8, Line 227:

213 favor of conservation {~~use~~} , wildlife, and other  
214 uses ;

215 (iii) (A) the state favors practices that are jointly sponsored by  
216 cattlemen’s, sportsmen’s, and wildlife management groups such as  
217 chaining, seeding, burning, and other direct soil and vegetation  
218 prescriptions that are scientifically demonstrated to restore rangeland  
219 health, increase forage, and improve watersheds in grazing districts and  
220 allotments for the mutual benefit of domestic livestock and wildlife;

221 (B) when practices described in Subsection (6)(m)(iii)(A) increase  
222 a grazing allotment’s forage beyond the total permitted forage use that  
223 was allocated to that allotment in the last federal land use plan or  
224 allotment management plan still in existence as of January 1, 2005, a  
225 reasonable and fair portion of the increase in forage beyond the  
226 previously allocated total permitted use should be allocated to wildlife as  
227 follows:

recommended by a joint, evenly-balanced committee of livestock and wildlife representatives that is appointed and constituted by the governor for that purpose;

214        {~~-(iii)~~ }        (iv)    the state opposes as irrational, the transfer of grazing animal unit months to

215 wildlife for supposed reasons of rangeland health;

216        {~~-(iv)~~ }        (v)    reductions in domestic livestock animal unit months must be temporary and

217 scientifically based upon rangeland conditions;

218        {~~-(v)~~ }        (vi)    policies, plans, programs, initiatives, resource management plans, and forest plans

219 may not allow the placement of grazing animal unit months in a suspended use category unless

220 there is a rational and scientific determination that the condition of the rangeland allotment or

221 district in question will not sustain the animal unit months sought to be placed in suspended

222 use;

223        {~~-(vi)~~ }        (vii)    any grazing animal unit months that are placed in a suspended use category should

224 be returned to active use when range conditions improve;

225        {~~-(vii)~~ }        (viii)    policies, plans, programs, and initiatives related to vegetation management should

226 recognize and uphold the preference for domestic grazing over alternate forage uses in

227 established grazing districts {~~and should uphold the improvement of~~ } while upholding management practices that optimize and expand forage for grazing and wildlife in conjunction with state wildlife management plans and programs in order to provide maximum available forage for all uses; and

10. Page 8, Line 228:

228        {~~-(viii)~~ }        (ix)    in established grazing districts, animal unit months that have been reduced due to



11. Page 12, Lines 354 through 355:

354 (h) the state opposes {~~the creation of~~ } any additional  
evaluation of national forest service lands as "roadless" or "unroaded"  
 {~~areas on forest lands~~ } beyond the forest service's second  
roadless area review evaluation and

355 opposes efforts by agencies to specially manage those areas in a  
way that:

The Natural Resources, Agriculture, and Environment Committee recommends **H.B. 152**, COUNTY OPTION SALES AND USE TAX FOR AGRICULTURAL LAND, OPEN LAND, AND RECREATIONAL FACILITIES ACT, by Representative C. Buttars, be replaced and favorably recommends **2nd Sub. H.B. 152**, COUNTY OPTION SALES AND USE TAX FOR AGRICULTURAL LAND, OPEN LAND, AND RECREATIONAL FACILITIES ACT.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.

**H.B. 264**, as amended, and **2nd Sub. H.B. 152**, read the second time by short title and placed on the calendar for third reading.

### CORRECTED REPORT

Mr. Speaker:

February 16, 2005

The Education Committee reports a favorable recommendation on **H.B. 249**, CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS, by Representative M. Newbold, et al, with the following amendments:

1. Page 2, Lines 57 through 60:

57 The Legislature finds that:

58 (1) the state system of public education as established and  
maintained under the state

59 constitution {~~is charged with making available a free public~~  
education for } shall be open to all children of the

60 state:

2. Page 3, Line 87 through Page 4, Line 92:

87 (1) “Assessment team” means a team consisting of:

88 (a) the student’s parent or guardian;

89 (b) the student’s private school classroom teacher;

90 (c) special education personnel from the student’s resident school district; and

91 (d) if available, special education personnel from the private school at which the

92 student is enrolled.

3. Page 5, Line 147 through Page 6, Line 155:

147 (5) (a) The scholarship application form shall contain the following statement:

148 ”I acknowledge that:

149 (1) A private school may not provide the same level of special education services that

150 are provided in a public school: {~~and~~ }

151 (2) I will assume full financial responsibility for the education of my scholarship

152 student if I accept this scholarship ; and

(3) Acceptance of this scholarship has the same effect as a parental refusal to consent to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act 20 U.S.C. Sec. 1400 et seq .”

153 (b) Upon acceptance of the scholarship, the parent assumes full financial responsibility

154 for the education of the scholarship student.

(c) Acceptance of a scholarship has the same effect as a parental refusal to consent to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

155 {~~(e)~~ } (d) The creation of the scholarship program or granting of a scholarship does not:

4. Page 7, Line 208:

208 (2) A home school is not eligible to enroll scholarship students.

(3) Residential treatment facilities licensed by the state are not eligible to enroll scholarship students.

Margaret Dayton, Chair

Reports filed. On motion of Representative Dayton, the reports of the Education committee were adopted.

**H.B. 249**, as amended, read the second time by short title and placed on the calendar for third reading.

**CONSENT CALENDAR**

**H.C.R. 14**, CONCURRENT RESOLUTION HONORING AMERICA'S MILITARY WAR DOGS, read the third time by short title and placed on its final passage.

**H.C.R. 14** then passed on the following roll call:

**Yeas, 66; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Bourdeaux
Bowman	Christensen	D. Clark	S. Clark
Cosgrove	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Ferrin
Ferry	Fisher	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Walker	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Biskupski	Buttars	Buxton	D. Cox
Dunnigan	Fowlke	King	Urquhart
Wallace			

**H.C.R. 14** transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

**THIRD READING CALENDAR**

**H.B. 136**, CHARTER SCHOOL ENROLLMENT, read the third time by short title and placed on its final passage.

**H.B. 136** then passed on the following roll call:

**Yeas, 52; Nays, 20; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Christensen	S. Clark	Cosgrove
Daw	Dayton	Dee	Donnelson
Dougall	Dunnigan	Ferrin	Fisher
Fowlke	Frank	Gibson	Hardy
Harper	Hogue	Hughes	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	Morgan	Morley
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Tilton
Ure	Urquhart	Walker	Curtis

**Voting in the negative were:** Representatives

Barrus	Biskupski	D. Clark	Duckworth
Ferry	Goodfellow	Gowans	Hansen
Hendrickson	Holdaway	Hunsaker	McGee
Menlove	Moss	Shurtliff	G. Snow
Wheatley	Wheeler	Wiley	Wyatt

**Absent or not voting were:** Representatives

Buxton	D. Cox	Wallace
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**H.B. 136** transmitted to the Senate for its consideration.

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**H.B. 243, REPEAL OF GERIATRIC CARE MANAGER**, read the third time by short title and placed on its final passage.

Representative Lockhart proposed the following amendment:

- 1. Page 16, Line 490:  
Delete “302” and insert “301”

Representative Lockhart’s motion to amend passed on a voice vote.

**H.B. 243**, as amended, then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	Jones
King	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Ure	Urquhart	Walker	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

D. Cox	Gowans	B. Johnson	Kiser
McGee	Tilton	Wallace	

**H.B. 243**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 104, SPYWARE CONTROL ACT REVISIONS**, read the third time by short title and placed on its final passage.

**H.B. 104** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Buxton	D. Cox	McGee	Wallace
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**H.B. 104** transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Lockhart, the House voted to uncircle **H.B. 80**.

**H.B. 80, SERVICES FOR PEOPLE WITH DISABILITIES**, was before the House on its final passage.

On motion of Representative D. Clark, the House voted to circle **H.B. 80**.

### THIRD READING CALENDAR

**H.B. 234, TELEPHONE SURCHARGE FOR EDUCATION AND TRAINING PROGRAMS AT PRISON**, read the third time by short title and placed on its final passage.

**H.B. 234**, as amended, then passed on the following roll call:

**Yeas, 67; Nays, 4; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	D. Clark
S. Clark	Cosgrove	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	Tilton
Urquhart	Walker	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Buttars	Christensen	Hughes	G. Snow
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**Absent or not voting were:** Representatives

D. Cox	Morley	Ure	Wallace
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**H.B. 234**, as amended, transmitted to the Senate for its consideration.

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**H.B. 270**, TEMPORARY ROAD CLOSURES, read the third time by short title and placed on its final passage.

**H.B. 270**, as amended, then passed on the following roll call:

**Yeas, 67; Nays, 2; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bigelow	Bourdeaux	Bowman	Buttars
Buxton	Christensen	D. Clark	S. Clark

Cosgrove	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Biskupski                      Litvack

**Absent or not voting were:** Representatives

Alexander                      Becker                      D. Cox                      Daw  
 Goodfellow                      Wallace

**H.B. 270**, as amended, transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Lockhart, the House voted to uncircle **H.B. 80**.

**H.B. 80**, SERVICES FOR PEOPLE WITH DISABILITIES, was before the House on its final passage.

Representative Lockhart proposed the following amendment:

1. Page 3, Line 81 through Page 4, Line 91

81            {—} (iii) results in a substantial functional limitation in  
 three or more of the following

82    areas of major life activity: {—}

83            {—} (A) self-care; {—}

84            {—} (B) receptive and expressive language; {—}

85            {—} (C) learning; {—}

86            {—} (D) mobility; {—}



- 87            {—} (E) self-direction; {—}
- 88            {—} (F) capacity for independent living; or {—}
- 89            {—} (G) economic self-sufficiency; and {—}
- 90            {—} (iv) {—} {~~(iii)~~} requires a combination  
or sequence of special interdisciplinary or generic
- 91            care, treatment, or other services that;

Representative Lockhart’s motion to amend passed on a voice vote.

**H.B. 80**, as amended, then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

D. Cox	Goodfellow	Wallace
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**H.B. 80**, as amended, transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.B. 163**, GARNISHMENT FEES, read the third time by short title and placed on its final passage.

**H.B. 163**, as amended, then failed to pass on the following roll call:

**Yeas, 33; Nays, 36; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Alexander	Barrus	Becker	Biskupski
Bourdeaux	Bowman	S. Clark	Cosgrove
Dougall	Dunnigan	Fowlke	Hogue
Holdaway	Hunsaker	E. Hutchings	Jones
King	Last	Lawrence	Litvack
Mascaro	Menlove	Moss	Noel
Romero	Shurtliff	Ure	Urquhart
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Aagard	Adams	S. Allen	Bigelow
Buttars	Buxton	Christensen	D. Clark
Daw	Dayton	Dee	Donnelson
Duckworth	Ferrin	Ferry	Fisher
Frank	Gibson	Hansen	Hardy
Harper	Hendrickson	Hughes	B. Johnson
Kiser	Lockhart	Mathis	Morgan
Morley	Murray	Newbold	Painter
Ray	G. Snow	Tilton	Walker

**Absent or not voting were:** Representatives

D. Cox	Goodfellow	Gowans	McGee
Oda	Wallace		

**H.B. 163** was filed.

\* \* \*

**Sub. H.B. 235**, INSURANCE ARBITRATION AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **Sub. H.B. 235**.

\* \* \*

**H.B. 250**, CAPITOL COMPLEX SPACE, read the third time by short title and placed on its final passage.

**H.B. 250** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferry
Fisher	Fowlke	Gibson	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wheatley
Wheeler	Wiley	Curtis	

**Absent or not voting were:** Representatives

D. Cox	Ferrin	Frank	Goodfellow
B. Johnson	Oda	Wallace	Wyatt

**H.B. 250** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 142, ISSUES SUBMITTED TO VOTERS**, read the third time by short title and placed on its final passage.

Representative Hughes proposed the following amendment:

1. Page 1, Line 14

14 This bill:

- ▶ establishes uniform standards for determining whether a signer’s signature on a local initiative petition is valid or not;
- ▶ provides for placement of birth date information on initiative petitions;

## 2. Page 3, Line 59:

59 20A-7-503, as last amended by Chapter 3, Laws of Utah 2000  
20A-7-506, as last amended by Chapter 3, laws of Utah 2000

## 3. Page 3, Line 64:

64 20A-7-502.5, Utah Code Annotated 1953  
20A-7-506.3, Utah Code Annotated 1953

## 4. Page 20, Lines 599 through 604:

599 (ii) the next column shall be ~~{-three-}~~ 2-1/2 inches  
wide, headed "Registered Voter's Printed

600 Name (must be legible to be counted)";

601 (iii) the next column shall be ~~{-three-}~~ 2-1/2 inches  
wide, headed "Signature of Registered

602 Voter"; ~~{-and-}~~

(iv) the next column shall be one inch wide, headed "Birth Date";  
and

603 ~~{-(iv)-}~~ (v) the final column shall be 4-3/8 inches  
wide, headed "Street Address, City, Zip

604 Code"; and

## 5. Page 21, Lines 617 through 618:

617 followed, the initiative petitions are sufficient, notwithstanding  
clerical and merely technical

618 errors.

Section 13. Section 20A-7-506 is amended to read:

20A-7-506. Submitting the initiative petition — Certification  
of signatures by the county clerks — Transfer to local clerk.

(1) No later than 120 days before any regular general election,  
for county initiatives, or municipal general election, for municipal  
initiatives, the sponsors shall deliver each signed and verified initiative  
packet to the county clerk of the county in which the packet was  
circulated.

(2) No later than 90 days before any general election, the county  
clerk shall:

(a) check the names of all persons completing the verification  
on the back of each signature sheet to determine whether or not those  
persons are residents of Utah and are at least 18 years old; and

(b) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

(3) No later than 60 days before any general election, the county clerk shall:

(a) ~~{check all the names of the signers against the official registers to}~~ determine whether or not ~~{the}~~ each signer is a voter according to the requirements of Section 20A-7-506.3 ;

(b) certify on the petition whether or not each name is that of a voter; and

(c) deliver all of the packets to the local clerk.

Section 14. Section 20A-7-506.3 is enacted to read:

20A-7-506.3. Verification of petition signatures.

(1) (a) For the purposes of this section, "substantially similar name" means:

(i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;

(ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;

(iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record;

(iv) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) For the purposes of this section, "substantially similar name" does not mean a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

(2) The county clerk shall use the following procedures in determining whether or not a signer is a registered voter:

(a) When a signer's name and address shown on the petition exactly

match a name and address shown on the official register, the county clerk shall declare the signature valid.

(b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if the address on the petition matches the address of a person on the official register with a substantially similar name.

(c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if the birth date on the petition matches the birth date of a person on the official register with a substantially similar name.

(d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the county clerk shall declare the signature to be invalid.

Renumber remaining sections accordingly.

Representative Hughes' motion to amend passed on a voice vote.

###

Representative Allen proposed the following amendment:

1. Page 1, Lines 17 through 18
 

17       ▶       requires that local initiative petitions   {~~and fluoride petitions~~} approved for signature

18   circulation receive an initial fiscal impact review by the local budget officer;
2. Page 1, Lines 25 through 26:
 

25       {~~→~~ requires that petitions for adding fluorine to public water supplies comply with the

26   ~~procedures and requirements for local initiatives;~~}
3. Page 2, Lines 31 through 44:
 

31       ▶       requires that a final fiscal impact statement be issued by the Governor's Office of

32   Planning and Budget, or by the local budget officer for local initiatives   {~~or for~~

33   ~~petitions to add or remove fluorine~~} , for each initiative that is approved by the voters; and

34       ▶       when the final fiscal impact statement for a statewide or  
 35       initial fiscal impact estimate by 15% or more, authorizes the  
 36       Legislature, or the  
 37       local legislative body in the case of a local initiative, to repeal the  
 38       law, amend the  
 39       law, or inform the voters that they may bring a new initiative to  
 40       repeal the law  
 41       enacted by passage of the initiative {~~;~~ and~~}~~        <sub>u</sub>  
 42       {→ when there is a petition to obtain voter approval to add  
 43       fluorine to a water system,  
 44       and the final cost estimate for adding fluorine exceeds the initial  
 45       fiscal impact  
 46       estimate by 15% or more, authorizes the governing body having  
 47       jurisdiction over  
 48       the water system to cease efforts to add fluorine to the water, to  
 49       submit the matter  
 50       for a new vote, or to inform the voters that they may bring a new  
 51       petition to repeal  
 52       the decision to add fluorine to the water.—}

4. Page 2, Lines 50 through 53:

50    AMENDS:

51       {~~19-4-111, as last amended by Chapter 185, Laws of Utah~~  
 52       2003

53       19-4-111.1, as enacted by Chapter 16, Laws of Utah 2002

54       19-4-111.2, as enacted by Chapter 15, Laws of Utah 2002—}

5. Page 3, Line 68 through Page 6, Line 175:

Delete lines 68 through 175

Re-number accordingly

Representative Allen's motion to amend failed on the following roll call:

**Yeas, 24; Nays, 45; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Cosgrove	Duckworth	Ferry	Gowans
Hansen	Hardy	Hendrickson	Jones
King	Lawrence	Litvack	Mascaro
McGee	Menlove	Morgan	Moss
Murray	Romero	Shurtliff	Wheatley

**Voting in the negative were:** Representatives

Aagard	Adams	Alexander	Barrus
Bigelow	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Daw
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Fisher	Frank
Gibson	Harper	Hogue	Hughes
Hunsaker	E. Hutchings	B. Johnson	Kiser
Last	Lockhart	Mathis	Morley
Newbold	Noel	Oda	Painter
Ray	G. Snow	Ure	Urquhart
Walker	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

D. Cox	Fowlke	Goodfellow	Holdaway
Tilton	Wallace		

###

Representative Hogue proposed the following amendment:

1. Page 7, Line 205:  
Delete “comprehensive”
2. Page 7, Line 206:  
Delete “individual property” and insert “administrative”

Representative Hogue’s motion to amend failed on a voice vote.

**H.B. 142**, as amended, then passed on the following roll call:

**Yeas, 54; Nays, 16; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Bigelow	Buttars	Buxton	Christensen



D. Clark	S. Clark	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Gowans
Hansen	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Kiser	Last	Lockhart
Mascaro	Mathis	Menlove	Morgan
Morley	Murray	Newbold	Noel
Oda	Painter	Ray	Tilton
Ure	Urquhart	Walker	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Cosgrove	Hardy	Jones	King
Lawrence	Litvack	McGee	Moss
Romero	Shurtliff	Wheatley	Wiley

**Absent or not voting were:** Representatives

Bowman	D. Cox	Goodfellow	G. Snow
Wallace			

**H.B. 142**, as amended, transmitted to the Senate for its consideration.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: February 17, 2005  
 The Senate requests the return of **H.B. 30**, CONSUMER SALES PRACTICES ACT AMENDMENTS, by Representative T. Kiser, for reconsideration.

Annette B. Moore  
 Secretary of the Senate

Communication filed. On motion of Representative Kiser, the House voted to lift **H.B. 30** from the Concurrence Calendar and returned to the Senate.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

**AFTERNOON SESSION**

The House was called to order by Speaker Curtis at 2:00 p.m.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 17, 2005

The Senate passed, as substituted, **2nd Sub. S.B. 56**, REAL ESTATE – EXCLUSIVE BROKERAGE AGREEMENTS, by Senator L. A. Mansell, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 57**, USE OF STATE SALES AND USE TAX REVENUES FOR BUSINESS DEVELOPMENT IN DISADVANTAGED RURAL COMMUNITIES, by Senator P. Knudson, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **2nd Sub. S.B. 56** and **S.B. 57**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 17, 2005

The Senate concurred in the House amendments and passed **S.B. 47**, WRONGFUL LIEN OFFENSES, by Senator B. Evans, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 74**, MEDICAL RESERVE CORPS, by Senator L. Hillyard, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 120**, ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS, by Senator T. Hatch, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 47**, **S.B. 74**, and **S.B. 120** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

Mr. Speaker: February 17, 2005

The Senate passed, **H.B. 13**, OCCUPATIONAL AND PROFESSIONAL LICENSING SUNSET AMENDMENT, by Representative R. Lockhart, which

has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 29**, STATE ENGINEER'S POWERS AND DUTIES AMENDMENTS, by Representative D. Clark, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 47**, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, by Representative S. Urquhart, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 59**, DOMESTIC VIOLENCE ENHANCEMENT, by Representative C. Moss, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 64**, CRIMINAL BACKGROUND CHECKS FOR PERSONAL CARE ATTENDANTS, by Representative F. Hunsaker, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 66**, NATUROPATHIC PHYSICIAN AMENDMENTS, by Representative J. Ferrin, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 68**, MOTOR VEHICLE ENFORCEMENT DIVISION AMENDMENTS, by Representative P. Ray, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 71**, LICENSING OF ESTHETICIANS AND NAIL TECHNICIANS, by Representative J. Fisher, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 159**, MOTOR ASSISTED SCOOTER AND MINI-MOTORCYCLE AMENDMENTS, by Representative B. Dee, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 171**, CALCULATION OF MINING SEVERANCE TAX ON BERYLLIUM, by Representative R. Wheeler, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 190**, INDIVIDUAL INCOME TAX – ELECTRONIC FILING REQUIREMENTS, by Representative S. Clark, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 198**, NATUROPATHIC FORMULARY PEER COMMITTEE AMENDMENTS, by Representative J. Ferrin, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 203**, AGRICULTURAL ADVISORY BOARD, by Representative M. Noel, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 212**, TRAFFIC VIOLATIONS BY DIPLOMATS, by Representative D. Hogue, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.C.R. 1**, RESOLUTION PROMOTING MODERATELY SIZED SCHOOLS, by Representative D. Cox, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore

Secretary of the Senate

Communications filed. **H.B. 13**, **H.B. 29**, **H.B. 47**, **H.B. 59**, **H.B. 64**, **H.B. 66**, **H.B. 68**, **H.B. 71**, **Sub. H.B. 159**, **H.B. 171**, **Sub. H.B. 190**, **H.B. 198**, **H.B. 203**, **H.B. 212**, and **H.C.R. 1** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker:

February 17, 2005

The Senate passed, as amended, **H.B. 11**, ECONOMIC DEVELOPMENT INCENTIVES, by Representative B. Dee, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 55**, DRUG OFFENSE PENALTY ENHANCEMENTS, by Representative B. Dee, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 183**, VERIFICATION OF ELIGIBILITY FOR FEE WAIVERS, by Representative W. Harper, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 221**, ELECTRONIC COMMUNICATION HARASSMENT, by Representative J. Dougall, and it is transmitted for further consideration.

Annette B. Moore

Secretary of the Senate

Communications filed. **H.B. 11**, **H.B. 55**, **H.B. 183**, and **H.B. 221**, placed on the calendar for concurrence.

### **REPORTS OF STANDING COMMITTEES**

Mr. Speaker: February 17, 2005

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 107**, AMENDMENTS TO TAXES, FEES, OR CHARGES, by Representative W. Harper, with the following amendments:

1. Page 1, Line 18:

18       ▶       requires the Revenue and Taxation Interim Committee and the State Tax Commission to conduct a study; and

2. Page 9, Line 249:

249       Section 4. Revenue and Taxation Interim Committee and State Tax Commission study.

3. Page 9, Lines 250 through 255:

250       (1) During the 2005 interim, the Revenue and Taxation Interim Committee and the State Tax Commission shall conduct a study to make findings and recommendations as to whether the Legislature should enact an earlier effective date for the provisions of this bill that take effect on July 1, 2006, as a result of:

(a) the existence of appropriate software that facilitates the sourcing requirements of the Streamlined Sales and Use Tax Agreement;  
or

(b) amendments to the Streamlined Sales and Use Tax Agreement that allow businesses to easily comply with the sourcing requirements of the Streamlined Sales and Use Tax Agreement.

(2) For purposes of studying the existence of appropriate software as required by Subsection (1)(a), the Revenue and Taxation Interim Committee and the State Tax Commission shall study whether software exists that:

(a) is widely available;

(b) is compatible with current computer programs and hardware;

(c) is inexpensive;

(d) is user friendly; and

(e) allows small businesses to collect, source, and remit sales and use taxes in an efficient manner.

(3) If, as a result of the study required by Subsection (1), the

Revenue and Taxation Interim Committee and the State Tax Commission recommend that the Legislature should enact an earlier effective date for the provisions of this bill that take effect on July 1, 2006, the Revenue and Taxation Interim Committee and the State Tax Commission shall:

- (a) report their findings to the Legislative  
 251 Management Committee {~~regarding whether to~~ } ; and  
 (b) recommend that the Legislative Management Committee  
 request the governor to call a special session of  
 252 the Legislature {~~if the State Tax Commission recommends that~~  
~~the Legislature~~ } to enact an earlier  
 253 effective date for the provisions of this bill that take effect on July 1,  
2006 {~~as a result of:~~  
 254 (1) ~~the existence of appropriate software; or~~  
 255 (2) ~~amendments to the Streamlined Sales and Use Tax~~  
~~Agreement~~ } .

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 324**, TAXABLE VALUE ADJUSTMENT FOR PROPERTY DAMAGED BY A NATURAL DISASTER, by Representative B. Last, with the following amendments:

1. Page 1, Lines 13 through 14:
  - 13 This bill:
    - ▶ provides that, before completing and delivering the assessment book to the county auditor, the assessor shall adjust the assessment of property in the assessment book to reflect an adjustment in the taxable value of any property damaged by natural disaster if the adjustment is made by the county board of equalization on or before May 15;
  - 14 ▶ defines terms;
2. Page 1, Lines 25 through 26:
  - 25 Other Special Clauses:
    - 26 {~~None~~} This bill provides retrospective operation.
3. Page 1, Line 27:
  - 27 Utah Code Sections Affected:
    - AMENDED:

59-2-311, as last amended by Chapters 75 and 86, Laws of Utah  
2000

4. Page 2, Lines 31 through 32:

31 Be it enacted by the Legislature of the state of Utah:

Section 1. Section 59-2-311 is amended to read:

59-2-311. Completion and delivery of assessment book --  
Signed statement required -- Contents of signed statement ==  
Adjustment of assessment in assessment book .

(1) Prior to May 22 each year, the assessor shall complete and deliver the assessment book to the county auditor.

(2) The assessor shall subscribe and sign a statement in the assessment book substantially as follows:

I, \_\_\_\_\_, the assessor of \_\_\_\_\_ County, do swear that before May 22, \_\_\_\_\_ (year), I made diligent inquiry and examination, and either personally or by deputy, established the value of all of the property within the county subject to assessment by me; that the property has been assessed on the assessment book equally and uniformly according to the best of my judgment, information, and belief at its fair market value; that I have faithfully complied with all the duties imposed on the assessor under the revenue laws including the requirements of Section 59-2-303.1; and that I have not imposed any unjust or double assessments through malice or ill will or otherwise, or allowed anyone to escape a just and equal assessment through favor or reward, or otherwise.

(3) Before completing and delivering the assessment book under Subsection (1), the assessor shall adjust the assessment of property in the assessment book to reflect an adjustment in the taxable value of any property if the adjustment in taxable value is made:

(a) by the county board of equalization under Section 59-2-1004.5; and

(b) on or before May 15.

32 Section {1-} 2 . Section 59-2-1004.5 is enacted to read:

5. Page 3, Line 88:

88 this section may appeal that decision under Section 59-2-1006.  
Section 3. Retrospection operation.  
This bill provides retrospective operation to January 1, 2005.

6. Page 1, Line 10:  
After “provide a” delete “tax” and insert “valuation”
7. Page 1, Line 16:  
Delete “tax” and insert “valuation”
8. Page 1, Line 22:  
Delete “tax” and insert “valuation”
9. Page 2, Line 55:  
Delete “tax” and insert “valuation”
10. Page 3, Line 60:  
Delete “tax” and insert “valuation”
11. Page 3, Line 61:  
Delete “tax” and insert “valuation”

Wayne A. Harper, Chair

Reports filed. On motion of Representative Harper, the reports of the Revenue and Taxation committee were adopted.

**H.B. 107**, as amended, and **H.B. 324**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

February 17, 2005

The Political Subdivisions Committee recommends **H.B. 94**, YOUTH CORRECTIONS AMENDMENTS, by Representative C. Moss, et al, be replaced and reports a favorable recommendation on **1st Sub. H.B. 94**, YOUTH CORRECTIONS AMENDMENTS with the following amendments:

1. Page 3, Line 84:  
84       (j) “Violent offense” means     
          (i) any of the following offenses, or any attempt, solicitation.
2. Page 4, Line 117:  
117       (X) bus hijacking under Section 76-10-1504;  
          {~~and~~} or



3. Page 5, Lines 119 through 121:

119 (ii) any felony offense against a criminal statute of any other  
state, the United States, or  
120 any district, possession, or territory of the United States which  
would constitute a violent  
121 offense as defined in {~~this~~} Subsection (1)(j) (i) if  
committed in this state.

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 122**, BAIL BOND AMENDMENTS, by Representative K. Gibson, with the following amendments:

1. Page 1, Lines 14 through 19:

14 department {~~;~~  
15 ► establishes a fee to be collected at the jail on each bail  
bond written by a bail bond  
16 surety and directs the disposition of that fee; and  
17 ► directs a portion of that fee to the Departments of  
Insurance and Public Safety for  
18 paying the costs of the commission and for investigating and  
resolving bail bond  
19 complaints and conducting administrative investigations-} .

2. Page 2, Lines 30 through 32:

30 {~~31A-2-405, Utah Code Annotated 1953~~  
31 ~~Uncodified Material Affected:~~  
32 ~~ENACTS UNCODIFIED MATERIAL-~~}

3. Page 2, Lines 52 through 55:

52 (1) (a) There is created within the department the Joint Bail  
Bond Commission  
53 comprised of {~~nine~~} ten members:  
54 (i) {~~two~~} three members  
{~~appointed~~} elected by the Utah Association of Professional  
Bondsmen and

55 Agents:

4. Page 4, Line 97 through Page 5, Line 131:

97 ~~{-(4) recommend to the Legislature appropriate allocation of~~  
~~the fees collected in Section~~

98 ~~31A-2-405; }~~

99 ~~{-(5) }~~ (4) coordinate the efforts of the organizations  
represented in resolving issues affecting

100 bail bond services; and

101 ~~{-(6) }~~ (5) perform other duties as provided in this  
title.

102 ~~{-Section 5. Section 31A-2-405 is enacted to read:~~

103 ~~31A-2-405. Bail bond fee -- Disposition.~~

104 (1) (a) Each bail bond written in this state by a bail bond surety is  
subject to a fee of

105 \$10.

106 (b) The fee shall be collected at the jail at the time the bail bond  
is given to the jail.

107 (c) The jail shall monthly:

108 (i) send \$3.25 of each fee to the department as dedicated credits;

109 (ii) send \$1.75 of each fee to the Department of Public Safety as  
dedicated credits; and

110 (iii) retain \$5 of each fee to assist in paying for costs of  
collecting and processing the

111 fee and providing bail services in the jail.

112 (2) (a) The department shall use the dedicated credits it receives  
under Subsection (1)

113 to:

114 (i) investigate and resolve bail bond complaints;

115 (ii) investigate violations of state law relating to bail bond  
licensees;

116 (iii) pay the administrative costs of the commission; and

117 (iv) employ investigators to conduct investigations required  
under this Subsection

118 ~~(2)(a).~~

119 ~~(b) The Department of Public Safety shall use the dedicated credits it receives under~~

120 ~~Subsection (1) to:~~

121 ~~(i) investigate and resolve bail bond enforcement agent complaints;~~

122 ~~(ii) investigate violations of the state law pertaining to bail enforcement agent~~

123 ~~licensees; and~~

124 ~~(iii) employ investigators to conduct investigations required under this Subsection~~

125 ~~(2)(b).~~

126 ~~Section 6. Legislative intent.~~

127 ~~It is the intent of the Legislature that:~~

128 ~~(1) the Utah Insurance Department use the dedicated credit revenues it receives under~~

129 ~~Section 31A-2-405 to pay the expenses of the board and to hire investigators; and~~

130 ~~(2) the Department of Public Safety use the dedicated credit revenues it receives under~~

131 ~~Section 31A-2-405 to hire investigators. }~~

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 256**, LOCAL GOVERNMENT ACQUISITION OF REAL PROPERTY, by Representative A. Hardy, with the following amendments:

- 1. Page 5, Lines 127 through 131:

127 ~~(6) (a) Each municipality that intends to acquire real property by eminent domain under~~

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

131 ~~with the property owner's rights in an eminent domain proceeding.~~

(b) For purposes of Subsection (1)(c), water rights that are located outside the municipality and are not appurtenant to an interest in real property do not constitute real property that may be acquired by a municipality by eminent domain.

2. Page 5, Lines 147 through 149:

147 (F) subject to Subsection (1)(c), acquire, by eminent domain,  
real property, or an

148 undivided, fractional, or other interest in real property, { ~~that is~~  
necessary or convenient for the

149 purposes contemplated in the agreement creating } for the  
benefit of the interlocal entity, regardless of whether the

3. Page 6, Lines 174 through 178:

174 (c) (i) Each interlocal entity that intends to acquire real  
property by eminent domain under

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

178 with the property owner's rights in an eminent domain proceeding.  
(ii) For purposes of Subsection (1)(a)(i)(F), water rights that are  
located outside the boundaries of the interlocal entity and are not  
appurtenant to an interest in real property do not constitute real property  
that may be acquired by an interlocal entity by eminent domain.

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 311**, CONTROLLED SUBSTANCE LAW AMENDMENTS, by Representative B. Dee, and recommends it be placed on the Consent Calendar.

Brad L. Dee, Chair

Reports filed. On motion of Representative Lawrence, the reports of the Political Subdivisions committee were adopted.

**Sub. H.B. 94**, as amended, **H.B. 122**, as amended, and **H.B. 256**, read the second time by short title and placed on the calendar for third reading.

**H.B. 311**, read the second time by short title and placed on the Consent Calendar.

#### NOTICE OF BILL RETURNED TO RULES COMMITTEE

Mr. Speaker:

February 17, 2005

The Political Subdivisions Committee has returned **H.B. 333**, DENSITY CREDIT FOR LAND DONATED TO SCHOOL DISTRICT, by Representative D. Cox, to the Rules Committee and recommends the bill be sent to Interim Study.

Brad L. Dee, Chair

Report filed. **H.B. 333**, returned to the Rules Committee.

**THIRD READING CALENDAR**

**H.B. 281**, TASK FORCE ON LEGISLATIVE REFORMS, read the third time by short title and placed on its final passage.

Representative Kiser proposed the following amendment:

- 1. Page 2, Line 32:  
Delete "four" and insert "six"

Representative Kiser’s motion to amend passed on a voice vote.

**H.B. 281**, as amended, then failed to pass on the following roll call:

**Yeas, 36; Nays, 37; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Bowman	Cosgrove	Dougall	Duckworth
Fisher	Frank	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Hughes
E. Hutchings	Jones	King	Lawrence
Litvack	McGee	Menlove	Morgan
Moss	Murray	Newbold	Oda
Painter	Ray	Romero	Shurtliff
Ure	Wheatley	Wiley	Wyatt

**Voting in the negative were:** Representatives

Aagard	Adams	Alexander	Barrus
Bigelow	Buttars	Buxton	Christensen
D. Clark	S. Clark	D. Cox	Daw
Dayton	Dee	Donnelson	Dunnigan
Ferrin	Ferry	Fowlke	Gibson
Harper	Hogue	Holdaway	Hunsaker
B. Johnson	Kiser	Last	Lockhart
Mathis	Morley	Noel	G. Snow
Tilton	Urquhart	Walker	Wheeler
Curtis			

**Absent or not voting were:** Representatives

Mascaro	Wallace
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**H.B. 281**, as amended, was filed.

\* \* \*

**H.B. 291**, CAPITOL PRESERVATION BOARD MODIFICATIONS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **H.B. 291**.

\* \* \*

**Sub. H.B. 211**, INTEGRITY OF ELECTION RESULTS AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Dougall proposed the following amendment:

1. Page 3, Lines 76 through 77

76        (xiii) produce a permanent paper record that is available for the  
voter's inspection prior

77    to the voter leaving the    {~~-voting booth~~ }    polling place  
that:

2. Page 3, Lines 80 through 85:

80        (B) shall include a human readable  
{-printing } format which shall be the ultimate record of the

81    voter's intent;

82        (C) may also include a machine readable  
{-printing } format , which may be the same as the human

83    readable    {~~-printing~~ }    format ; and

84        (D) allows voting poll watchers and counting poll  
{-counters } watchers to observe the election process to  
ensure its

85    integrity.

Representative Dougall's motion to amend passed on a voice vote.

**Sub. H.B. 211**, as amended, then passed on the following roll call:

**Yeas, 66; Nays, 5; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux

Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	Jones	King
Last	Lawrence	Litvack	Lockhart
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	Tilton	Urquhart
Walker	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Ferry	B. Johnson	Kiser	G. Snow
Ure			

**Absent or not voting were:** Representatives

Adams	Buxton	Mascaro	Wallace
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**Sub. H.B. 211**, as amended, transmitted to the Senate for its consideration.

**INTENT LANGUAGE FOR SUB. H.B. 211**

This bill shall be interpreted to:

- require the continued use of a paper record in the voting process;
- permit the continued use of automatic voting systems that are currently in use by the state as allowed by the lieutenant governor according to statute; and
- permit the existing request for proposal to purchase new voting equipment to continue without disruption

**THIRD READING CALENDAR**

**Sub. H.B. 184, CRIME VICTIMS – CHANGE OF LOCKS ON RENTAL PROPERTY**, read the third time by short title and placed on its final passage.

Representative Oda proposed the following amendment:

- 1. Page 2, Line 43  
House Committee Amendments 2–9–2005

(b) An owner may comply with Subsection (3)(a) by:  
(i) rekeying the lock if the lock is in good working condition; or  
(ii) changing the entire locking mechanism with a locking mechanism of  
equal or greater quality than the lock being replaced.

43            { ~~(b)~~ }    (c) An owner who installs a new lock under  
Subsection (3)(a) may retain a copy of the

- 2. Page 2, Line 45  
House Committee Amendments 2–9–2005:

45            { ~~(e)~~ }    (d) Notwithstanding any rental agreement, an  
owner who installs a new lock under

Representative Oda’s motion to amend passed on a voice vote.

**Sub. H.B. 184**, as amended, then passed on the following roll call:

**Yeas, 63; Nays, 6; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Ure	Urquhart	Walker	Wheatley
Wheeler	Wiley	Wyatt	

**Voting in the negative were:** Representatives

Dayton	Fowlke	Mathis	Morley
Tilton	Curtis		



**Absent or not voting were:** Representatives

Alexander	Buxton	Hogue	Lockhart
Mascaro	Wallace		

**Sub. H.B. 184**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 228**, REMOVAL OR DEFACEMENT OF POLITICAL SIGNS, read the third time by short title and placed on its final passage.

**H.B. 228** then failed to pass on the following roll call:

**Yeas, 24; Nays, 44; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Becker	Christensen	D. Clark	S. Clark
Cosgrove	Daw	Dayton	Dougall
Fowlke	Frank	Gibson	Huges
E. Hutchings	King	Kiser	Lockhart
McGee	Menlove	Noel	Oda
Painter	Shurtliff	Tilton	Walker

**Voting in the negative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	D. Cox
Dee	Donnelson	Duckworth	Dunnigan
Ferry	Fisher	Goodfellow	Gowans
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hunsaker	Jones	Last
Lawrence	Litvack	Mathis	Morgan
Moss	Murray	Newbold	Ray
Romero	G. Snow	Ure	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Ferrin	Hansen	B. Johnson	Mascaro
Morley	Urquhart	Wallace	

**H.B. 228** was filed.

\* \* \*

On motion of Representative Alexander, the House voted to saunter.

On motion of Representative Alexander, the House voted to cease to saunter.

### THIRD READING CALENDAR

**H.B. 230, RECYCLING OF WASTE TIRES**, read the third time by short title and placed on its final passage.

**H.B. 230**, as amended, then passed on the following roll call:

**Yeas, 67; Nays, 1; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Frank	Gibson
Goodfellow	Gowans	Hardy	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Last	Lawrence	Litvack	Lockhart
Mascaro	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative was:** Representative

Fisher

**Absent or not voting were:** Representatives

Fowlke	Hansen	Harper	Kiser
Mathis	Morley	Wallace	

**H.B. 230**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**Sub. H.B. 83, WEIGHTS AND MEASURES AMENDMENTS**, read the third time by short title and placed on its final passage.

**Sub. H.B. 83** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Walker
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Alexander	D. Clark	Fowlke	Harper
Urquhart	Wallace		

**Sub. H.B. 83** transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Lockhart, the House voted to uncircle **H.B. 62**.

**H.B. 62**, AMENDMENTS TO INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED, was before the House on its final passage.

On motion of Representative Lockhart, the House voted to delete **H.B. 62** in title and body and insert **Sub. H.B. 62** in lieu thereof.

On motion of Representative Lockhart, the House voted to circle **Sub. H.B. 62**.

### THIRD READING CALENDAR

**Sub. H.B. 204**, STATUTE OF LIMITATIONS AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **Sub. H.B. 204**.

\* \* \*

**H.B. 131, ACCESS TO HEALTH CARE FACILITIES AND PLACES OF WORSHIP**, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **H.B. 131**.

### UNFINISHED BUSINESS

On motion of Representative D. Clark, the House voted to uncircle **Sub. H.B. 204**.

**Sub. H.B. 204, STATUTE OF LIMITATIONS AMENDMENTS**, was before the House on its final passage.

**Sub. H.B. 204** then passed on the following roll call:

**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting was:** Representative Alexander

**Sub. H.B. 204** transmitted to the Senate for its consideration.

### THIRD READING CALENDAR

**Sub. H.B. 56**, DIVORCE TASK FORCE, read the third time by short title and placed on its final passage.

On motion of Representative Wallace, under suspension of the rules, the House voted to consider **Sub. H.B. 56** read the first, second, and third times by short title.

**Sub. H.B. 56** then passed on the following roll call:

**Yeas, 62; Nays, 12; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Hardy	Harper	Hogue
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	Kiser	Last	Lawrence
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Bourdeaux	Duckworth	Gowans	Hansen
Hendrickson	Holdaway	Litvack	Moss
Shurtliff	G. Snow	Wheatley	Wiley

**Absent or not voting was:** Representative  
King

**Sub. H.B. 56** transmitted to the Senate for its consideration.

## RULES COMMITTEE REPORT

Mr. Speaker:

February 17, 2005

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 272**, Patient Access to Providers and Contracting Amendments (Rep. R. Lockhart), be amended as follows and further recommends it be assigned to the Business and Labor Standing Committee:

1. Page 3, Line 87 through Page 4, Line 91

87 (4) If an organization permits another private entity with which it does not share

88 common ownership or control to use or otherwise lease one or more of the organization's

89 networks that include participating providers, the organization shall ensure, at a minimum, that

90 the entity pays participating providers in accordance with the same fee schedule and general

91 payment policies as the organization would for that network unless payment for services is governed by a public program's fee schedule

2. Page 10, Lines 297 through 300

297 (3) Notwithstanding any other section of this title, an insurer may not take adverse

298 action against or reduce reimbursement to a contracted provider who is not under a capitated reimbursement arrangement because of the decision of an

299 insured to access health care services from a noncontracted provider in a manner permitted by

300 the insured's health insurance plan, regardless of how the plan is designated.

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

### **BUSINESS AND LABOR**

**H.B. 296**

Condominium Ownership Act Amendments  
(Rep. C. Moss)

- 1st Sub. S.B. 39** Consumer Credit Protection (Sen. C. Walker)  
**1st Sub. S.B. 152** Business License Fees (Sen. M. Waddoups)  
**S.B. 157** Utah Consumer Credit Code Amendments  
 (Sen. P. Knudson)  
**S.B. 158** Dishonored Instrument Amendments (Sen. P. Knudson)  
**S.B. 174** Security Service Amendments (Sen. R. Allen)

### **EDUCATION**

- H.B. 326** High School Curriculum and Early Graduation  
 (Rep. B. Daw)  
**H.B. 356** State Government Law Revisions – Withdrawal from  
 Education Compact (Rep. M. Dayton)

### **GOVERNMENT OPERATIONS**

- H.B. 369** Lobbyist Regulation (Rep. J. Ferrin)  
**H.B. 379** Young Artist Provisions (Rep. G. Hughes)  
**1st Sub. S.B. 149** Pete Suazo Athletic Commission Amendments  
 (Sen. E. Mayne)

### **HEALTH AND HUMAN SERVICES**

- H.B. 115** Utah Child Abuse Prevention Board (Rep. P. Ray)  
**H.B. 134** Public Safety Officers – Critical Incident Shooting  
 Provisions (Rep. P. Ray)  
**H.B. 343** Medicaid – Pregnant Women Resource Test  
 (Rep. M. Wheatley)  
**1st Sub. S.B. 150** Food Safety Manager Certification (Sen. D. Peterson)

### **JUDICIARY**

- H.B. 132** Internet Crimes Against Children (Rep. T. Cosgrove)

### **LAW ENFORCEMENT AND CRIMINAL JUSTICE**

- H.B. 92** Safety Belt Law Requirement Amendments  
 (Rep. M. Noel)  
**H.B. 292** Commission on Racial and Ethnic Fairness  
 (Rep. D. Bourdeaux)

### **POLITICAL SUBDIVISIONS**

- H.B. 309** Municipal Budget Amendments (Rep. M. Walker)  
**H.B. 329** County Contracted Services (Rep. K. Holdaway)  
**1st Sub. S.B. 31** Local Government Amendments (Sen. D. Thomas)

**REVENUE AND TAXATION**

**S.B. 161** Amendments to the Property Tax Valuation Agency Fund Assessing and Collecting Levy (Sen. H. Stephenson)

**TRANSPORTATION**

**S.C.R. 5** Resolution Approving Settlement of Lawsuit (Sen. P. Knudson)

**WORKFORCE SERVICES AND COMMUNITY & ECONOMIC DEVELOPMENT**

**H.B. 313** Economic Development Initiative for Higher Education (Rep. K. Holdaway)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Buttars, the House voted to allow a bill file be opened for tuition waivers for out-of-state residents.

\* \* \*

On motion of Representative Alexander, the House voted to move to the Senate Third Reading Calendar.

**UNFINISHED BUSINESS**

On motion of Representative Dee, the House voted to uncircle **Sub. S.B. 122**.

**Sub. S.B. 122**, RESIDENT TUITION STATUS FOR JOB CORPS STUDENTS, was before the House on its final passage.

**Sub. S.B. 122** then passed on the following roll call:

**Yeas, 59; Nays, 12; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
S. Clark	Cosgrove	D. Cox	Daw
Dee	Duckworth	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans



Hansen	Hardy	Hendrickson	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	Kiser	Last	Lawrence
Litvack	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	Tilton
Ure	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Voting in the negative were:** Representatives

D. Clark	Dayton	Donnelson	Dougall
Dunnigan	Ferry	Harper	Hogee
Lockhart	Morley	Urquhart	Curtis

**Absent or not voting were:** Representatives

Alexander	Ferrin	King	G. Snow
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**Sub. S.B. 122** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**MISCELLANEOUS BUSINESS**

On motion of Representative Urquhart, the House voted to adjourn until February 18, 2005, at 10:00 a.m.

# THIRTY–THIRD DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 10:10 a.m.

Roll call showed all members present except Representatives Ron Bigelow and Jim Ferrin, excused.

Pledge of Allegiance and prayer by Representative Michael E. Noel.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 17, 2005

The Senate passed, as substituted, and amended **1st Sub. S.B. 64**, REAL ESTATE TRANSACTIONS AND SECURITIES, by Senator L. A. Mansell, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 77**, AMENDMENTS TO INDOOR CLEAN AIR ACT, by Senator M. Waddoups, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 139**, MINIMUM WAGE PROVISIONS, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed **S.C.R. 10**, CONCURRENT RESOLUTION HONORING UTAH FOUNDATION, by Senator L. A. Mansell, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. S.B. 64**, **S.B. 77**, **S.B. 139**, and **S.C.R. 10**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 17, 2005

The President of the Senate has signed **H.B. 30**, CONSUMER SALES PRACTICES ACT AMENDMENTS, by Representative T. Kiser, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 30** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

**CONSENT CALENDAR**

**H.B. 233**, ADOPTION LAW REVISIONS, read the third time by short title and placed on its final passage.

**H.B. 233**, as amended, then passed on the following roll call:

**Yeas, 64; Nays, 0; Absent or not voting, 11.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bowman	Buttars
Buxton	Christensen	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Frank	Gibson
Goodfellow	Hansen	Hardy	Harper
Hendrickson	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	King	Kiser
Last	Lawrence	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wyatt	Curtis

**Absent or not voting were:** Representatives

Bigelow	Biskupski	Bourdeaux	D. Clark
Ferrin	Fowlke	Gowans	Hogue
Jones	Litvack	Wiley	

**H.B. 233**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**S.B. 55**, ACCESS TO PATIENT MEDICAL RECORDS, read the third time by short title and placed on its final passage.

**S.B. 55** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Bigelow	D. Clark	Ferrin	Hardy
Litvack			

**S.B. 55** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**H.B. 273, REAL ESTATE AND MECHANICS LIENS – SECURITY ALTERNATIVES**, read the third time by short title and placed on its final passage.

**H.B. 273** then passed on the following roll call:

**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	S. Clark

Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheeler	Wiley
Curtis			

**Absent or not voting were:** Representatives

Alexander	Bigelow	D. Clark	Ferrin
Hogue	Lawrence	Litvack	Shurtliff
Wheatley	Wyatt		

**H.B. 273** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 349**, MONEY MANAGEMENT ACT AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 349**, as amended, then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Lockhart

Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Alexander	Bigelow	Ferrin	Hardy
Litvack			

**H.B. 349**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.R. 9**, HOUSE RESOLUTION DISCOURAGING PARTICIPATION IN FREE TRADE AREAS OF THE AMERICAS, read the third time by short title and placed on its final passage.

**H.R. 9** then passed on the following roll call:

**Yeas, 61; Nays, 8; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bourdeaux	Bowman	Buttars
Christensen	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Duckworth	Dunnigan	Frank	Goodfellow
Gowans	Hansen	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheeler	Wiley	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Biskupski	Buxton	Dougall	Fisher
Fowlke	Gibson	Hardy	McGee

**Absent or not voting were:** Representatives

Alexander	Bigelow	D. Clark	Ferrin
Ferry	Wheatley		

**H.R. 9** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Lt. Governor.

\* \* \*

**H.B. 348**, EMPLOYMENT AGENCY REVISIONS, read the third time by short title and placed on its final passage.

**H.B. 348** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Alexander	Bigelow	D. Clark	Ferrin
Oda	Wallace	Wheatley	

**H.B. 348** transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.B. 85**, HEALTH INSURANCE HIGH RISK POOL – ELIGIBILITY AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **H.B. 85**.

\* \* \*

**H.B. 263**, INSURERS REHABILITATION AND LIQUIDATION, read the third time by short title and placed on its final passage.

On motion of Representative Dougall, the House voted to circle **H.B. 263**.

\* \* \*

**H.B. 269**, SALES MARKETING REQUIREMENTS, read the third time by short title and placed on its final passage.

Representative Allen proposed the following amendment:

1. Page 1, Line 17

17       •       {~~commercially reasonable~~} terms for repurchase  
of inventory from participants;

2. Page 3, Line 66:

66       [~~(1)~~] (3) "Consideration" {~~means~~} includes a  
payment of any money, or the purchase of goods.

3. Page 3, Line 76:

76   within :  
(i) its commercially reasonable use {~~of~~} or shelf-life  
period . if that period is clearly and conspicuously disclosed to the  
participant prior to the participant's purchase of the inventory : or  
(ii) if the requirement of Subsection (5)(a) is not met, 12 months from  
the date of the participant's original purchase of the inventory;

4. Page 3, Lines 80 through 82:

80       (c) does not include inventory that has been clearly described to  
the participant {~~, prior to~~

81 purchase.} as {~~a~~} seasonal, discontinued, or special  
promotion products not subject to the

82 operation's inventory repurchase program . if this description is:  
(i) in at least 12 point type on the front page of a disclosure form; and  
(ii) prior to the participant's purchase of inventory under this Subsection



(5)(c):

(A) signed by the participant; or

(B) acknowledged in another manner by the participant, if the operation maintains evidence of the acknowledgment. .

5. Page 3, Lines 86 through 88:

86 (7) “Inventory loading” means that the operation requires or encourages its {~~independent~~

87 ~~salespersons~~ } participants to purchase inventory in an amount that unreasonably exceeds that which the

88 {~~salesperson~~ } participant can expect to resell for ultimate consumption, or to use or consume, in a reasonable

6. Page 4, Lines 99 through 100:

99 from the sale of goods, services, {~~or~~} [~~other~~] intangible property {~~to participants or~~} or other property by participants

100 to others who are not participants .

Representative Allen’s motion to amend passed on a voice vote.

**H.B. 269**, as amended, then passed on the following roll call:

**Yeas, 66; Nays, 3; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Barrus	Becker
Biskupski	Bourdeaux	Bowman	Buttars
Buxton	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hogue	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Romero	Shurtliff	G. Snow

Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative were:** Representatives

S. Allen	Hendrickson	Holdaway
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**Absent or not voting were:** Representatives

Alexander	Bigelow	Christensen	D. Clark
Ferrin	Ray		

**H.B. 269**, as amended, transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Urquhart, the House voted to uncircle **Sub. H.B. 235**.

**Sub. H.B. 235**, INSURANCE ARBITRATION AMENDMENTS, was before the House on its final passage.

Representative Wyatt proposed the following amendment:

- Page 1, Lines 22 through 24  
House Committee Amendments 2-7-2005  
22       ▶ provides that if a plaintiff, as the moving party in a trial de novo, does not receive a  
23       verdict that is at least ~~20%~~  $\hat{H} \rightarrow$  \$5,000 {~~or~~} and is at least  
~~20%~~  $\leftarrow \hat{H}$  {~~or~~} greater than the arbitration award  
23a      $\hat{H} \rightarrow$  [~~or \$5,000~~]  $\leftarrow \hat{H}$ , the  
24     plaintiff is responsible for the nonmoving party's costs;
- Page 3, Lines 76 through 77:  
76       (a) each party shall pay {~~a proportionate~~} an equal  
share of the fees and costs of the arbitrator  
77       selected under Subsection (4)(a); and
- Page 3, Lines 81 through 82:  
81       (ii) each party shall {~~proportionately~~} pay an  
equal share of the fees and costs of the arbitrator selected

82 under Subsection (4)(d)(ii).

4. Page 4, Lines 108 through 111  
House Committee Amendments 2-7-2005:

108 (11) (a) If the plaintiff, as the moving party in a trial de novo  
requested under

109 Subsection (9), does not obtain a verdict that is at least  $\hat{H} \rightarrow$   
\$5,000 {~~-or~~ } and is at least  $\leftarrow \hat{H}$  20%

109a  $\hat{H} \rightarrow$  [~~or \$5,000~~]  $\leftarrow \hat{H}$  greater than the

110 arbitration award,  $\hat{H} \rightarrow$  [~~which is greater,~~]  $\leftarrow \hat{H}$  the plaintiff is  
responsible for all of the nonmoving

110a party's

111 costs.

Representative Wyatt's motion to amend passed on a voice vote.

**Sub. H.B. 235**, as amended, then passed on the following roll call:

**Yeas, 63; Nays, 1; Absent or not voting, 11.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Barrus	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferry
Fisher	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	Jones	King
Kiser	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative was:** Representative  
Oda

**Absent or not voting were:** Representatives

Adams	Alexander	Becker	Bigelow
D. Clark	Ferrin	Fowlke	B. Johnson
Last	Morley	Wallace	

**Sub. H.B. 235**, as amended, transmitted to the Senate for its consideration.

\* \* \*

On motion of Representative Dougall, the House voted to uncircle **Sub. H.B. 174**.

**Sub. H.B. 174**, CHILD PROTECTION REGISTRY AMENDMENTS, was before the House on its final passage.

On motion of Representative Ferry, the House voted to circle **Sub. H.B. 174**.

### THIRD READING CALENDAR

**Sub. H.B. 63**, SCHOOL DISTRICT AMENDMENTS, read the third time by short title and placed on its final passage.

**Sub. H.B. 63** then passed on the following roll call:

**Yeas, 60; Nays, 7; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bowman	Buttars	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Hansen
Hardy	Harper	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morley
Murray	Newbold	Noel	Oda
Painter	Ray	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wheatley	Wheeler	Wyatt	Curtis

**Voting in the negative were:** Representatives

Biskupski	Gowans	Hendrickson	Morgan
Moss	Romero	Wiley	

**Absent or not voting were:** Representatives

Alexander	Bigelow	Bourdeaux	Buxton
Christensen	D. Clark	Ferrin	Wallace

**Sub. H.B. 63** transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Litvack, the House voted to uncircle **H.B. 85**.

**H.B. 85**, HEALTH INSURANCE HIGH RISK POOL – ELIGIBILITY AMENDMENTS, was before the House on its final passage.

**H.B. 85** then passed on the following roll call:

**Yeas, 63; Nays, 2; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Christensen	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Donnelson
Dougall	Duckworth	Dunnigan	Ferry
Fisher	Fowlke	Gibson	Goodfellow
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	Tilton	Ure
Urquhart	Walker	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Frank	Wallace
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**Absent or not voting were:** Representatives

Alexander	Bigelow	Buxton	D. Clark
Dee	Ferrin	Gowans	Lockhart
Morley	G. Snow		

**H.B. 85** transmitted to the Senate for its consideration.

### THIRD READING CALENDAR

**Sub. H.B. 84**, READING REQUIREMENTS FOR STUDENT ADVANCEMENT, read the third time by short title and placed on its final passage.

**Sub. H.B. 84**, as amended, then failed to pass on the following roll call:

**Yeas, 28; Nays, 37; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	Barrus	Becker
Biskupski	Bourdeaux	Bowman	Cosgrove
Donnelson	Dougall	Goodfellow	Hansen
Hendrickson	Hughes	E. Hutchings	B. Johnson
Jones	Litvack	Mascaro	Mathis
McGee	Morgan	Moss	Newbold
Urquhart	Wheatley	Wheeler	Wyatt

**Voting in the negative were:** Representatives

Adams	S. Allen	Buttars	Buxton
Christensen	S. Clark	D. Cox	Daw
Dayton	Dee	Dunnigan	Ferry
Fowlke	Frank	Gibson	Gowans
Hardy	Harper	Hogue	Holdaway
Hunsaker	Kiser	Last	Lawrence
Lockhart	Menlove	Murray	Noel
Oda	Painter	Romero	G. Snow
Tilton	Ure	Walker	Wallace
Curtis			

**Absent or not voting were:** Representatives

Bigelow	D. Clark	Duckworth	Ferrin
Fisher	King	Morley	Ray
Shurtliff	Wiley		

**Sub. H.B. 84** was filed.

### MISCELLANEOUS BUSINESS

On motion of Representative Morley, the House voted to reconsider its action on **H.B. 163**.

### RECONSIDERATION OF H.B. 163

**H.B. 163**, GARNISHMENT FEES, was before the House on its final passage.

On motion of Representative Mascaro, the House voted to circle **H.B. 163**.

### **MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

### **AFTERNOON SESSION**

The House was called to order by Speaker Curtis at 2:00 p.m.

### **COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: February 18, 2005

The Senate passed, as amended, **S.B. 232**, EXECUTIVE DIRECTOR OF DEPARTMENT OF HEALTH ISSUES, by Senator S. Killpack, and it is transmitted for consideration; and

The Senate passed **S.B. 223**, OVERSIGHT AND ENFORCEMENT OF WORK DONE ON MOBILE HOMES, by Senator E. Mayne, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 215**, FINANCIAL INSTITUTIONS AS LIMITED LIABILITY COMPANIES, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed **S.B. 29**, LICENSING OF CRANE OPERATORS, by Senator G. Davis, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 65**, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, by Senator P. Knudson, and it is transmitted for consideration; and

The Senate passed **S.B. 162**, CHANGES TO 2004 GENERAL OBLIGATION BOND, by Senator R. Allen, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 164**, INDIVIDUAL INCOME TAX – TAX CREDIT FOR LIVE ORGAN DONATION EXPENSES, by Senator K. Hale, et al, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 167**, PENALTIES FOR FALSE DRIVER LICENSES AND IDENTIFICATION CARDS, by Senator C. Walker, and it is transmitted for consideration; and

The Senate passed **S.B. 188**, CLASSIFYING OFF-HIGHWAY VEHICLES AS ALLOWED ON DESIGNATED ROADS, by Senator T. Hatch, and it is transmitted for consideration; and

The Senate passed **S.B. 190**, COUNTY OFFICER AMENDMENTS, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed **S.B. 207**, MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS, by Senator D. Eastman, and it is transmitted for consideration; and

The Senate passed **S.C.R. 6**, RESOLUTION SUPPORTING THE GOLDEN RULE PROJECT, by Senator F. Fife, et al, and it is transmitted for consideration; and

The Senate passed **S.J.R. 14**, JOINT RESOLUTION ON STROKE AWARENESS, by Senator P. Knudson, and it is transmitted for consideration; and

The Senate passed **S.J.R. 15**, JOINT RESOLUTION URGING MEDICAID REFORM, by Senator P. Knudson, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 232**, **S.B. 223**, **Sub. S.B. 215**, **S.B. 29**, **Sub. S.B. 65**, **S.B. 162**, **Sub. S.B. 164**, **Sub. S.B. 167**, **S.B. 188**, **S.B. 190**, **S.B. 207**, **S.C.R. 6**, **S.J.R. 14**, and **S.J.R. 15**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 18, 2005

The Senate concurred in the House amendments and passed **S.B. 14**, UNIFORM PARENTAGE ACT, by Senator L. Hillyard, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **2nd Sub. S.B. 48**, INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS, by Senator P. Arent, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 14** and **2nd Sub. S.B. 48** were signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.



**REPORTS OF STANDING COMMITTEES**

Mr. Speaker: February 18, 2005  
The Judiciary Committee reports a favorable recommendation on **H.B. 275**, BUSINESS ENTITY AMENDMENTS, by Representative R. Romero; and

The Judiciary Committee reports a favorable recommendation on **S.B. 138**, JUDGMENT INTEREST AMENDMENTS, by Senator E. Mayne.

James A. Ferrin, Chair

Reports filed. On motion of Representative Ferry, the reports of the Judiciary committee were adopted.

**H.B. 275** and **S.B. 138**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 18, 2005  
The Natural Resources, Agriculture, and Environment Committee recommends **H.B. 308**, ARCHEOLOGICAL RESOURCES AMENDMENTS, by Representative B. Johnson, be replaced and favorably recommends **1st Sub. H.B. 308**, ARCHEOLOGICAL RESOURCES AMENDMENTS.

Roger E. Barrus, Chair

Report filed. On motion of Representative Barrus, the report of the Natural Resources, Agriculture, and Environment committee was adopted.

**Sub. H.B. 308**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: February 18, 2005  
The Transportation Committee recommends **H.B. 261**, MOTORBOAT LIABILITY INSURANCE AND UNINSURED MOTORIST AND MOTORBOAT IDENTIFICATION DATABASE PROGRAM AMENDMENTS, by Representative K. Gibson, be replaced and reports a favorable recommendation on **1st Sub. H.B. 261**, MOTORBOAT LIABILITY INSURANCE AMENDMENTS with the following amendments and recommends that it be considered read for the first and second times:

1. Page 8, Line 240:

240 (b) “Motorboat” includes personal watercraft regardless of the manufacturer listed horsepower .

The Transportation Committee reports a favorable recommendation on **S.B. 49**, MOTOR VEHICLE LIABILITY COVERAGE AMENDMENTS, by Senator D. Eastman; and

The Transportation Committee reports a favorable recommendation on **S.B. 114**, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS, by Senator M. Waddoups.

Joseph G. Murray, Chair

Reports filed. On motion of Representative Murray, the reports of the Transportation committee were adopted.

**Sub. H.B. 261**, as amended, read the first and second times by short title and placed on the calendar for third reading.

**S.B. 49** and **S.B. 114**, read the second time by short title and placed on the calendar for third reading.

### CONCURRENCE CALENDAR

On motion of Representative Dee, the House voted to concur in the Senate amendments to **H.B. 11**, ECONOMIC DEVELOPMENT INCENTIVES.

**H.B. 11**, as amended by the Senate, then passed on the following roll call:

**Yeas, 54; Nays, 14; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Buttars	Buxton	D. Clark	S. Clark
Cosgrove	D. Cox	Dee	Duckworth
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hunsaker	B. Johnson	Jones
King	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	Menlove
Morgan	Moss	Murray	Noel

Ray	Romero	Shurtliff	G. Snow
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Voting in the negative were:** Representatives

Alexander	Christensen	Daw	Dayton
Donnelson	Dougall	Hughes	Kiser
Morley	Newbold	Oda	Painter
Tilton	Curtis		

**Absent or not voting were:** Representatives

Bowman	Dunnigan	Ferrin	E. Hutchings
McGee	Ure	Urquhart	

**H.B. 11**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Dee, the House voted to concur in the Senate amendments to **H.B. 55**, DRUG OFFENSE PENALTY ENHANCEMENTS.

**H.B. 55**, as amended by the Senate, then passed on the following roll call:

**Yeas, 53; Nays, 18; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Last	Lawrence	Mascaro	McGee
Menlove	Morgan	Moss	Murray
Noel	Oda	Painter	Romero
Shurtliff	G. Snow	Wallace	Wheeler
Wyatt			

**Voting in the negative were:** Representatives

Alexander	Christensen	Dayton	Donnelson
Frank	Hogue	Hughes	Kiser

Litvack	Lockhart	Mathis	Morley
Newbold	Ray	Ure	Walker
Wheatley	Curtis		

**Absent or not voting were:** Representatives

Ferrin	Tilton	Urquhart	Wiley
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**H.B. 55**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Harper, the House voted to concur in the Senate amendments to **H.B. 183**, VERIFICATION OF ELIGIBILITY FOR FEE WAIVERS.

**H.B. 183**, as amended by the Senate, then passed on the following roll call:

**Yeas, 57; Nays, 6; Absent or not voting, 12.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bowman
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferry
Fisher	Fowlke	Frank	Gibson
Hansen	Hardy	Harper	Hogue
Holdaway	Hughes	Hunsaker	B. Johnson
Jones	King	Kiser	Last
Lawrence	Lockhart	Mascaro	Mathis
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Ray	G. Snow	Tilton	Ure
Walker	Wallace	Wheeler	Wiley
Curtis			

**Voting in the negative were:** Representatives

Bourdeaux	Goodfellow	Hendrickson	Litvack
Romero	Wheatley		

**Absent or not voting were:** Representatives

Bigelow	Buttars	Buxton	Christensen
Ferrin	Gowans	E. Hutchings	McGee
Painter	Shurtliff	Urquhart	Wyatt

**H.B. 183**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Dougall, the House voted to concur in the Senate amendments to **H.B. 221**, ELECTRONIC COMMUNICATION HARASSMENT.

**H.B. 221**, as amended by the Senate, then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferry
Fisher	Fowlke	Gibson	Goodfellow
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Romero	Shurtliff	G. Snow
Tilton	Ure	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Buxton	Ferrin	Frank	Gowans
Ray	Urquhart		

**H.B. 221**, as amended by the Senate, transmitted to the Senate for signature of the president.

**UNFINISHED BUSINESS**

On motion of Representative Mascaro, the House voted to uncircle **H.B. 163**.

**H.B. 163**, GARNISHMENT FEES, was before the House on its final passage.

**H.B. 163** then passed on the following roll call:

**Yeas, 40; Nays, 31; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Alexander	Barrus	Becker	Biskupski
Bourdeaux	Buttars	D. Clark	S. Clark
Cosgrove	Dee	Donnelson	Dougall
Dunnigan	Fowlke	Hardy	Hogue
Holdaway	E. Hutchings	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	McGee	Menlove
Morgan	Morley	Moss	Noel
Romero	Shurtliff	Ure	Wallace
Wheatley	Wheeler	Wiley	Wyatt

**Voting in the negative were:** Representatives

Aagard	S. Allen	Bigelow	Bowman
Christensen	D. Cox	Daw	Dayton
Duckworth	Ferry	Fisher	Frank
Gibson	Goodfellow	Gowans	Harper
Hendrickson	Hughes	Hunsaker	B. Johnson
Mathis	Murray	Newbold	Oda
Painter	Ray	G. Snow	Tilton
Urquhart	Walker	Curtis	

**Absent or not voting were:** Representatives

Adams	Buxton	Ferrin	Hansen
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**H.B. 163** transmitted to the Senate for its consideration.

\* \* \*

On motion of Representative Lockhart, the House voted to uncircle **Sub. H.B. 62**.

**Sub. H.B. 62**, AMENDMENTS TO INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED, was before the House on its final passage.

**Sub. H.B. 62** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Frank
Goodfellow	Hardy	Harper	Hendrickson
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Ferrin	Gibson	Gowans	Hansen
Hogue	Ray		

**Sub. H.B. 62** transmitted to the Senate for its consideration.

\* \* \*

On motion of Representative Dougall, the House voted to uncircle **Sub. H.B. 174.**

**Sub. H.B. 174**, CHILD PROTECTION REGISTRY AMENDMENTS, was before the House on its final passage.

On motion of Representative Dougall, the House voted to delete

**Sub. H.B. 174** in title and body and insert **3rd Sub. H.B. 174** in lieu thereof.

**3rd Sub. H.B. 174** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski

Bourdeaux	Bowman	Buttars	Buxton
Christensen	S. Clark	Cosgrove	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

**Absent or not voting were:** Representatives

D. Clark	D. Cox	Ferrin	Gowans
Mascaro	Curtis		

**3rd Sub. H.B. 174** transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**3rd Sub. H.B. 151**, SCHOOL COMMUNITY COUNCILS, read the third time by short title and placed on its final passage.

**3rd Sub. H.B. 151** then passed on the following roll call:

**Yeas, 57; Nays, 8; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bowman	Buttars
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Donnelson
Dougall	Duckworth	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hogue	Hughes	Hunsaker	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis



McGee	Menlove	Morgan	Murray
Newbold	Noel	Oda	Painter
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wheatley	Wheeler
Wyatt			

**Voting in the negative were:** Representatives

Buxton	Hendrickson	Holdaway	B. Johnson
Moss	Ray	Romero	Wiley

**Absent or not voting were:** Representatives

Adams	Alexander	Bourdeaux	Dee
Dunnigan	Ferrin	Lockhart	Morley
Wallace	Curtis		

**3rd Sub. H.B. 151** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 206, CHARTER SCHOOL REPORTING**, read the third time by short title and placed on its final passage.

Representative Dayton proposed the following amendment:

1. Page 2, Lines 33–34:  
Delete lines 33 and 34.
  
2. Page 3, Line 63:  
Delete “shall” and insert “may”

Representative Dayton’s motion to amend passed on a voice vote.

**H.B. 206**, as amended, then passed on the following roll call:

**Yeas, 52; Nays, 18; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Buxton	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Fisher
Fowlke	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson

Hogue	Holdaway	Hughes	E. Hutchings
Jones	King	Last	Lawrence
Litvack	Lockhart	Mascaro	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Ray	Romero
Shurtliff	Walker	Wheatley	Wiley

**Voting in the negative were:** Representatives

Bowman	Buttars	S. Clark	Dunnigan
Ferry	Frank	Hunsaker	B. Johnson
Kiser	Mathis	Morley	Oda
Painter	G. Snow	Ure	Urquhart
Wallace	Wheeler		

**Absent or not voting were:** Representatives

Bourdeaux	Ferrin	Tilton	Wyatt
Curtis			

**H.B. 206**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 231**, SCHOOL DISTRICT BOUNDARIES, read the third time by short title and placed on its final passage.

**H.B. 231** then passed on the following roll call:

**Yeas, 50; Nays, 18; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Bowman	Buttars
Buxton	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Hardy	Harper	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Lawrence	Lockhart	Mascaro
Mathis	McGee	Morgan	Noel
Painter	Ray	G. Snow	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wyatt		

**Voting in the negative were:** Representatives

Alexander	Biskupski	Bourdeaux	Christensen
D. Clark	Duckworth	Hendrickson	Jones
Kiser	Last	Litvack	Morley
Moss	Murray	Newbold	Romero
Shurtliff	Wiley		

**Absent or not voting were:** Representatives

Gowans	Hansen	King	Menlove
Oda	Tilton	Curtis	

**H.B. 231** transmitted to the Senate for its consideration.

\* \* \*

**2nd Sub. H.R. 7**, HOUSE RULES RESOLUTION – COMMITTEE REPORT, read the third time by short title and placed on its final passage.

On motion of Representative Ure, the House voted to circle **2nd Sub. H.R. 7**.

\* \* \*

**H.B. 116**, PRIVATE ACTIVITY BOND AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 116** then passed on the following roll call:

**Yeas, 64; Nays, 0; Absent or not voting, 11.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hogue	Holdaway	Hughes	Hunsaker
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Ure	Urquhart
Wallace	Wheeler	Wiley	Wyatt

**Absent or not voting were:** Representatives

Buxton	D. Clark	Fowlke	Hendrickson
E. Hutchings	Morgan	Morley	Tilton
Walker	Wheatley	Curtis	

**H.B. 116** transmitted to the Senate for its consideration.

\* \* \*

**Sub. H.B. 57**, TOURISM TASK FORCE, read the third time by short title and placed on its final passage.

**Sub. H.B. 57** then passed on the following roll call:

**Yeas, 67; Nays, 2; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wheatley
Wheeler	Wiley	Wyatt	

**Voting in the negative were:** Representatives

Daw	Ferry
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**Absent or not voting were:** Representatives

Buxton	Gowans	Menlove	Morley
Wallace	Curtis		

**Sub. H.B. 57** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 128**, COMPENSATION OF EXECUTIVE OFFICERS, read the third time by short title and placed on its final passage.

Representative Christensen proposed the following amendment:

- 1. Page 1, Lines 10 through 12

10 This bill:

11 ► provides that the attorney general’s salary on July 1, 2009 is 95% of the governor’s

12 salary or equal to the salary of a state district court judge, whichever is greater .

- 2. Page 2, Lines 30 through 31:

30 (b) Beginning July 1, 2009, the annual salary of the attorney general shall be the greater of 95% of

31 the governor’s salary or the salary of a state district court judge .

Representative Christensen’s motion to amend passed on a voice vote.

**H.B. 128**, as amended, then passed on the following roll call:

**Yeas, 41; Nays, 30; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Bigelow	Bowman	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Dougall	Dunnigan
Ferry	Fisher	Fowlke	Hardy
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	Kiser	Lawrence	Lockhart
Mascaro	Morgan	Newbold	Noel
Painter	Tilton	Ure	Urquhart
Walker	Wallace	Wheeler	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Barrus	Becker	Biskupski	Buttars
Buxton	Donnelson	Duckworth	Frank

Gibson	Goodfellow	Gowans	Hansen
Harper	Hendrickson	B. Johnson	Jones
King	Last	Litvack	Mathis
McGee	Menlove	Morley	Moss
Murray	Oda	Ray	Shurtliff
G. Snow	Wiley		

**Absent or not voting were:** Representatives

Bourdeaux	Ferrin	Romero	Wheatley
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**H.B. 128**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 248**, CHILD SUPPORT OBLIGATIONS, read the third time by short title and placed on its final passage.

On motion of Representative Hutchings, the House voted to circle **H.B. 248**.

\* \* \*

**Sub. H.B. 113**, GOVERNMENT BOUNDARY CHANGES, read the third time by short title and placed on its final passage.

**Sub. H.B. 113** then passed on the following roll call:

**Yeas, 63; Nays, 0; Absent or not voting, 12.**

**Voting in the affirmative were:** Representatives

Agard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hansen	Hardy	Harper	Hendrickson
Hogue	Hughes	Hunsaker	B. Johnson
Jones	King	Kiser	Last
Lawrence	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Adams	Bourdeaux	Ferrin	Gowans
Holdaway	E. Hutchings	Litvack	Lockhart
Morley	Romero	Wheatley	Curtis

**Sub. H.B. 113** transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Hutchings, the House voted to uncircle **H.B. 248**.

**H.B. 248**, CHILD SUPPORT OBLIGATIONS, was before the House on its final passage.

Representative Hutchings proposed the following amendment:

- 1. Page 8, Lines 225 through 231

225 (c) Upon receiving a petition under Subsection (9)(a), the court shall, taking into

226 account the best interests of the child, determine whether a substantial change has occurred. {~~If~~

227 ~~it has,~~} (i) For non-deviated orders, the court shall then determine whether the change results in a difference of 15% or more

228 between the amount of child support ordered and the amount that would be required under the

229 guidelines. If there is such a difference {~~+~~} and {~~-~~} {~~-~~} the difference is not of a temporary nature, {~~and~~

230 ~~the order does not deviate from the guidelines.~~} the court shall adjust the amount of child

231 support ordered to that which is provided for in the guidelines.

(ii) For deviated orders, the court may adjust the amount of the child support order consistent with Section 78-45-7.

Representative Hutchings' motion to amend passed on a voice vote.

**H.B. 248**, as amended, then failed to pass on the following roll call:

**Yeas, 29; Nays, 33; Absent or not voting, 13.**

**Voting in the affirmative were:** Representatives

Agard	Alexander	Becker	Bourdeaux
Bowman	Buttars	Christensen	D. Cox
Donnelson	Duckworth	Gibson	Goodfellow
Hansen	Harper	Hogue	E. Hutchings
Jones	King	Lawrence	Mascaro
McGee	Morgan	Murray	Painter
Ray	Shurtliff	Tilton	Urquhart
Wheatley			

**Voting in the negative were:** Representatives

S. Allen	Barrus	Bigelow	Buxton
D. Clark	Daw	Dayton	Dee
Dougall	Ferrin	Ferry	Fisher
Fowlke	Frank	Gowans	Holdaway
Hunsaker	B. Johnson	Last	Mathis
Menlove	Morley	Moss	Newbold
Noel	Oda	Romero	G. Snow
Walker	Wallace	Wheeler	Wiley
Wyatt			

**Absent or not voting were:** Representatives

Adams	Biskupski	S. Clark	Cosgrove
Dunnigan	Hardy	Hendrickson	Hughes
Kiser	Litvack	Lockhart	Ure
Curtis			

**H.B. 248** was filed.

**THIRD READING CALENDAR**

**H.B. 216**, GLOBAL POSITIONING REFERENCE NETWORK, read the third time by short title and placed on its final passage.

**H.B. 216** then passed on the following roll call:

**Yeas, 58; Nays, 2; Absent or not voting, 15.**

**Voting in the affirmative were:** Representatives

Agard	Alexander	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
Cosgrove	D. Cox	Daw	Dayton



Dee	Donnelson	Dougall	Duckworth
Ferry	Frank	Gibson	Goodfellow
Gowans	Hansen	Harper	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Last	Lawrence
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Voting in the negative were:** Representatives

Fisher                      Tilton

**Absent or not voting were:** Representatives

Adams	Biskupski	S. Clark	Dunnigan
Ferrin	Fowlke	Hardy	Hendrickson
Hughes	Kiser	Litvack	Lockhart
Morley	Ure	Curtis	

**H.B. 216** transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Murray, the House voted to reconsider its action on **Sub. H.B. 84**.

**RECONSIDERATION OF SUB. H.B. 84**

**Sub. H.B. 84**, READING REQUIREMENTS FOR STUDENT ADVANCEMENT, was before the House upon its final passage.

**Sub. H.B. 84** then passed on the following roll call:

**Yeas, 38; Nays, 36; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Agard	Barrus	Becker	Biskupski
Bourdeaux	S. Clark	Cosgrove	Donnelson
Dougall	Duckworth	Ferrin	Goodfellow
Hansen	Hendrickson	Hogue	Hughes
E. Hutchings	B. Johnson	Jones	King
Kiser	Litvack	Mascaro	McGee

Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Ray
Shurtliff	Tilton	Wheatley	Wheeler
Wiley	Wyatt		

**Voting in the negative were:** Representatives

Adams	Alexander	S. Allen	Bigelow
Bowman	Buttars	Buxton	Christensen
D. Clark	D. Cox	Daw	Dayton
Dee	Dunnigan	Ferry	Fisher
Fowlke	Frank	Gibson	Gowans
Hardy	Harper	Holdaway	Hunsaker
Last	Lawrence	Lockhart	Mathis
Menlove	Painter	Romero	G. Snow
Ure	Urquhart	Walker	Wallace

**Absent or not voting was:** Representative  
Curtis

**Sub. H.B. 84**, transmitted to the Senate for its consideration.

### **RULES COMMITTEE REPORTS**

Mr. Speaker: February 18, 2005

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 18**, Transportation Investment, (Rep. R. Lockhart), be replaced with **Substitute H.B. 18**, Transportation Investment Act (Rep. R. Lockhart), and further recommends it be assigned to the Transportation Standing Committee; and

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

#### **BUSINESS AND LABOR**

<b>S.B. 29</b>	Licensing of Crane Operators (Sen. G. Davis)
<b>2nd Sub. S.B. 56</b>	Real Estate – Exclusive Brokerage Agreements (Sen. L. A. Mansell)
<b>1st Sub. S.B. 64</b>	Real Estate Transactions and Securities (Sen. L. A. Mansell)
<b>1st Sub. S.B. 65</b>	Alcoholic Beverage Control Amendments (Sen. P. Knudson)
<b>S.B. 77</b>	Amendments to Indoor Clean Air Act (Sen. M. Waddoups)

**1st Sub. S.B. 215** Financial Institutions as Limited Liability Companies  
(Sen. L. Hillyard)

**S.B. 223** Oversight and Enforcement of Work Done on Mobile  
Homes (Sen. E. Mayne)

#### **EDUCATION**

**S.B. 59** Home School Amendments (Sen. M. Madsen)

#### **GOVERNMENT OPERATIONS**

**H.B. 319** Expansion of Department of Administrative Services  
Oversight to Include Human Resource Management  
(Rep. D. G. Buxton)

**1st Sub. S.B. 58** Liability Protection of Educators (Sen. H. Stephenson)

**S.C.R. 10** Concurrent Resolution Honoring Utah Foundation  
(Sen. L. A. Mansell)

#### **HEALTH AND HUMAN SERVICES**

**H.B. 106** Regulation of Noncompete Agreements in Medical  
Practices (Rep. R. McGee)

**H.B. 321** Background Checks for Boarding Schools (Rep. B. Last)

**S.B. 232** Executive Director of Department of Health Issues (Sen.  
S. Killpack)

**S.J.R. 14** Joint Resolution on Stroke Awareness (Sen. P. Knudson)

**S.J.R. 15** Joint Resolution Urging Medicaid Reform  
(Sen. P. Knudson)

#### **JUDICIARY**

**H.B. 271** Commitment to Mental Health Authority (Rep. M. Noel)

#### **POLITICAL SUBDIVISIONS**

**H.J.R. 18** Joint Resolution Supporting Counties Expansion of  
Correctional Facilities (Rep. D. Hogue)

**S.B. 139** Minimum Wage Provisions (Sen. H. Stephenson)

**S.B. 190** County Officer Amendments (Sen. C. Bramble)

#### **REVENUE AND TAXATION**

**S.B. 57** Use of State Sales and Use Tax Revenues for Business  
Development in Disadvantaged Rural Communities  
(Sen. P. Knudson)

**1st Sub. S.B. 164** Individual Income Tax – Tax Credit for Live Organ  
Donation Expenses (Sen. K. Hale)

**TRANSPORTATION**

- 1st Sub. H.B. 314** Driving with Any Measurable Controlled Substance in the Body Revisions (Rep. M. Noel)
- H.B. 337** Golf Carts Allowed on Certain Highways (Rep. C. Moss)
- S.B. 151** Driver Education Amendments (Sen. T. Hatch)
- 1st Sub. S.B. 167** Penalties for False Driver Licenses and Identification Cards (Sen. C. Walker)
- S.B. 188** Classifying Off-highway Vehicles as Allowed on Designated Roads (Sen. T. Hatch)
- S.B. 207** Motor Vehicle Insurance Coverage Amendments (Sen. D. Eastman)

**WORKFORCE SERVICES AND COMMUNITY & ECONOMIC DEVELOPMENT**

- S.C.R. 6** Resolution Supporting the Golden Rule Project (Sen. F. Fife)

Rebecca Lockhart, Chair

Reports filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Lockhart, the House voted to refer all bills and resolutions on the Third Reading Calendar to the Rules Committee and further as bills are reported out of Standing Committees they be considered read the second time and referred to the Rules Committee. The following bills were returned to the Rules Committee: **S.J.R. 6, S.B. 86, Sub. S.B. 8, S.B. 126, S.B. 138, S.B. 49, S.B. 114, H.B. 178, H.R. 5, H.C.R. 4, H.B. 199, H.B. 291, H.B. 131, H.B. 263, 2nd Sub. H.R. 7, H.B. 368, H.B. 73, H.B. 77, H.B. 280, Sub. H.J.R. 5, H.B. 109, H.B. 241, H.R. 10, H.B. 138, Sub. H.B. 247, Sub. H.B. 103, 2nd Sub. H.B. 202, H.B. 299, H.B. 242, H.B. 246, H.C.R. 3, H.B. 140, H.B. 147, H.B. 266, H.B. 274, H.B. 306, H.B. 342, H.B. 245, H.J.R. 19, H.B. 255, H.B. 118, H.B. 124, H.B. 148, H.B. 119, Sub. H.B. 282, Sub. H.B. 96, Sub. H.B. 87, H.B. 361, H.B. 252, H.B. 297, H.B. 259, H.B. 126, H.B. 129, H.B. 249, H.B. 362, H.B. 303, H.B. 310, Sub. H.B. 302, 2nd Sub. H.B. 153, Sub. H.B. 338, H.B. 249, H.B. 264, 2nd Sub. H.B. 152, H.B. 107, H.B. 324, Sub. H.B. 94, H.B. 122, H.B. 256, H.B. 275, Sub. H.B. 308, and Sub. H.B. 261.**

## RULES COMMITTEE REPORT

Mr. Speaker: February 18, 2005

The Rules Committee recommends, under suspension of the rules, the following bills and resolutions be considered read for the second time and placed on the Third Reading Calendar:

- H.B. 287** Revenue Bonds and Capital Facilities Authorizations  
(Rep. D. G. Buxton)
- H.B. 263** Insurers Rehabilitation and Liquidation (Rep. J. Dougall)
- H.B. 107** Amendments to Taxes, Fees, or Charges (Rep. W. Harper)
- H.B. 368** Special Function Officers for Division of Occupational  
and Professional Licensing (Rep. N. Hendrickson)
- H.B. 249** Carson Smith Special Needs Scholarships  
(Rep. M. Newbold)
- H.J.R. 19** Joint Resolution Urging Health Care for Utah's Indigent  
and Needy Uninsured (Rep. L. Fowlke)
- H.B. 109** Information Technology Governance Amendments  
(Rep. D. Clark)
- H.B. 246** Waste Fees Amendments (Rep. S. Urquhart)
- H.B. 266** Changes to Quality Growth Commission  
(Rep. C. Buttars)
- H.B. 306** Amendment Regarding Controlled Substances  
(Rep. C. Oda)
- H.B. 342** Civil Legal Aid for Victims of Domestic Violence  
(Rep. S. Mascaro)
- H.B. 148** School Truancy Amendments (Rep. E. Hutchings)
- 1st Sub. H.B. 87** Claims Against a County (Rep. S. Clark)
- H.B. 297** Aggravated Murder Amendments (Rep. S. Wyatt)
- H.B. 259** Adoption Amendments (Rep. A. Hardy)
- 1st Sub. H.B. 302** Regulation of Construction Industry (Rep. J. S. Adams)
- H.B. 324** Taxable Value Adjustment for Property Damaged by a  
Natural Disaster (Rep. B. Last)
- 2nd Sub. H.B. 202** Revisions to Child Welfare (Rep. W. Harper)
- H.B. 275** Business Entity Amendments (Rep. R. Romero)
- 1st Sub. H.B. 308** Archeological Resources Amendments (Rep. B. Johnson)

**H.B. 124** Enrollment Growth Program Amendments (Rep. B. Last)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Urquhart, the House voted to adjourn until February 21, 2005, at 9:30 a.m.

# THIRTY-SIXTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 9:40 a.m.

Roll call showed all members present.

Prayer by Reed Richards, guest of Representative Neil A. Hansen. Pledge of Allegiance by Representative Neil A. Hansen.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 18, 2005  
The Senate passed, as amended, **S.B. 71**, SECURITY PERSONNEL LICENSING AMENDMENTS, by Senator G. Davis, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 173**, BROWNFIELDS REVISION, by Senator L. A. Mansell, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 180**, WORKERS COMPENSATION – COMPETITIVE BID REQUIREMENTS, by Senator M. Waddoups, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 71**, **S.B. 173**, and **S.B. 180**, read the first time by short title and referred to the Rules Committee.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 18, 2005  
The Health and Human Services Committee recommends **H.B. 115**, UTAH CHILD ABUSE PREVENTION BOARD, by Representative P. Ray, et al, be replaced and reports a favorable recommendation on **1st Sub. H.B. 115**, UTAH CHILD ABUSE PREVENTION BOARD with the following amendments and asks that it be placed on the Consent Calendar.

1. Page 3, Line 66:

66 Children's Trust [~~Account~~] Fund established in Section  
[~~62A-4a-309~~] {~~-62A-99-103~~} 26-7a-103 .

The Health and Human Services Committee reports a favorable recommendation on **H.B. 114**, CHILDREN'S HEALTH CARE COVERAGE AMENDMENTS, by Representative D. Hogue; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 268**, DRUG UTILIZATION REVIEW COMMITTEE AMENDMENTS, by Representative R. Lockhart.

Bradley G. Last, Chair

Reports filed. On motion of Representative Last, the reports of the Health and Human Services committee were adopted.

**Sub. H.B. 115**, as amended, read the second time by short title and placed on the Consent Calendar.

**H.B. 114** and **H.B. 268**, read the second time by short title and referred to the Rules Committee for prioritization.

\* \* \*

Mr. Speaker: February 18, 2005

The Business and Labor Committee reports a favorable recommendation on **1st Sub. S.B. 152**, BUSINESS LICENSE FEES, by Senator M. Waddoups; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 157**, UTAH CONSUMER CREDIT CODE AMENDMENTS, by Senator P. Knudson; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 158**, DISHONORED INSTRUMENT AMENDMENTS, by Senator P. Knudson.

Stephen D. Clark, Chair

Reports filed. On motion of Representative Alexander, the reports of the Business and Labor committee were adopted.

**Sub. S.B. 152**, **S.B. 157**, and **S.B. 158**, read the second time by short title and referred to the Rules Committee for prioritization.



\* \* \*

Mr. Speaker:

February 18, 2005

The Education Committee reports a favorable recommendation on **2nd Sub. H.B. 39, TUITION TAX CREDITS**, by Representative J. Ferrin, with the following amendments:

1. Page 1, Lines 18 through 21:

18 ► provides that a qualifying student is an individual who ~~{—was not enrolled in a private~~

19 ~~school on January 1, 2005, unless the adjusted gross income of the taxpayer who~~

20 ~~paid or incurred the private school tuition expenses is less than or equal to 100% of~~

21 ~~the income eligibility guideline for reduced price school meals;—} ;~~

- was born after September 1, 1999;
- was enrolled as a full-time student in a Utah public school on January 1, 2005;
- was not a Utah resident on January 1, 2005; or
- was a private school student for whom a taxpayer paid or incurred the tuition expenses, and the adjusted gross income of the taxpayer was less than or equal to 100% of the income guideline for reduced price school meals.

2. Page 1, Lines 22 through 23:

22 ► defines a private school as an elementary or secondary school that:

- 23 • has a physical location in Utah where, for at least 90% of the days within the school year, the students attend classes and have direct contact with the school’s teachers ;
- does not operate in a residence;

3. Page 3, Line 78:

78 (E) has a physical location in Utah where, for at least 90% of the days within the school year, the students attend classes and have direct contact with the school’s teachers ;

## 4. Page 4, Lines 92 through 93:

92 (ii) “Private school” does not include a school that ;  
 (A) has an enrollment of fewer than 25  
 93 students { - } ; or  
 (B) operates in a residence.

## 5. Page 4, Lines 102 through 106:

102 (C) who { was not enrolled at a private school on January 1,  
2005, except as provided in  
 103 Subsection (1)(e)(ii).  
 104 (ii) Subsection (1)(e)(i)(C) does not apply if the adjusted gross  
income of the taxpayer  
 105 who paid or incurred the private school tuition expenses is less than  
or equal to 100% of the  
 106 income eligibility guideline as defined in Subsection  
(1)(e). } meets one or more of the following criteria:

(I) the individual was born after September 1, 1999;  
 (II) the individual was enrolled as a full-time student in a Utah  
public school on January 1, 2005;  
 (III) the individual was not a Utah resident on January 1, 2005; or  
 (IV) the individual is a private school student for whom a taxpayer  
has paid or incurred the tuition expenses, and the adjusted gross income  
of the taxpayer is less than or equal to 100% of the income eligibility  
guideline as defined in Subsection (1)(c).

(f)(i) “Tuition expenses” means amounts charged for attending a  
private school minus any amounts paid for with scholarship monies  
received from the state.

(ii) “Tuition expenses” do not include fees for extracurricular  
activities or transportation to the private school.

## 6. Page 6, Lines 172 through 180:

172 (5) The tax credit provided for in this section { - may not be  
carried forward or carried  
 173 back.  
 174 (6) (a) Only one taxpayer may claim a refundable tax credit for  
each qualifying student  
 175 each taxable year.

176 ~~(b) The taxpayer who claims a personal exemption for the~~  
~~qualifying student shall have~~

177 ~~the right to claim the refundable tax credit, unless that taxpayer~~  
~~authorizes another person to~~

178 ~~claim the refundable tax credit.~~

179 ~~(c) In accordance with Title 63, Chapter 46a, Utah~~  
~~Administrative Rulemaking Act, the~~

180 ~~commission shall make rules to administer Subsections (6)(a) and~~  
~~(6)(b) } ;~~

- ~~(a) may be claimed only by the taxpayer who:~~
- ~~(i) is the parent or legal guardian of the qualifying student; and~~
- ~~(ii) claims a personal exemption for the qualifying student; and~~
- ~~(b) may not be carried forward or carried back. .~~

Margaret Dayton, Chair

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

**2nd Sub. H.B. 39**, read the second time by short title and referred to the Rules Committee for prioritization.

**CONSENT CALENDAR**

**H.B. 346**, SCHOOLS FOR THE DEAF AND BLIND SALARY ADJUSTMENTS, read the third time by short title and placed on its final passage.

**H.B. 346** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings

B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

S. Clark	Tilton	Ure
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**H.B. 346** transmitted to the Senate for its consideration.

### MISCELLANEOUS BUSINESS

On motion of Representative Fisher, the House voted to recall **H.B. 71** from the Office of Legislative Research and General Counsel for technical corrections.

### THIRD READING CALENDAR

**H.B. 287**, REVENUE BONDS AND CAPITAL FACILITIES AUTHORIZATIONS, read the third time by short title and placed on its final passage.

On motion of Representative Buxton, the House voted to circle **H.B. 287**.

\* \* \*

**H.B. 263**, INSURERS REHABILITATION AND LIQUIDATION, read the third time by short title and placed on its final passage.

On motion of Representative Dougal, the House voted to circle **H.B. 263**.

\* \* \*

**H.B. 107**, AMENDMENTS TO TAXES, FEES, OR CHARGES, read the third time by short title and placed on its final passage.

**H.B. 107** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski

Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Romero	Shurtliff	G. Snow	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Fisher                      Ray                      Tilton

**H.B. 107** transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Buxton, the House voted to uncircle **H.B. 287**.

**H.B. 287**, REVENUE BONDS AND CAPITAL FACILITIES AUTHORIZATIONS, was before the House on its final passage.

Representative Buxton proposed the following amendment:

1. Page 3, Lines 59 through 60

59        (b) hospital {~~-and-parking~~ } revenues be used as the  
primary revenue source for repayment

60        of any obligation created under authority of this Subsection (1);

Representative Buxton's motion to amend passed on a voice vote.

**H.B. 287**, as amended, then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux

Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Alexander                      Dayton                      Menlove

**H.B. 287**, as amended, transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.B. 368**, SPECIAL FUNCTION OFFICERS FOR DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING, read the third time by short title and placed on its final passage.

**H.B. 368** then failed to pass on the following roll call:

**Yeas, 25; Nays, 48; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Cosgrove	Duckworth	Fowlke	Goodfellow
Gowans	Hansen	Hendrickson	Holdaway
Jones	King	Litvack	McGee
Morgan	Moss	Newbold	Romero
Shurtliff	Ure	Wallace	Wheatley
Wiley			

**Voting in the negative were:** Representatives

Aagard	Adams	Alexander	Barrus
Bigelow	Bowman	Buttars	Buxton

Christensen	D. Clark	S. Clark	Daw
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Ferry	Fisher
Frank	Gibson	Hardy	Harper
Hogue	Hughes	Hunsaker	E. Hutchings
B. Johnson	Kiser	Last	Lawrence
Lockhart	Mathis	Menlove	Morley
Murray	Noel	Oda	Painter
Ray	G. Snow	Tilton	Urquhart
Walker	Wheeler	Wyatt	Curtis

**Absent or not voting were:** Representatives  
D. Cox                      Mascaro

**H.B. 368** was filed.

\* \* \*

**H.B. 249, CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS**, read the third time by short title and placed on its final passage.

Representative Newbold proposed the following amendment:

1. Page 3, Line 90  
House Committee Amendments 2-16-2005  
90        (c) special education personnel from the student's  
          ~~{-resident }~~ school district; and
  
2. Page 6, Lines 173 through 175  
House Committee Amendments 2-16-2005:  
173        (8) A scholarship student may not participate in ~~{-an~~  
          academic }    a dual enrollment program  
174 pursuant to Section 53A-11-102.5 ~~{-. but may participate in~~  
          public school extracurricular  
175 activities pursuant to Section 53A-11-102.5 } .

Representative Newbold's motion to amend passed on a voice vote.

###

Representative Moss proposed the following amendments. The motion was divided.

- 1. Page 5, Line 135  
House Committee Amendments 2-16-2005

135 (b) the private school specializes in serving students with disabilities and shall be able to provide special education instruction and related services designed to meet the identified needs of each prospective scholarship student ; and

- 2. Page 7, Lines 208 through 208b  
House Committee Amendments 2-17-2005:

208b ~~{scholarship students. }~~ H ; or (c) a school that does not employ staff licensed to deliver special education services.

Representative Moss' amendment 1 failed to passed on the following roll call:

**Yeas, 23; Nays, 45; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Cosgrove	Duckworth	Fowlke	Goodfellow
Gowans	Hansen	Hendrickson	Jones
King	Litvack	Mascaro	McGee
Menlove	Morgan	Moss	Romero
Shurtliff	Wheatley	Wiley	

**Voting in the negative were:** Representatives

Aagard	Adams	Alexander	Barrus
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Ferrin	Ferry	Fisher	Frank
Hardy	Hogue	Holdaway	Hunsaker
B. Johnson	Kiser	Last	Lawrence
Lockhart	Morley	Murray	Newbold
Noel	Oda	Painter	Ray
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheeler	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Bigelow	Dunnigan	Gibson	Harper
Hughes	E. Hutchings	Mathis	



Representative Moss' amendment 2 failed to passed on the following roll call:

**Yeas, 33; Nays, 38; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Cosgrove	D. Cox	Duckworth	Dunnigan
Fowlke	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Hogue	Holdaway
Hunsaker	E. Hutchings	Jones	King
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Moss
Murray	Romero	Shurtliff	Wheatley
Wiley			

**Voting in the negative were:** Representatives

Aagard	Adams	Alexander	Barrus
Bowman	Buttars	Christensen	D. Clark
S. Clark	Daw	Dayton	Dee
Donnelson	Dougall	Ferrin	Fisher
Frank	Gibson	Hughes	B. Johnson
Kiser	Last	Lockhart	Morley
Newbold	Noel	Oda	Painter
Ray	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Bigelow	Buxton	Ferry	Harper
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**H.B. 249**, as amended, then passed on the following roll call:

**Yeas, 58; Nays, 17; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Daw	Dayton	Dee
Donnelson	Dougall	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Hardy	Harper	Hogue

Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	Kiser	Last
Lawrence	Lockhart	Mascaro	Mathis
McGee	Morgan	Morley	Murray
Newbold	Noel	Oda	Painter
Ray	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Becker	Biskupski	Cosgrove	D. Cox
Duckworth	Goodfellow	Gowans	Hansen
Hendrickson	King	Litvack	Menlove
Moss	Romero	Shurtliff	Wheatley
Wiley			

**H.B. 249**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.J.R. 19**, JOINT RESOLUTION URGING HEALTH CARE FOR UTAH'S INDIGENT AND NEEDY UNINSURED, read the third time by short title and placed on its final passage.

**H.J.R. 19** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray

Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Curtis			

**Absent or not voting were:** Representatives  
 Hardy                      Wyatt

**H.J.R. 19** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 109**, INFORMATION TECHNOLOGY GOVERNANCE AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **H.B. 109**.

\* \* \*

**H.B. 246**, WASTE FEES AMENDMENTS, read the third time by short title and placed on its final passage.

Representative King proposed the following amendment:

1. Page 2, Line 58  
 58 (iii) on and after July 1, 1994, through June 30, 2005, a fee of \$2.50 per ton or fraction of a ton on all
2. Page 5, Line 139:  
 139 when the fees accrue.  
(7) Notwithstanding any other provision of this section, a nonhazardous solid waste facility that receives waste generated primarily by on-site sources, or that receives waste generated primarily by off-site sources that are owned, controlled, or operated by the facility owner or operator, is not subject to the fees imposed in Subsections (1)(a) or (c).
3. Page 3, Line 72:  
 Refer to Committee amendments dated 2-10-2005:  
 After "per" insert "ton"

Representative King’s motion to amend passed on a voice vote.

On motion of Representative Alexander, the House voted to circle **H.B. 246**.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

### AFTERNOON SESSION

The House was called to order by Speaker Curtis at 2:00 p.m.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 21, 2005

The Senate passed **S.B. 194**, SALES AND USE TAX EXEMPTION FOR ITEMS RELATING TO DIRECT MAIL, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed, as substituted, **2nd Sub. S.B. 199**, OFFICE OF ENERGY – OVERSIGHT, by Senator T. Hatch, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 203**, PROPERTY TAX – COUNTY SERVICE AREAS, by Senator M. Waddoups, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 206**, NONPARTICIPATING TOBACCO MANUFACTURER AMENDMENTS, by Senator S. Killpack, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 239**, PUBLIC LANDS POLICY COORDINATION, by Senator T. Hatch, and it is transmitted for consideration; and

The Senate passed **S.J.R. 17**, RESOLUTION RECOGNIZING HUNTSMAN CANCER INSTITUTE, by Senator P. Knudson, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 194**, **2nd Sub. S.B. 199**, **S.B. 203**, **S.B. 206**, **S.B. 239**, and **S.J.R. 17**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 21, 2005

The President of the Senate has signed **H.B. 11**, ECONOMIC DEVELOPMENT INCENTIVES, by Representative B. Dee, et al, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 55**, DRUG OFFENSE PENALTY ENHANCEMENTS, by Representative B. Dee, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 70**, HEALTH DISCOUNT PROGRAM CONSUMER PROTECTION ACT, by Representative J. Dunnigan, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 76**, HABITUAL VIOLENT OFFENDERS AMENDMENTS, by Representative P. Ray, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 183**, VERIFICATION OF ELIGIBILITY FOR FEE WAIVERS, by Representative W. Harper, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 208**, UNCLAIMED PROPERTY AMENDMENTS, by Representative P. Ray, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 215**, PROPERTY TRACKING AMENDMENTS, by Representative P. Ray, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 221**, ELECTRONIC COMMUNICATION HARASSMENT, by Representative J. Dougall, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 279**, CLINICAL COUNSELOR – TITLE CHANGE, by Representative L. Fowlke, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.J.R. 1**, JOINT RESOLUTION RELATED TO FINANCIAL INSTITUTIONS, by Representative J. Alexander, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.J.R. 11**, RESOLUTION ENCOURAGING SCHOOLS TO ADOPT NUTRITION AND PHYSICAL ACTIVITY POLICIES, by Representative P. Jones, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 11**, **H.B. 55**, **H.B. 70**, **H.B. 76**, **H.B. 183**, **H.B. 208**, **H.B. 215**, **H.B. 221**, **H.B. 279**, **H.J.R. 1**, and **H.J.R. 11** were signed by

the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: February 21, 2005

The Senate passed, as amended, **H.J.R. 15**, RESOLUTION REGARDING UNITED STATES TRADE NEGOTIATIONS, by Representative S. Allen, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.J.R. 15**, placed on the calendar for concurrence.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 21, 2005

The Political Subdivisions Committee reports a favorable recommendation on **1st Sub. S.B. 31**, LOCAL GOVERNMENT AMENDMENTS, by Senator D. Thomas; and

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 307**, REDEVELOPMENT AGENCY CHANGES, by Representative J. Dougall; and

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 309**, MUNICIPAL BUDGET AMENDMENTS, by Representative M. Walker; and

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 380**, AMENDMENTS TO LOCAL DISTRICTS, by Representative K. Morgan; and

The Political Subdivisions Committee reports a favorable recommendation on **H.J.R. 7**, RESOLUTION AMENDING STATE AUDITOR QUALIFICATIONS, by Representative R. Romero.

Brad L. Dee, Chair

Reports filed. On motion of Representative Dee, the reports of the Political Subdivisions committee were adopted.

**Sub. S.B. 31**, **H.B. 307**, **H.B. 309**, **H.B. 380**, and **H.J.R. 7**, read the second time by short title and referred to the Rules Committee for prioritization.

## NOTICE OF BILL RETURNED TO RULES COMMITTEE

Mr. Speaker: February 21, 2005

The Political Subdivisions Committee recommends **H.B. 207**, PRESCRIPTIVE EASEMENTS ACT, by Representative G. Hughes, be replaced with **1st Sub. H.B. 207**, PRESCRIPTIVE EASEMENTS ACT, with the following amendments, and has returned it to the Rules Committee and recommends the bill be sent to Interim Study.

1. Page 2, Lines 38 through 39:

38     This chapter does not apply to :  
       (1) an easement established under Chapter 13a, Easement  
 39     for Water Conveyance {~~-~~ } ; or  
       (2) any easement established in a county of the first or second  
       class.

2. Page 2, Line 53:

53     (2) A private or public utility company, as defined in  
       Section 72-6-116.  
       (3) A government entity.  
       (4) An easement created by public use.  
       (5) An easement established for agricultural use.

3. Page 3, Lines 59 through 61:

59     This chapter does not apply to an easement {~~- established~~  
       under } :  
 60     (1) established under Chapter 13a, Easement for Water  
       Conveyance: {~~-or~~ }  
 61     (2) established under Chapter 13b, Easement for Historical  
       Livestock Trail Act {~~-~~ } ; or  
       (3) established in a county of the first or second class.

Brad L. Dee, Chair

Report filed. **Sub. H.B. 207**, as amended, returned to the Rules Committee for interim study.

## REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 21, 2005

The Government Operations Committee reports a favorable recommendation on **H.B. 262**, LICENSURE OF ATHLETIC TRAINERS, by Representative P. Ray, with the following amendments:

1. Page 2, Lines 36 through 37:
 

36        58-40a-111, Utah Code Annotated 1953  
           58-40a-112, Utah Code Annotated 1953
2. Page 5, Line 151 through Page 6, Line 152:
 

151        (b) a condition that is within the scope of practice of an athletic  
           { -trainee }    trainer    identified by a  
 152        licensed physician as benefitting from athletic training  
           services.
3. Page 6, Lines 152 through 153:
 

152        licensed physician, osteopath, dentist, chiropractor, or  
           naturopath    as benefitting from athletic training services.  
 153        (2) “Athletic trainer” means a person who is licensed under this  
           chapter and carries out
4. Page 6, Lines 167 through 168:
 

167        58-67-301, osteopathic physician and surgeon licensed under  
           Section 58-68-301, a chiropractic physician licensed under Chapter  
           73, Chiropractic Physician Practice Act, a naturopathic physician  
           licensed under Chapter 71, Naturopathic Physician Practice Act, or  
           dentist  
 168        licensed under Section 58-69-301 who is responsible for the  
           athletic training services provided
5. Page 6, Line 182 through Page 7, Line 183:
 

182        athletic trainers, one member representative of the directing  
           physicians referred to in Subsection 58-40a-102(5), and one member  
           of the general public who has never been authorized to  
 183        practice a healing art and never had a substantial personal, business,  
           professional, or pecuniary
6. Page 7, Lines 203 through 204:
 

203        in the practice of medicine, osteopathy, chiropractic, naturopathy,  
           and dentistry.  
 204        Section 7. Section 58-40a-106 is enacted to read:



7. Page 11, Line 308:

308 designing and implementing appropriate programs to minimize the risk of injury.

Section 13. Section 58-40a-112 is enacted to read:

58-40a-112. Insurance payments.

Nothing in this chapter may be construed to require the payment from third party insurers to athletic trainers.

The Government Operations Committee reports a favorable recommendation on **H.B. 319**, EXPANSION OF DEPARTMENT OF ADMINISTRATIVE SERVICES OVERSIGHT TO INCLUDE HUMAN RESOURCE MANAGEMENT, by Representative D. G. Buxton, with the following amendments:

1. Page 32, Line 968:

968 (2) The director shall assign an employee of the  
 {~~agency~~} division to act as field office director.

The Government Operations Committee reports a favorable recommendation on **H.B. 373**, EDUCATION TECHNOLOGY TASK FORCE, by Representative E. Hutchings; and

The Government Operations Committee reports a favorable recommendation on **H.B. 379**, YOUNG ARTIST PROVISIONS, by Representative G. Hughes, with the following amendments:

1. Page 16, Line 472:

472 (iii) the minor is at least {~~16~~} 19 years of age;

2. Page 21, Line 639:

639 (iii) the minor is at least {~~16~~} 19 years of age;

The Government Operations Committee reports a favorable recommendation on **H.R. 11**, RESOLUTION URGING CONGRESS TO PASS BALANCED BUDGET AMENDMENT, by Representative N. Hansen.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Government Operations committee were adopted.

**H.B. 262**, as amended, **H.B. 319**, as amended, **H.B. 373**, **H.B. 379**, as amended, and **H.R. 11**, read the second time by short title and referred to the Rules Committee for prioritization.

\* \* \*

Mr. Speaker: February 21, 2005

The Workforce Services and Community and Economic Development Committee recommends **H.B. 313**, ECONOMIC DEVELOPMENT INITIATIVE FOR HIGHER EDUCATION, by Representative K. Holdaway, be replaced and favorably recommends **1st Sub. H.B. 313**, ECONOMIC DEVELOPMENT INITIATIVE FOR HIGHER EDUCATION; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.C.R. 6**, RESOLUTION SUPPORTING THE GOLDEN RULE PROJECT, by Senator F. Fife, et al.

David N. Cox, Chair

Reports filed. On motion of Representative Cox, the reports of the Workforce Services and Community and Economic Development committee were adopted.

**Sub. H.B. 313** and **S.C.R. 6**, read the second time by short title and referred to the Rules Committee for prioritization.

\* \* \*

Mr. Speaker: February 21, 2005

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 57**, USE OF STATE SALES AND USE TAX REVENUES FOR BUSINESS DEVELOPMENT IN DISADVANTAGED RURAL COMMUNITIES, by Senator P. Knudson; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 153**, TAX REFORM TASK FORCE, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 161**, AMENDMENTS TO THE PROPERTY TAX VALUATION AGENCY FUND ASSESSING AND COLLECTING LEVY, by Senator H. Stephenson.

Wayne A. Harper, Chair

Reports filed. On motion of Representative Harper, the reports of the Revenue and Taxation committee were adopted.

**S.B. 57**, **S.B. 153**, and **S.B. 161**, read the second time by short title and referred to the Rules Committee for prioritization.

### THIRD READING CALENDAR

**H.B. 266**, CHANGES TO QUALITY GROWTH COMMISSION, read the third time by short title and placed on its final passage.

**H.B. 266**, as amended, then passed on the following roll call:

**Yeas, 62; Nays, 7; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Gibson	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Holdaway	Hughes
Hunsaker	E. Hutchings	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	Menlove	Morgan	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Adams	Christensen	Dayton	Frank
Harper	Hogue	Morley	

**Absent or not voting were:** Representatives

Bourdeaux	B. Johnson	Jones	King
McGee	Tilton		

**H.B. 266**, as amended, transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative D. Clark, the House voted to uncircle **H.B. 109**.

**H.B. 109**, INFORMATION TECHNOLOGY GOVERNANCE AMENDMENTS, was before the House on its final passage.

Representative Allen proposed the following amendment:

1. Page 52, Line 1607 through Page 53, Line 1618  
1607 (4) (a) An employee of an executive branch agency who was a career service employee

1608 as of July 1, 2005 { ~~and whose functions are~~ } who is transferred to the Department of Technology

1609 Services continues in the employee's career service status during the employee's service to the

1610 Department of Technology Services if the duties of the position in the new department are substantially similar to those in the employee's previous position.

(b) A career service employee transferred to the new department under the provisions of Subsection (4)(a), whose duties or responsibilities subsequently change, may not be converted to exempt status without the review process required by Subsection 67-19-15(3).

(c) The executive director shall work with executive branch agency directors, during the period of transition to the new department, in good faith, to:

(i) preserve relevant career service positions;

(ii) retain qualified employees in non-relevant positions through transfers to other positions in state government, with retraining as necessary; and

(iii) promote greater economy and efficiencies for the department

.

1611 { ~~(b)~~ } (d) The Department of Technology Services together with the Department of Human

1612 Resource Management may develop financial and other incentives to encourage a career

1613 service employee who transfers to the department under the provisions of Subsection (4)(a) to

1614 voluntarily convert to an exempt position under Section 67-19-15.

1615 { ~~(e)~~ } (e) If a career service employee transfers to the department under the provisions of

1616 Subsection (4)(a) and terminates his employment with the department for any reason, the

1617 employment position shall be exempt from career service status under the provisions of

1618 Subsection (3).

Representative Becker proposed the following substitute motion to amend:

1. Page 3, Line 89:  
Delete line 89.

- 2. Page 52, Lines 1604–1618:  
After “resources.” delete the rest of line 1604 through line 1618.
- 3. Pages 77–79, Lines 2363 – 2438:  
Delete lines 2363 through 2438.

Representative Becker’s substitute motion to amend failed on a voice vote.

Representative Allen’s motion to amend passed on a voice vote.

**H.B. 109**, as amended, then passed on the following roll call:

**Yeas, 52; Nays, 18; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Buttars	Buxton
Christensen	D. Clark	S. Clark	Daw
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Hardy
Harper	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Last	Lawrence
Lockhart	Mascaro	Mathis	Menlove
Morgan	Morley	Murray	Newbold
Oda	Painter	Ray	Shurtliff
Tilton	Ure	Urquhart	Walker
Wallace	Wheeler	Wyatt	Curtis

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Cosgrove
D. Cox	Duckworth	Gowans	Hansen
Hendrickson	Jones	King	Kiser
Litvack	McGee	Moss	Romero
Wheatley	Wiley		

**Absent or not voting were:** Representatives

Bowman	Ferrin	Hughes	Noel
G. Snow			

**H.B. 109**, as amended, transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.B. 306**, AMENDMENT REGARDING CONTROLLED SUBSTANCES, read the third time by short title and placed on its final passage.

**H.B. 306** then passed on the following roll call:

**Yeas, 50; Nays, 7; Absent or not voting, 18.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Bowman	Buttars	Buxton	Christensen
D. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Harper	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	Last	Lawrence	Mascaro
Mathis	McGee	Menlove	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Shurtliff	G. Snow
Tilton	Walker	Wallace	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Becker	Bourdeaux	Hansen	King
Romero	Wheatley	Wiley	

**Absent or not voting were:** Representatives

Adams	Bigelow	Biskupski	S. Clark
Dougall	Duckworth	Dunnigan	Ferrin
Gowans	Hardy	Hendrickson	Kiser
Litvack	Lockhart	Morgan	Morley
Ure	Urquhart		

**H.B. 306** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 342, CIVIL LEGAL AID FOR VICTIMS OF DOMESTIC VIOLENCE,** read the third time by short title and placed on its final passage.

**H.B. 342** then passed on the following roll call:

**Yeas, 58; Nays, 0; Absent or not voting, 17.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bourdeaux	Bowman	Buttars

Buxton	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Duckworth	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Harper	Hogue
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Last	Lawrence	Mascaro
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Adams	Bigelow	Biskupski	S. Clark
Dougall	Dunnigan	Ferrin	Hardy
Hendrickson	Holdaway	Hughes	Kiser
Litvack	Lockhart	Morley	Ure
Urquhart			

**H.B. 342** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 148, SCHOOL TRUANCY AMENDMENTS**, read the third time by short title and placed on its final passage.

Representative Mathis proposed the following amendment:

1. Page 3, Line 63:  
Refer to the standing committee amendments dated 2-14-05:  
On line (iv) after "notice" delete "and approval"

Representative Mathis' motion to amend passed on a voice vote.

**H.B. 148**, as amended, then passed on the following roll call:

**Yeas, 73; Nays, 1; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton

Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Voting in the negative was:** Representative  
Ure

**Absent or not voting was:** Representative  
Ferrin

**H.B. 148**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**Sub. H.B. 87**, CLAIMS AGAINST A COUNTY, read the third time by short title and placed on its final passage.

**Sub. H.B. 87** then passed on the following roll call:

**Yeas, 67; Nays, 3; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Donnelson
Duckworth	Dunnigan	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Harper	Hogue



Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Dee                      Hendrickson              Holdaway

**Absent or not voting were:** Representatives

Dougall                      Ferrin                      Hardy                      G. Snow  
Wheatley

**Sub. H.B. 87** transmitted to the Senate for its consideration.

### **RULES COMMITTEE REPORTS**

Mr. Speaker:

February 21, 2005

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 239**, Repeal of Exemption from Nonresident Tuition (Rep. G. Donnelson), be replaced with **Substitute H.B. 239**, Higher Education Tuition and Residency Legislative Task Force (Rep. G. Donnelson) and further recommends it be read for the first time and assigned to the Education Standing Committee; and

The Rules Committee recommends that, under suspension of the rules, the following resolution be considered read for the second time and placed on the Time Certain Calendar for Wednesday, February 23, 2005 at 11:15 a.m.

**H.C.R. 11**                      Resolution Honoring the University of Utah Football Team (Rep. J. Alexander); and

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

### **BUSINESS AND LABOR**

**H.B. 277**                      Revisions to the Utah Credit Union Act  
(Rep. L. Christensen)

**S.B. 71**                      Security Personnel Licensing Amendments  
(Sen. G. Davis)

**GOVERNMENT OPERATIONS**

- H.B. 330** Driver License Qualifications Amendments  
(Rep. G. Donnelson)
- H.B. 340** Office of Recovery Services Fee (Rep. A. Tilton)

**HEALTH AND HUMAN SERVICES**

- H.B. 354** Licensure of Wholesale Distributors of Prescription Drugs  
(Rep. B. Last)

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

- H.B. 327** Department of Commerce – Demographic Data Tracking  
(Rep. M. Wheatley)
- H.B. 332** Possession of a Dangerous Weapon in a Vehicle  
(Rep. M. Morley)

**PUBLIC UTILITIES AND TECHNOLOGY**

- H.B. 260** Amendments Related to Pornographic and Harmful  
Materials (Rep. J. Dougall)

**WORKFORCE SERVICES AND COMMUNITY & ECONOMIC  
DEVELOPMENT**

- H.B. 318** Community and Economic Development Restructuring  
(Rep. C. Buttars)
- S.B. 159** Assessment Offset for Donations Promoting Occupational  
Health and Safety (Sen. E. Mayne)
- S.B. 173** Brownfields Revision (Sen. L. A. Mansell)
- S.B. 180** Workers Compensation – Competitive Bid Requirements  
(Sen. M. Waddoups); and

The Rules Committee recommends that, under suspension of the rules, the following bills and resolutions be considered read for the second time and placed on the Third Reading Calendar:

- H.B. 309** Municipal Budget Amendments (Rep. M. Walker)
- H.B. 380** Amendments to Local Districts (Rep. K. Morgan)
- H.R. 10** Resolution Supporting Participation of Taiwan in World  
Health Organization (Rep. B. Last)
- 2nd Sub. H.R. 7** House Rules Resolution – Committee Report  
(Rep. D. Ure)
- H.B. 280** Joint Custody Amendments (Rep. L. Christensen)
- 1st Sub. H.B. 261** Motorboat Liability Insurance Amendments  
(Rep. K. Gibson)

- H.B. 256** Local Government Acquisition of Real Property  
(Rep. A. Hardy)
- H.B. 138** Nonresident Tuition for Higher Education Amendments  
(Rep. M. S. Lawrence)
- H.B. 307** Redevelopment Agency Changes (Rep. J. Dougall)
- H.B. 147** Property Tax Exemption for Veterans (Rep. G. Hughes)
- H.B. 255** Investment of Higher Education Institution Endowment  
Funds (Rep. D. Clark)
- H.B. 118** Revise Utility Improvement Districts (Rep. D. Ure)
- H.B. 119** Navajo Trust Fund Amendments (Rep. B. King)
- H.B. 361** Municipal Authority to Use Collection Agencies  
(Rep. M. Walker)
- H.B. 303** Shelter Hearing Amendments (Rep. E. Hutchings)
- H.B. 264** State Land Use Management Plans Amendments  
(Rep. M. Noel)
- 1st Sub. H.B. 338** Child and Family Welfare Revisions  
(Rep. L. Christensen)
- 1st Sub. H.B. 103** Student Housing Built by Higher Education Institutions  
(Rep. S. Clark)
- H.B. 241** Veterans Nursing Home (Rep. D. G. Buxton)
- H.B. 319** Expansion of Department of Administrative Services  
Oversight to Include Human Resource Management  
(Rep. D. G. Buxton)
- 2nd Sub. H.B. 39** Tuition Tax Credits (Rep. J. Ferrin)
- H.B. 242** Criminal Penalty for Animal Cruelty (Rep. S. Wyatt)
- H.B. 77** Provisions for Emancipation of a Minor (Rep. R. McGee)
- H.B. 122** Bail Bond Amendments (Rep. K. Gibson)

Rebecca Lockhart, Chair

Reports filed. On motion of Representative Lockhart, the reports of the Rules Committee were adopted.

### **MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until February 22, 2005, at 9:00 a.m.

# THIRTY–SEVENTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 9:10 a.m.

Roll call showed all members present except Representative Jim Dunnigan, excused.

Pledge of Allegiance and prayer by Representative David L. Hogue.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 21, 2005

The Senate passed, as substituted, **1st Sub. S.B. 109**, SAFETY BELT ENFORCEMENT, by Senator K. Hale, and it is transmitted for consideration; and

The Senate passed, as substituted, **Sub. S.B. 177**, INCREASE STATUTE OF LIMITATIONS ON RAPE, by Senator E. Mayne, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 191**, POLITICAL SUBDIVISIONS – TRUTH IN GOVERNMENT COMPETITION, by Senator R. Allen, and it is transmitted for consideration; and

The Senate passed **S.J.R. 16**, RESOLUTION URGING COMPREHENSIVE CANCER CONTROL PLAN FOR THE STATE, by Senator K. Hale, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. S.B. 109**, **Sub. S.B. 177**, **S.B. 191**, and **S.J.R. 16**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 21, 2005

The Senate passed, **H.B. 71**, LICENSING OF ESTHETICIANS AND NAIL TECHNICIANS, by Representative J. Fisher, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 71** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: February 21, 2005

The Senate substituted and passed, **Senate 1st Sub. H.B. 180**, RETIREMENT OFFICE AMENDMENTS, by Representative A. Hardy, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **Sub. H.B. 180**, placed on the calendar for concurrence.

**REPORTS OF STANDING COMMITTEES**

Mr. Speaker: February 21, 2005

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 292**, COMMISSION ON RACIAL AND ETHNIC FAIRNESS, by Representative D. Bourdeaux, with the following amendments:

- 1. Page 2, Line 48 through Page 3, Line 65:

48 (1) The commission shall be composed of 30 voting members as follows:

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

61 (k) ~~{the chair of }~~ a member of the Asian community appointed by the Asian Advisory Council ~~{or the chair's designee }~~ ;

62 (l) ~~{the chair of }~~ a member of the Black community appointed by the Black Advisory Council ~~{or the chair's designee }~~ ;

63 (m) ~~{the chair of }~~ a member of the Hispanic community appointed by the Hispanic Advisory Council ~~{or the chair's designee }~~ ;

64 (n) ~~{the chair of }~~ a member of the Pacific Islander community appointed by the Pacific Islander Advisory Council ~~{or the chair's designee }~~ ;

65 (o) a member of the Native American community appointed by the director of the Division of Indian Affairs ~~{or the director's designee }~~ ;

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

DeMar “Bud” Bowman, Chair

Report filed. On motion of Representative Bowman, the report of the Law Enforcement and Criminal Justice committee was adopted.

**H.B. 292**, as amended, read the second time by short title and referred to the Rules Committee for prioritization.

\* \* \*

Mr. Speaker: February 21, 2005

The Judiciary Committee reports a favorable recommendation on **H.B. 132**, INTERNET CRIMES AGAINST CHILDREN, by Representative T. Cosgrove, with the following amendments:

1. Page 2, Lines 41 through 42:

41 (2) (a) As part of the attorney general’s participation in this task force, the attorney

42 general shall {~~provide~~} ~~make available~~ , to the extent legislative funding is available, statewide training and

James A. Ferrin, Chair

Report filed. On motion of Representative Ferrin, the report of the Judiciary committee was adopted.

**H.B. 132**, as amended, read the second time by short title and referred to the Rules Committee for prioritization.

\* \* \*

Mr. Speaker: February 21, 2005

The Transportation Committee reports a favorable recommendation on **S.B. 51**, NEW MOTOR VEHICLE FRANCHISE ACT AMENDMENTS, by Senator D. Eastman, with the following amendments:

1. Page 2, Line 35:

35 ~~{None}~~ This bill contains a coordination clause.

2. Page 28, Line 846:

846 (d) qualified service personnel.

Section 16. Coordinating S.B. 51 with H.B. 47.

If this S.B. 51 and H.B. 47, New Automobile Franchise Act

Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare Subsection 13-14-201(1)(e)(i) in the Utah Code database to read, “(i) relieve a franchisor from any liability, including notice and hearing rights imposed on the franchisor by this chapter; or”.

The Transportation Committee reports a favorable recommendation on **S.B. 134**, POWERSPORT VEHICLE FRANCHISE ACT, by Senator D. Eastman; and

The Transportation Committee reports a favorable recommendation on **1st Sub. S.B. 167**, PENALTIES FOR FALSE DRIVER LICENSES AND IDENTIFICATION CARDS, by Senator C. Walker; and

The Transportation Committee reports a favorable recommendation on **S.C.R. 5**, RESOLUTION APPROVING SETTLEMENT OF LAWSUIT, by Senator P. Knudson; and

The Transportation Committee reports a favorable recommendation on **1st Sub. H.B. 18**, TRANSPORTATION INVESTMENT ACT, by Representative R. Lockhart; and

The Transportation Committee reports a favorable recommendation on **H.B. 314**, DRIVING WITH ANY MEASURABLE CONTROLLED SUBSTANCE IN THE BODY REVISIONS, by Representative M. Noel; and

The Transportation Committee reports a favorable recommendation on **H.B. 337**, GOLF CARTS ALLOWED ON CERTAIN HIGHWAYS, by Representative C. Moss.

Joseph G. Murray, Chair

Reports filed. On motion of Representative Murray, the reports of the Transportation committee were adopted.

**S.B. 51**, as amended, **S.B. 134**, **Sub. S.B. 167**, **S.C.R. 5**, **Sub. H.B. 18**, **H.B. 314**, and **H.B. 337**, read the second time by short title and referred to the Rules Committee for prioritization.

## INTRODUCTION OF BILLS

**H.B. 318**, **Community and Economic Development Restructuring** (C. Buttars), read the first time by short title and referred to the Rules Committee.

**H.B. 375**, **Revisions to General State Government – Notary Law Amendments** (B. King), read the first time by short title and referred to the Rules Committee.

### MISCELLANEOUS BUSINESS

On motion of Representative Lockhart, the House voted to lift **H.B. 318** from the Rules Committee and assigned it to the Workforce Services and Community and Economic Development standing committee.

### CONSENT CALENDAR

**H.B. 311**, CONTROLLED SUBSTANCE LAW AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 311** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bigelow	Biskupski	Bowman	Buttars
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	Daw	Dayton	Dee
Donnelson	Duckworth	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Lockhart	Mascaro	Mathis
McGee	Menlove	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Alexander	Becker	Bourdeaux	D. Cox
Dougall	Dunnigan	Litvack	Morgan

**H.B. 311** transmitted to the Senate for its consideration.

### MISCELLANEOUS BUSINESS

On motion of Representative Ferry, the House voted to circle **H.B. 309** and **H.B. 380**.



### THIRD READING CALENDAR

**H.B. 297**, AGGRAVATED MURDER AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 297** then passed on the following roll call:

**Yeas, 70; Nays, 1; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Lockhart	Mascaro	Mathis	McGee
Menlove	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative was:** Representative

Litvack

**Absent or not voting were:** Representatives

Alexander	Dunnigan	Hughes	Morgan
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**H.B. 297** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 259**, ADOPTION AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Hardy proposed the following amendment:

1. Page 5, Line 151 through Page 6, Line 157

151 (II) temporary living expenses during the pregnancy or  
confinement of the mother; and

152 (b) “directly affected person” means a person who is:

153 (i) a parent or guardian of a minor when the minor is the mother  
or father of the child

154 being adopted; {~~or~~ }

155 (ii) a dependant of:

156 (A) the mother or father of the child being adopted; or

157 (B) the parent or guardian described in Subsection  
(1)(b)(i) {~~r~~ } :or

(iii) the spouse of the mother or father of the child being adopted.

Representative Hardy’s motion to amend passed on a voice vote.

**H.B. 259**, as amended, then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Alexander	Dunnigan	Holdaway	Menlove
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**H.B. 259**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**Sub. H.B. 302**, REGULATION OF CONSTRUCTION INDUSTRY, read the third time by short title and placed on its final passage.

On motion of Representative Adams, the House voted to circle **Sub. H.B. 302**.

\* \* \*

**H.B. 324**, TAXABLE VALUE ADJUSTMENT FOR PROPERTY DAMAGED BY A NATURAL DISASTER, read the third time by short title and placed on its final passage.

Representative Newbold proposed the following amendment:

- 1. Page 1, Line 17:  
Delete "30%" and insert "50%"
- 2. Page 2, Line 58:  
Delete "30%" and insert "50%"
- 3. Page 3, Line 74:  
Delete "30%" and insert "50%"

Representative Harper proposed the following substitute motion to amend:

- 1. Page 1, Line 17:  
Delete "30%" and insert "40%"
- 2. Page 2, Line 58:  
Delete "30%" and insert "40%"
- 3. Page 3, Line 74:  
Delete "30%" and insert "40%"

Representative Harper's substitute motion to amend passed on a voice vote.

**H.B. 324**, as amended, then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski

Bourdeaux	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Absent or not voting were:** Representatives

Bowman	Dunnigan	Mascaro	Ure
Curtis			

**H.B. 324**, as amended, transmitted to the Senate for its consideration.

**COMMITTEE OF THE WHOLE**

On motion of Representative Alexander, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from U.S. Senator Orrin Hatch.

On motion of Representative Alexander, the Committee of the Whole was dissolved.

**THIRD READING CALENDAR**

**2nd Sub. H.B. 202**, REVISIONS TO CHILD WELFARE, read the third time by short title and placed on its final passage.

Representative Harper proposed the following amendment:

- Page 7, Lines 183 through 184

183        { ~~(iv) engaging in conduct described in Subsection~~  
~~76-5-109.1(2);~~ }    or

184        { ~~(v)~~ }    (iv) subjecting a child to mistreatment or  
abuse.

2. Page 9, Line 260:

260 (G) medical or mental health care:

3. Page 10, Lines 276 through 280:

276 (iii) that there is a substantial risk that a child will suffer abuse or neglect by a caretaker

277 who neglected or abused another child in the child's home;  
{~~or~~}

278 (iv) failure by a parent or guardian to make a good faith effort to ensure that the child

279 receives an appropriate education after the parent or guardian receives notice that the child is

280 frequently absent from school without good cause {~~or~~} ; or (v) an act or failure to act that presents an imminent risk of serious harm.

4. Page 12, Lines 353 through 355:

353 [~~(31)~~] (32) "Supported" means a finding by the division [~~based on the evidence~~

354 available] at the completion of an investigation {~~or~~} that there is a reasonable basis to conclude {~~or~~}

355 {~~that is more likely than not~~} that abuse, neglect, or dependency occurred. Each allegation made

5. Page 12, Line 366 through Page 13, Line 369:

366 [~~(35)~~] (36) "Unsupported" means a finding at the completion of an investigation by the

367 division that there is insufficient evidence to {~~or~~} conclude {~~or~~} {~~show that it is more likely than not~~} that

368 abuse, neglect, or dependency occurred. However, a finding of unsupported means also that

369 the division worker did not conclude that the allegation was without merit.

## 6. Page 26, Lines 781 through 790:

781 (c) the reasonable exercise of a parent's right to discipline a  
child is not grounds to  
782 subject a parent to punishment, restriction, disqualification {~~—~~ or  
surveillance of any kind.  
783 including:  
784 (i) arrest;  
785 (ii) criminal liability;  
786 (iii) removing a child from the physical custody of a parent;  
787 (iv) adversely altering a parent's physical custody of a child;  
788 (v) issuance of a protective order;  
789 (vi) requiring reporting; or  
790 (vii) withholding or revoking a license } .

## 7. Page 30, Line 904:

904 (b) Family preservation caseworkers {~~—~~} may {~~—~~}  
 {~~—shall~~} ;

## 8. Page 33, Lines 997 through 998:

997 requirements of Subsection (1), failure to notify {~~—shall~~} ;  
 998 (a) shall be considered to be due to circumstances beyond  
 the control of the peace officer or

## 9. Page 37, Lines 1112 through 1119:

1112 (b) If a parent does not agree with a treatment plan:  
 1113 (i) the division shall strive to resolve the disagreement  
between the division and the parent; and  
(ii) if the disagreement described in Subsection (4)(b)(i) is not  
resolved, the division shall inform the court of the disagreement {~~—~~  
and  
 1114 (ii) the parent shall be permitted to submit an alternate  
treatment plan for the court's  
 1115 consideration } .  
 1116 {~~—(c) Prior to ordering a treatment plan, the court shall~~  
~~consider the treatment plan~~

1117 ~~proposed by:~~

1118 ~~(i) the division; and~~

1119 ~~(ii) a parent, if one is submitted. }~~

10. Page 39, Lines 1190 through 1192:

1190 ~~(e) For purposes of Subsection (10)(d), a treatment plan shall:~~

1191 ~~(i) only include requirements that:~~

1192 ~~(A) address findings or orders made by the court; or~~

11. Page 52, Lines 1597 through 1599:

1597 ~~(VI) a family advocate~~ {~~—~~

1598 ~~(VII) an attorney~~ } ; or

1599 ~~[(V) clergy] {~~—(VIII)~~ } (VII) a minister, as defined in Section 62A-4a-403; and~~

12. Page 67, Lines 2049 through 2050:

2049 (9) If the petition is filed under Section 78-3a-305 or 78-3a-405 or if the matter is

2050 referred to the court under Subsection 78-3a-105{~~(3)~~}  
 {~~—(4)(b)~~ } (5) :

13. Page 9, Lines 251 through 253:

251 ~~[(48)]~~ (20) (a) “Neglect” means:

252 ~~(i) {~~repeated~~ or }~~ substantial failure by a parent, guardian, or person with care or custody

253 of a child to provide the child with proper or necessary:

14. Page 10, Line 276:

276 ~~(iii) that there is a substantial risk that a child~~  
 {~~—will~~ } may suffer abuse or neglect by a caretaker

15. Page 36, Lines 1096 through 1097:

1096 (2) In developing the treatment plan, the division shall use the approach that it

1097 determines best serves the needs of the child and family .

16. Page 47, Line 1445 through Page 48, Line 1454:

1445        {~~(D)~~ custodial interference, as described in Section 76-5-303; }

1446        {~~(E)~~ }        (D) unlawful detention, as described in Section 76-5-304, if the victim is a person

1447 under the age of 18 at the time of the conduct; and

1448        {~~(F)~~ }        (E) any of the offenses described in Title 76, Chapter 5, Part 4, Sexual Offenses, if the

1449 victim is a person under the age of 18 at the time of the conduct.

1450        (b) "Minister" means a person recognized by a bona fide religious organization as a:

1451        (i) minister;

1452        (ii) member of the clergy;

1453        (iii) priest; or

1454        (iv) {~~counselor~~ }        similar religious official .

17. Page 59, Line 1820:

1820        (iv) major surgical {~~-~~} , or psychiatric {~~-~~} treatment;

18. Page 83, Line 2562 through Page 84, Line 2584:

2562        [~~(a)~~] (i) subject to Subsection (9)(b)(i), there is a substantial danger to the physical

2563 health or safety of the [minor] child and the [minor's] child's physical health or safety may not

2564 be protected without removing [him] the child from [his parent's] the custody[. If a minor has

2565 previously been adjudicated as abused, neglected, or dependent and a subsequent incident of

2566 abuse, neglect, or dependency occurs, that fact constitutes prima facie evidence that the child

2567 cannot safely remain in the custody of his parent] of the child's parents or caretaker ;

2568        [~~(b)~~] (ii) the [minor] child is suffering emotional damage[, as may be indicated by, but



2569 ~~is not limited to, extreme anxiety, depression, withdrawal, or negative aggressive behavior~~

2570 ~~toward self or others,]~~ and there are no reasonable means available by which the ~~[minor's]~~

2571 child's emotional health may be protected without removing the ~~[minor]~~ child from the custody

2572 of ~~[his parent]~~ the child's parents or caretaker ;

2573 (iii) there is a substantial risk that the child will suffer abuse or neglect if the child is

2574 not removed from the custody of the child's parents or caretaker ;

2575 ~~[(e)]~~ (iv) subject to Subsection (9)(b)(ii), the [minor] child or another [minor] child

2576 residing in the same household ~~[has been]~~ is physically or sexually abused, or is considered to

2577 be at substantial risk of being physically or sexually abused, by a:

2578 (A) parent or caretaker [~~a~~];

2579 (B) member of the parent's or caretaker's household~~];~~ or ~~[other]~~

2580 (C) person known to the parent or caretaker [~~If a parent has received actual notice that physical or~~

2581 ~~sexual abuse by a person known to the parent has occurred, and there is evidence that the~~

2582 ~~parent has allowed the child to be in the physical presence of the alleged abuser, that fact~~

2583 ~~constitutes prima facie evidence that the child is at substantial risk of being physically or~~

2584 ~~sexually abused];~~

19. Page 85, Lines 2603 through 2613:

2603 (b) (i) For purposes of Subsection (9)(a)(i), evidence that a child cannot safely remain

2604 in the custody of a parent or caretaker of the child is established if:

2605 (A) a court previously adjudicated that the child suffered abuse, neglect, or dependency

2606 involving the parent or caretaker ; and

2607 (B) a subsequent incident of abuse, neglect, or dependency involving the parent or caretaker occurs.

2608 (ii) For purposes of Subsection (9)(a)(iv), there is a substantial risk that a child will be

2609 physically or sexually abused if the court finds, by a preponderance of the evidence, that the

2610 parent or caretaker ;

2611 (A) received actual notice that abuse by a person known to the parent or caretaker occurred; and

2612 (B) after receiving the notice described in Subsection (9)(b)(ii)(A), allowed the child to

2613 be in the physical presence of the abuser.

Representative Harper's motion to amend passed on a voice vote.

###

Representative Dayton proposed the following amendment:

1. Page 5, Line 137:  
Delete line 137.

Representative Ferry proposed the following substitute motion to amend:

1. Page 100, Line 3078:  
Insert: "Section 44. Effective Date.  
"This bill takes effect July 1, 2006."

Representative Ferry's substitute motion to amend failed on a voice vote.

Representative Dayton withdrew her motion to amend.

###

Representative Wallace proposed the following amendment:

1. Page 100, Line 3078:  
Insert: "Section 44. Effective Date.  
"This bill takes effect January 1, 2006."

Representative Wallace's motion to amend passed on the following roll call:

**Yeas, 34; Nays, 33; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	D. Clark	Cosgrove
D. Cox	Dee	Duckworth	Ferry
Fisher	Fowlke	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Holdaway
Hunsaker	Jones	Last	Lawrence
Litvack	Mathis	Menlove	Moss
Murray	Newbold	Romero	Shurtliff
Ure	Walker	Wallace	Wheatley
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Adams	Alexander	Barrus	Becker
Bourdeaux	Bowman	Buttars	Buxton
Christensen	Daw	Donnelson	Dougall
Ferrin	Frank	Gibson	Harper
Hogue	Hughes	E. Hutchings	B. Johnson
King	Kiser	Lockhart	McGee
Morley	Noel	Oda	Painter
Ray	G. Snow	Urquhart	Wheeler
Wiley			

**Absent or not voting were:** Representatives

Bigelow	Biskupski	S. Clark	Dayton
Dunnigan	Mascaro	Morgan	Tilton

**2nd Sub. H.B. 202**, as amended, then passed on the following roll call:

**Yeas, 44; Nays, 26; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Bowman
Buttars	Christensen	D. Clark	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Harper
Hogue	Holdaway	Hughes	Hunsaker
B. Johnson	Kiser	Last	Lockhart
Mathis	Menlove	Morley	Newbold

Noel	Oda	Painter	Ray
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheeler	Wyatt

**Voting in the negative were:** Representatives

S. Allen	Barrus	Becker	Biskupski
Bourdeaux	Buxton	Cosgrove	Duckworth
Goodfellow	Gowans	Hansen	Hardy
Hendrickson	E. Hutchings	Jones	King
Lawrence	Litvack	McGee	Moss
Murray	Romero	Shurtliff	Wheatley
Wiley	Curtis		

**Absent or not voting were:** Representatives

Bigelow	S. Clark	Dunnigan	Mascaro
Morgan			

**2nd Sub. H.B. 202**, as amended, transmitted to the Senate for its consideration.

### MISCELLANEOUS BUSINESS

On motion of Representative Last, the House voted to set **H.R. 10** for Time Certain on February 22, 2005 at 2:30 p.m.

\* \* \*

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

### AFTERNOON SESSION

The House was called to order by Speaker Curtis at 2:45 p.m.

### SPECIAL ORDER OF BUSINESS

**H.R. 10**, RESOLUTION SUPPORTING PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION, read the third time by short title and placed on its final passage.

### COMMITTEE OF THE WHOLE

On motion of Representative Alexander, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from Mr. Lin, from Taiwan.

On motion of Representative Alexander, the Committee of the Whole was dissolved.

**H.R. 10** then passed on the following roll call:

**Yeas, 62; Nays, 0; Absent or not voting, 13.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Biskupski	Bourdeaux	Bowman	Buttars
Buxton	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Ferrin
Ferry	Fisher	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Mascaro	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	Ure
Walker	Wallace	Wheatley	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

S. Allen	Becker	Bigelow	S. Clark
Dunnigan	Fowlke	Holdaway	Lockhart
Mathis	G. Snow	Tilton	Urquhart
Wheeler			

**H.R. 10** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Lt. Governor.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

February 21, 2005

The Senate passed **S.B. 172**, DIVISION OF REAL ESTATE AMENDMENTS, by Senator M. Waddoups, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 178**, CHARTER SCHOOL AMENDMENTS, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 179**, PROTECTION OF GOVERNMENT RECORDS, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 227**, PUBLIC SAFETY DRIVING PRIVILEGE AND IDENTIFICATION CARD AMENDMENTS, by Senator C. Bramble, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 172**, **Sub. S.B. 178**, **S.B. 179**, and **S.B. 227**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 22, 2005

The Senate passed, **H.B. 149**, VEHICLE IDENTIFICATION NUMBER INSPECTORS, by Representative C. Frank, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 149** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: February 22, 2005

The Senate passed, as amended, **H.B. 43**, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS, by Representative S. Urquhart, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 43**, placed on the calendar for concurrence.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 22, 2005

The Business and Labor Committee reports a favorable recommendation on **S.B. 174**, SECURITY SERVICE AMENDMENTS, by Senator R. Allen; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 272**, PATIENT ACCESS TO PROVIDERS AND CONTRACTING AMENDMENTS, by Representative R. Lockhart; and

The Business and Labor Committee reports a favorable recommendation on **H.C.R. 13, CONCURRENT RESOLUTION PROMOTING UTAH SAVES STRATEGIC INITIATIVE**, by Representative D. Hogue.

Stephen D. Clark, Chair

Reports filed. On motion of Representative Alexander, the reports of the Business and Labor committee were adopted.

**S.B. 174, H.B. 272, and H.C.R. 13**, read the second time by short title and referred to the Rules Committee for prioritization.

\* \* \*

Mr. Speaker:

February 22, 2005

The Education Committee reports a favorable recommendation on **H.B. 356, STATE GOVERNMENT LAW REVISIONS – WITHDRAWAL FROM EDUCATION COMPACT**, by Representative M. Dayton, and recommends it be placed on the Consent Calendar; and

The Education Committee reports a favorable recommendation on **H.B. 169, APPROPRIATION FOR SCHOOL DISTRICTS IMPACTED BY FEE WAIVERS**, by Representative L. Shurtliff; and

The Education Committee reports a favorable recommendation on **H.B. 326, HIGH SCHOOL CURRICULUM AND EARLY GRADUATION**, by Representative B. Daw, with the following amendments:

1. Page 1, Lines 1 through 2:
  - 1 HIGH SCHOOL CURRICULUM {~~–AND EARLY~~
  - 2 ~~GRADUATION–}~~
2. Page 1, Line 9:
  - 9 This bill provides for additional high school curriculum {~~–and GED test–}~~ provisions.
3. Page 1, Lines 15 through 18:
  - 15 and other curricula; and
  - 16 ► encourages a meeting to select which curriculum the student will follow {~~–;and–}~~ ◌
  - 17 {~~–► requires the State Board of Education to apply to GED to allow enrolled high school~~

18 ~~students to take the GED test. }~~

4. Page 1, Line 26:

26           { ~~53A-1-612, Utah Code Annotated 1953-~~ }

5. Page 2, Lines 45 through 52:

45           { ~~Section 2. Section 53A-1-612 is enacted to read:~~

46       ~~53A-1-612. General Educational Development Test.~~

47       ~~(1) As used in this section, "GED test" means the General Educational Development~~

48 ~~test developed by the American Council on Education and administered by the General~~

49 ~~Educational Development Testing Service.~~

50       ~~(2) The State Board of Education shall submit an application to the General~~

51 ~~Educational Development Testing Service to request that students who are currently enrolled in~~

52 ~~high school, including students who excel academically, be allowed to take the GED test. }~~

Margaret Dayton, Chair

Reports filed. On motion of Representative Dayton, the reports of the Education committee were adopted.

**H.B. 356**, read the second time by short title and placed on the Consent Calendar.

**H.B. 169** and **H.B. 326**, as amended, read the second time by short title and referred to the Rules Committee for prioritization.

\* \* \*

Mr. Speaker:

February 22, 2005

The Health and Human Services Committee recommends **H.B. 304**, PREMIUM ASSISTANCE PROGRAM FOR COVERED-AT-WORK, by Representative K. Holdaway, be replaced and reports a favorable recommendation on **1st Sub. H.B. 304**, PREMIUM ASSISTANCE PROGRAM FOR COVERED-AT-WORK with the following amendments:



## 1. Page 1, Lines 21 through 24:

21 • increase the {~~five year~~} individual monthly premium subsidy amount, currently

22 consisting of varying amounts per year, to \$100 per year for the life of the waiver ;

23 • increase the {~~five year~~} individual and spouse monthly premium subsidy amount,

24 currently consisting of varying amounts per year, to \$200 for the life of the waiver ; and

## 2. Page 3, Lines 62 through 65:

62 (a) increase the {~~five year~~} individual monthly premium subsidy amount to \$100 per

63 month for the life of the waiver ;

64 (b) increase the {~~five year~~} individual and spouse monthly premium subsidy amount to \$200 per

65 month for the life of the waiver ; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 343**, MEDICAID – PREGNANT WOMEN RESOURCE TEST, by Representative M. Wheatley; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 19**, DISEASE TESTING OF INDIVIDUALS EXPOSED TO BLOOD BORNE PATHOGENS, by Senator P. Arent.

Bradley G. Last, Chair

Reports filed. On motion of Representative Last, the reports of the Health and Human Services committee were adopted.

**Sub. H.B. 304**, as amended, **H.B. 343**, and **S.B. 19**, read the second time by short title and referred to the Rules Committee for prioritization.

\* \* \*

Mr. Speaker:

February 22, 2005

The Public Utilities and Technology Committee recommends **H.B. 260**, AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS, by Representative J. Dougall, be replaced and favorably

recommends **1st Sub. H.B. 260**, AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS.

Sheryl L. Allen, Chair

Report filed. On motion of Representative Allen, the report of the Public Utilities and Technology committee was adopted.

**Sub. H.B. 260**, read the second time by short title and referred to the Rules Committee for prioritization.

### NOTICE OF BILL TABLED

Mr. Speaker:

February 22, 2005

The Public Utilities and Technology Committee has tabled **H.B. 312**, MUNICIPAL ELECTRICAL ENTITIES AMENDMENTS, by Representative A. Tilton, and has returned it to the Rules Committee.

Sheryl L. Allen, Chair

Report filed. **H.B. 312**, tabled in committee and referred to the Rules Committee.

### THIRD READING CALENDAR

**H.B. 275**, BUSINESS ENTITY AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Romero proposed the following amendment:

1. Page 30, Line 909

909 (ii) if [~~none~~] a designated office is not to be maintained, a statement that the company will

Representative Romero's motion to amend passed on a voice vote.

**H.B. 275**, as amended, then passed on the following roll call:

**Yeas, 66; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall

Duckworth	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	Tilton	Ure
Walker	Wallace	Wheatley	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Adams	Bigelow	Dunnigan	Holdaway
Menlove	Morley	G. Snow	Urquhart
Wheeler			

**H.B. 275**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**Sub. H.B. 308**, ARCHEOLOGICAL RESOURCES AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative B. Johnson, the House voted to delete **Sub. H.B. 308** in title and body and insert **3rd Sub. H.B. 308** in lieu thereof.

Representative Goodfellow proposed the following amendment:

1. Page 4, Line 97:  
Delete "other than the Division of State History."

Representative Goodfellow's motion to amend failed on the following roll call:

**Yeas, 28; Nays, 35; Absent or not voting, 12.**

**Voting in the affirmative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Bowman	Buxton	Cosgrove	Dee
Duckworth	Goodfellow	Hansen	Harper
Hendrickson	Jones	King	Kiser
Last	Litvack	McGee	Morgan
Moss	Oda	Romero	Shurtliff
Ure	Walker	Wheatley	Wiley

**Voting in the negative were:** Representatives

Agard	Alexander	Barrus	Buttars
Christensen	D. Clark	D. Cox	Daw
Dayton	Donnelson	Dougall	Ferrin
Ferry	Fisher	Frank	Gibson
Gowans	Hardy	Hunsaker	E. Hutchings
B. Johnson	Lawrence	Mascaro	Mathis
Menlove	Morley	Murray	Newbold
Noel	Painter	Ray	Tilton
Wheeler	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Adams	Bigelow	S. Clark	Dunnigan
Fowlke	Hogue	Holdaway	Hughes
Lockhart	G. Snow	Urquhart	Wallace

**3rd Sub. H.B. 308** then passed on the following roll call:

**Yeas, 52; Nays, 15; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bowman	Buttars
Buxton	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dee	Donnelson
Dougall	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Gowans
Hansen	Hardy	Hendrickson	Hogue
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	Last	Lawrence	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Murray	Newbold	Noel
Oda	Painter	Ray	Shurtliff
Ure	Walker	Wheeler	Wyatt

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Christensen
Dayton	Duckworth	Goodfellow	Harper
Kiser	Litvack	Moss	Romero
Tilton	Wheatley	Wiley	

**Absent or not voting were:** Representatives

Dunnigan	Holdaway	King	Lockhart
G. Snow	Urquhart	Wallace	Curtis

**3rd Sub. H.B. 308** transmitted to the Senate for its consideration.

### CONCURRENCE CALENDAR

On motion of Representative Allen, the House voted to concur in the Senate amendments to **H.J.R. 15**, RESOLUTION REGARDING UNITED STATES TRADE NEGOTIATIONS.

**H.J.R. 15**, as amended by the Senate, then passed on the following roll call:

**Yeas, 64; Nays, 3; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Hughes	Hunsaker
E. Hutchings	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Painter	Ray
Romero	Shurtliff	Tilton	Ure
Walker	Wheatley	Wheeler	Wiley

**Voting in the negative were:** Representatives

Ferrin	Ferry	Wyatt
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**Absent or not voting were:** Representatives

Dunnigan	Holdaway	B. Johnson	Oda
G. Snow	Urquhart	Wallace	Curtis

**H.J.R. 15**, as amended by the Senate, transmitted to the Senate for signature of the president.

### MISCELLANEOUS BUSINESS

On motion of Representative Lockhart, the House voted to limit debate to 5 minutes per bill.

### THIRD READING CALENDAR

**H.B. 124**, ENROLLMENT GROWTH PROGRAM AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 124** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Donnelson	Dougall
Duckworth	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Hughes	Hunsaker
E. Hutchings	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	Tilton
Ure	Urquhart	Walker	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Bourdeaux	Dee	Dunnigan	Holdaway
B. Johnson	G. Snow	Wallace	Curtis

**H.B. 124** transmitted to the Senate for its consideration.

\* \* \*

**2nd Sub. H.R. 7**, HOUSE RULES RESOLUTION – COMMITTEE REPORT, read the third time by short title and placed on its final passage.

On motion of Representative Mascaro, the House voted to circle **2nd Sub. H.R. 7**.

### INTRODUCTION OF BILL

**H.B. 381, Community and Economic Development Restructuring** (C. Buttars), read the first time by short title and referred to the Rules Committee.

**UNFINISHED BUSINESS**

On motion of Representative Morgan, the House voted to uncircle **H.B. 380**.

**H.B. 380**, AMENDMENTS TO LOCAL DISTRICTS, was before the House on its final passage.

**H.B. 380** then passed on the following roll call:

**Yeas, 59; Nays, 0; Absent or not voting, 16.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bowman	Buttars	Buxton
Christensen	D. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Duckworth	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Harper	Hogue
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Last	Lawrence	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Adams	Bigelow	Biskupski	Bourdeaux
S. Clark	Dougall	Dunnigan	Hardy
Hendrickson	Holdaway	Hughes	Kiser
Litvack	Lockhart	Ure	Curtis

**H.B. 380** transmitted to the Senate for its consideration.

\* \* \*

On motion of Representative Walker, the House voted to uncircle **H.B. 309**.

**H.B. 309**, MUNICIPAL BUDGET AMENDMENTS, was before the House on its final passage.

**H.B. 309** then passed on the following roll call:

**Yeas, 59; Nays, 0; Absent or not voting, 16.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Bowman	Buttars
Buxton	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Duckworth	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Harper
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Last	Lawrence	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Adams	Biskupski	Bourdeaux	S. Clark
Dougall	Dunnigan	Hardy	Hendrickson
Hogue	Holdaway	Hughes	Kiser
Litvack	Lockhart	Ure	Curtis

**H.B. 309** transmitted to the Senate for its consideration.

### THIRD READING CALENDAR

**H.B. 280, JOINT CUSTODY AMENDMENTS**, read the third time by short title and placed on its final passage.

Representative Christensen proposed the following amendment:

1. Page 3, Lines 81 and 82:  
Delete lines 81 and 82 and renumber accordingly.

Representative Christensen's motion to amend passed on a voice vote.

**H.B. 280**, as amended, then passed on the following roll call:

**Yeas, 60; Nays, 0; Absent or not voting, 15.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Bowman



Buttars	Buxton	Christensen	D. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hogue	Hunsaker	B. Johnson
Jones	King	Last	Lawrence
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt

**Absent or not voting were:** Representatives

Adams	Biskupski	S. Clark	Dougall
Dunnigan	Hardy	Hendrickson	Holdaway
Hughes	E. Hutchings	Kiser	Litvack
Lockhart	Ure	Curtis	

**H.B. 280**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**Sub. H.B. 261, MOTORBOAT LIABILITY INSURANCE AMENDMENTS**, read the third time by short title and placed on its final passage.

Representative Gibson proposed the following amendment:

1. Page 12, Lines 354 through 360

354 (1) The division may, upon the application of any person, issue a certificate of

355 self-funded coverage when it is satisfied that the person has:

356 (a) more than 24 [~~personal watercraft~~] motorboats; and

357 (b) {~~deposits~~} on deposit , in a form approved by the division, cash or securities in an amount of \$200,000

358 plus \$100 for each [~~personal watercraft~~] motorboat up to and including 1,000 [~~personal~~

359 ~~watercraft~~] motorboats and \$50 for each [~~personal watercraft~~] motorboat over 1,000 [~~personal~~

360 ~~watercraft]~~ motorboats.

Representative Gibson's motion to amend passed on a voice vote.

**Sub. H.B. 261**, as amended, then passed on the following roll call:

**Yeas, 56; Nays, 6; Absent or not voting, 13.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Becker
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hardy	Harper
Hogue	Hunsaker	B. Johnson	Jones
Kiser	Last	Lawrence	Litvack
Lockhart	Mathis	Menlove	Moss
Murray	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wheatley	Wheeler	Wiley	Wyatt

**Voting in the negative were:** Representatives

Duckworth	Hansen	King	Mascaro
Newbold	Wallace		

**Absent or not voting were:** Representatives

Adams	Barrus	Bigelow	Biskupski
Dunnigan	Hendrickson	Holdaway	Hughes
E. Hutchings	McGee	Morgan	Morley
Curtis			

**Sub. H.B. 261**, as amended, transmitted to the Senate for its consideration.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 22, 2005

The Senate requests the return of **H.B. 55**, DRUG OFFENSE PENALTY ENHANCEMENTS, by Representative B. Dee, for correction.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 55**, returned to the Senate.

**THIRD READING CALENDAR**

**H.B. 256**, LOCAL GOVERNMENT ACQUISITION OF REAL PROPERTY, read the third time by short title and placed on its final passage.

On motion of Representative Hardy, the House voted to circle **H.B. 256**.

\* \* \*

**H.B. 138**, NONRESIDENT TUITION FOR HIGHER EDUCATION AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Lawrence, the House voted to circle **H.B. 138**.

**RULES COMMITTEE REPORTS**

Mr. Speaker: February 22, 2005

The House Rules Committee recommends, with written request of the sponsor, that **H.B. 322**, Motor Vehicle Repairs – Consumer Rights (Rep. T. Kiser) be replaced with **Substitute H.B. 322**, Motor Vehicle Repairs – Consumer Rights (Rep. T. Kiser), and further recommends it be assigned to the Business Labor Standing Committee; and

The Rules Committee recommends that the following bill be lifted from the Business and Labor Standing Committee and returned to the Rules Committee:

**H.B. 277**                      Revisions to the Utah Credit Union Act  
(Rep. L. Christensen); and

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

**BUSINESS AND LABOR**

- H.B. 375**                      Revisions to General State Government – Notary Law Amendments (Rep. B. King)
- S.B. 172**                      Division of Real Estate Amendments  
(Sen. M. Waddoups)

**EDUCATION**

- H.B. 381**                      Nonresident Tuition Waivers (Rep. C. Buttars)
- 1st Sub. S.B. 178**            Charter School Amendments (Sen. H. Stephenson)
- S.B. 239**                      Public Lands Policy Coordination (Sen. T. Hatch)

**HEALTH AND HUMAN SERVICES**

- H.B. 328** Rural Health Care Infrastructure (Rep. M. Noel)  
**1st Sub. S.B. 177** Increase Statute of Limitations on Rape (Sen. E. Mayne)  
**S.B. 206** Nonparticipating Tobacco Manufacturer Amendments  
 (Sen. S. Killpack)  
**S.J.R. 16** Resolution Urging Comprehensive Cancer Control Plan  
 for the State (Sen. K. Hale)  
**S.J.R. 17** Resolution Recognizing Huntsman Cancer Institute  
 (Sen. P. Knudson)

**PUBLIC UTILITIES AND TECHNOLOGY**

**2nd Sub. S.B. 199** Office of Energy – Oversight (Sen. T. Hatch); and  
 The Rules Committee recommends that, under suspension of the rules, the following bills and resolutions be considered read for the second time and placed on the Third Reading Calendar

- H.B. 114** Children’s Health Care Coverage Amendments  
 (Rep. D. Hogue)  
**1st Sub. H.B. 260** Amendments Related to Pornographic and Harmful  
 Materials (Rep. J. Dougall)  
**1st Sub. H.B. 96** Amendments Relating to Clean Fuels and Vehicles Using  
 Clean Fuels (Rep. F. Hunsaker)  
**H.B. 131** Access to Health Care Facilities and Places of Worship  
 (Rep. D. Aagard)  
**H.B. 140** Individual Income Tax Contribution for Community Spay  
 and Neuter Programs (Rep. M. Noel)  
**H.C.R. 3** Resolution Regarding Washington County Waste Facility  
 (Rep. B. Last)  
**H.B. 132** Internet Crimes Against Children (Rep. T. Cosgrove)  
**H.B. 291** Capitol Preservation Board Modifications  
 (Rep. J. Alexander)  
**H.B. 299** Motor Vehicle Business Licensing Amendments  
 (Rep. P. Ray)  
**H.B. 362** Appropriation for Highly Qualified Teachers  
 (Rep. K. Holdaway)  
**2nd Sub. H.B. 153** Security for Public Schools (Rep. S. Allen)  
**H.R. 11** Resolution Urging Congress to Pass Balanced Budget  
 Amendment (Rep. N. Hansen)  
**H.B. 326** High School Curriculum (Rep. B. Daw)  
**H.B. 314** Driving with Any Measurable Controlled Substance in the  
 Body Revisions (Rep. M. Noel)  
**H.B. 178** Mental Health Services Coordinator (Rep. D. Hogue)

- H.B. 292** Commission on Racial and Ethnic Fairness  
(Rep. D. Bourdeaux)
- H.B. 126** Amendments to Facilities with Regional Impact  
(Rep. G. Hughes)
- H.B. 129** School Uniforms (Rep. C. Frank)
- 1st Sub. H.B. 247** Credit or Refund for Tax Paid on Cigarette or Tobacco  
Product Destroyed or Returned to the Manufacturer  
(Rep. E. Hutchings)
- H.B. 245** Compensation of Constitutional Officers – Benefits and  
Insurance (Rep. M. Noel)
- 1st Sub. H.B. 313** Economic Development Initiative for Higher Education  
(Rep. K. Holdaway)
- 1st Sub. H.J.R. 5** Resolution Clarifying Removal Provisions  
(Rep. D. Hogue)
- H.B. 268** Drug Utilization Review Committee Amendments  
(Rep. R. Lockhart)

Rebecca Lockhart, Chair

Reports filed. On motion of Representative Lockhart, the reports of the Rules Committee were adopted.

#### MISCELLANEOUS BUSINESS

On motion of Representative Christensen, the House voted to lift **H.B. 277** from the Rules Committee and return it to the Business and Labor standing committee.

\* \* \*

On motion of Representative Urquhart, the House voted to adjourn until February 23, 2005, at 9:00 a.m.

# THIRTY-EIGHTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 9:50 a.m.

Roll call showed all members present except Representatives Gregg Buxton, Kory Holdaway, and Jim Dunnigan, excused.

Prayer by Representative Craig A. Frank. Pledge of Allegiance by Michael Frank, Representative Frank's son.

### COMMUNICATION FROM THE SENATE

Mr. Speaker: February 22, 2005

The Senate passed, as amended with corrections, **H.B. 55**, DRUG OFFENSE PENALTY ENHANCEMENTS, by Representative B. Dee, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 55**, placed on the calendar for concurrence.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 22, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 318**, COMMUNITY AND ECONOMIC DEVELOPMENT RESTRUCTURING, by Representative C. Buttars, with the following amendments:

1. Page 3, Lines 75 through 77:

75 Governor's Office of Economic Development whose positions are designated as

76 schedule AM are not considered "state employees" for the purpose of overtime policies by the Department of Human

77 Resource Management and are exempt from classified service and career service

2. Page 14, Lines 403 through 405:

403 9-2-1706, as enacted by Chapter 159, Laws of Utah 2001  
9-3-205, as last amended by Chapter 109, Laws of Utah 1994  
9-3-208, as renumbered and amended by Chapter 241, Laws of  
Utah 1992

404 Uncodified Material Affected:

405 ENACTS UNCODIFIED MATERIAL

3. Page 173, Lines 5357 through 5359:

5357 Executive Director, Department of

5358 Community and [Economic]

5359 [Development] Culture { {-} \$70,600 - {}}

\$95,200 { -} ~~\$65,200 - \$88,400~~ }

4. Page 181, Lines 5585 through 5586:

5585 Section 9-2-1706, Duties of Tourism Marketing Performance  
Fund Committee.

Section 9-3-205, Director of division.

Section 9-3-208, Offices in Salt Lake City.

5586 Section 168. Study on the implementation of the restructuring  
of the Department

The Workforce Services and Community and Economic Development  
Committee reports a favorable recommendation on **S.B. 173**, BROWNFIELDS  
REVISION, by Senator L. A. Mansell; and

The Workforce Services and Community and Economic Development  
Committee reports a favorable recommendation on **S.B. 159**, ASSESSMENT  
OFFSET FOR DONATIONS PROMOTING OCCUPATIONAL HEALTH AND  
SAFETY, by Senator E. Mayne.

David N. Cox, Chair

Reports filed. On motion of Representative Mascaro, the reports of the  
Workforce Services and Community and Economic Development committee  
were adopted.

**H.B. 318**, as amended, **S.B. 173**, and **S.B. 159**, read the second time by short  
title and referred to the Rules Committee for prioritization.

\* \* \*

Mr. Speaker:

February 22, 2005

The Political Subdivisions Committee reports a favorable recommendation on **1st Sub. S.B. 80**, SPECIAL SERVICE DISTRICTS – SERVICE EXPANSION, by Senator M. Dmitrich; and

The Political Subdivisions Committee recommends **H.B. 335**, DISCONNECTING TERRITORY FROM A MUNICIPALITY, by Representative C. Frank, be replaced and reports a favorable recommendation on **1st Sub. H.B. 335**, DISCONNECTING TERRITORY FROM A MUNICIPALITY with the following amendments:

1. Page 7, Lines 190 through 191

190 (e) The commission {~~shall~~} may grant a petition  
and adjust the common boundary as

191 requested if:

The Political Subdivisions Committee reports a favorable recommendation on **H.J.R. 18**, JOINT RESOLUTION SUPPORTING COUNTIES EXPANSION OF CORRECTIONAL FACILITIES, by Representative D. Hogue.

Brad L. Dee, Chair

Reports filed. On motion of Representative Dee, the reports of the Political Subdivisions committee were adopted.

**Sub. S.B. 80**, **Sub. H.B. 335**, as amended, and **H.J.R. 18**, read the second time by short title and referred to the Rules Committee for prioritization.

### COMMITTEE OF THE WHOLE

On motion of Representative Ray, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from Ron McBride.

On motion of Representative Ray, the Committee of the Whole was dissolved.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker:

February 23, 2005

The Transportation Committee reports a favorable recommendation on **S.B. 144**, MOTOR VEHICLE STOPS AT PORT-OF-ENTRY, by Senator P. Knudson; and



The Transportation Committee reports a favorable recommendation on **S.B. 188**, CLASSIFYING OFF-HIGHWAY VEHICLES AS ALLOWED ON DESIGNATED ROADS, by Senator T. Hatch; and

The Transportation Committee reports a favorable recommendation on **S.B. 207**, MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS, by Senator D. Eastman.

Joseph G. Murray, Chair

Reports filed. On motion of Representative Murray, the reports of the Transportation committee were adopted.

**S.B. 144**, **S.B. 188**, and **S.B. 207**, read the second time by short title and referred to the Rules Committee for prioritization.

#### NOTICE OF BILL RETURNED TO RULES COMMITTEE

Mr. Speaker:

February 23, 2005

The Transportation Committee has returned **H.B. 367**, RESTRICTIONS ON HIGH OCCUPANCY VEHICLE LANE, by Representative D. Litvack, to the Rules Committee with the following amendments:

1. Page 1, Lines 13 through 15:

13       ▶ provides that if a designated high occupancy vehicle (HOV) lane includes a freeway

14   on-ramp or an off-ramp, the on-ramp or off-ramp is open for general vehicle use

15   except during the peak traffic hours ;

      • of 6 a.m. to 9 a.m. and from 4 p.m. to 7 p.m. ; or

      • at different peak traffic hours designated by a highway authority if peak traffic volumes occur at different times based on a traffic engineering study ;

2. Page 2, Line 54 through Page 3, Line 59:

54       **(b) (i)** Notwithstanding the provisions of Subsection (4)(a)(iii), if a highway authority

55   designates a high occupancy vehicle (HOV) lane that includes a freeway on-ramp or off-ramp,

56   the on-ramp or off-ramp shall be open for general vehicle use regardless of the number of

57 occupants except during the peak traffic hours of:

58        {~~(i)~~}        (A)    6 a.m. to 9 a.m.; and

59        {~~(ii)~~}       (B)    4 p.m. to 7 p.m.

(ii) A highway authority may designate peak hours that are different than the hours specified under Subsection (4)(b)(i) if, based on a traffic engineering study, the highway authority determines that peak traffic volumes regularly occur at different times in that location.

Joseph G. Murray, Chair

Reports filed. **H.B. 367**, as amended, returned to the Rules Committee.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker:

February 22, 2005

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. S.B. 164**, INDIVIDUAL INCOME TAX – TAX CREDIT FOR LIVE ORGAN DONATION EXPENSES, by Senator K. Hale.

Wayne A. Harper, Chair

Report filed. On motion of Representative Donnelson, the reports of the Revenue and Taxation committee were adopted.

**Sub. S.B. 164**, read the second time by short title and referred to the Rules Committee for prioritization.

\* \* \*

Mr. Speaker:

February 22, 2005

The Government Operations Committee reports a favorable recommendation on **H.B. 340**, OFFICE OF RECOVERY SERVICES FEE, by Representative A. Tilton; and

The Government Operations Committee reports a favorable recommendation on **H.B. 369**, LOBBYIST REGULATION, by Representative J. Ferrin, with the following amendments:

1. Page 1, Lines 13 through 14:

13        ▶        enacts the Lobbying Restrictions Act, which prohibits certain elected and appointed

14 government officials from acting as a lobbyist for {~~two years~~} one year after leaving office; and

2. Page 4, Lines 102 through 104:

102 (1) Except as provided in Subsection (2), a former state official  
may not become a

103 lobbyist or engage in lobbying activities for {~~two calendar~~  
~~years~~ } one calendar year , beginning on the date the state

104 official leaves office and ending on the  
 {~~two-year~~ } one-year anniversary of that date.

The Government Operations Committee reports a favorable recommendation on **1st Sub. S.B. 58**, LIABILITY PROTECTION OF EDUCATORS, by Senator H. Stephenson; and

The Government Operations Committee reports a favorable recommendation on **S.B. 141**, MILITARY INSTALLATION PARTNERSHIPS, by Senator S. Killpack; and

The Government Operations Committee reports a favorable recommendation on **S.B. 148**, CONSERVATION EASEMENT ENDOWMENT RESTRICTED ACCOUNT, by Senator B. Evans; and

The Government Operations Committee reports a favorable recommendation on **1st Sub. S.B. 149**, PETE SUAZO ATHLETIC COMMISSION AMENDMENTS, by Senator E. Mayne; and

The Government Operations Committee reports a favorable recommendation on **S.B. 163**, CAPITOL PRESERVATION BOARD AMENDMENTS, by Senator B. Evans; and

The Government Operations Committee reports a favorable recommendation on **S.J.R. 11**, RESOLUTION LIMITING NUMBER OF GOVERNOR'S TERMS, by Senator C. Walker.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Government Operations committee were adopted.

**H.B. 340, H.B. 369**, as amended, **Sub. S.B. 58, S.B. 141, S.B. 148, Sub. S.B. 149, S.B. 163**, and **S.J.R. 11**, read the second time by short title and referred to the Rules Committee for prioritization.

## NOTICE OF BILL RETURNED TO RULES COMMITTEE

Mr. Speaker: February 22, 2005  
 The Government Operations Committee has returned **H.B. 330**, DRIVER LICENSE QUALIFICATIONS AMENDMENTS, by Representative G. Donnelson, to the Rules Committee.

Douglas C. Aagard, Chair

Report filed. **H.B. 330**, returned to the Rules Committee.

## COMMITTEE OF THE WHOLE

On motion of Representative D. Clark, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from former Senator Dave Watson.

On motion of Representative D. Clark, the Committee of the Whole was dissolved.

## CONCURRENCE CALENDAR

On motion of Representative Hardy, the House voted to concur in the Senate amendments to **Sub. H.B. 180**, RETIREMENT OFFICE AMENDMENTS.

**Sub. H.B. 180**, as amended by the Senate, then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bigelow	Biskupski	Bourdeaux	Bowman
Buttars	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray

Romero	Shurtliff	G. Snow	Tilton
Ure	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Alexander	Becker	Buxton	Dougall
Dunnigan	Holdaway	Urquhart	

**Sub. H.B. 180**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Urquhart, the House voted to refuse to concur in the Senate amendments to **H.B. 43 SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS**, and request the Senate to recede from its amendments.

### MISCELLANEOUS BUSINESS

On motion of Representative Walker, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

\* \* \*

On motion of Representative Walker, the House voted to reconsider its action on **H.B. 309**.

### RECONSIDERATION OF H.B. 309

**H.B. 309**, MUNICIPAL BUDGET AMENDMENTS, was before the House upon its reconsideration.

**H.B. 309**, then passed on the following roll call:

**Yeas, 69; Nays, 2; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Ferrin	Ferry	Fisher

Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hogue	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Bourdeaux                      Hendrickson

**Absent or not voting were:** Representatives

Buxton                      Dunnigan                      Holdaway                      Wiley

**H.B. 309**, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Morgan, the House voted to reconsider its action on **H.B. 380**.

**RECONSIDERATION OF H.B. 380**

**H.B. 380**, AMENDMENTS TO LOCAL DISTRICTS, was before the House upon its reconsideration.

**H.B. 380** then passed on the following roll call:

**Yeas, 63; Nays, 0; Absent or not voting, 12.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	Daw	Dayton
Dee	Duckworth	Ferrin	Ferry
Fisher	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Hughes	Hunsaker

E. Hutchings	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Bowman	Buxton	D. Cox	Donnelson
Dougall	Dunnigan	Fowlke	Holdaway
B. Johnson	Mascaro	Morley	Tilton

**H.B. 380** transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.B. 307**, REDEVELOPMENT AGENCY CHANGES, under suspension of the rules, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **H.B. 307**.

\* \* \*

**H.B. 147**, PROPERTY TAX EXEMPTION FOR VETERANS, under suspension of the rules, read the third time by short title and placed on its final passage.

**H.B. 147**, as amended, then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser

Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Alexander	Buxton	D. Clark	Dunnigan
Holdaway	Urquhart		

**H.B. 147**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 255**, INVESTMENT OF HIGHER EDUCATION INSTITUTION ENDOWMENT FUNDS, under suspension of the rules, read the third time by short title and placed on its final passage.

**H.B. 255**, as amended, then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Duckworth
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt



**Absent or not voting were:** Representatives

Alexander	Buxton	Dougall	Dunnigan
Holdaway	Ure	Curtis	

**H.B. 255**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 118**, REVISE UTILITY IMPROVEMENT DISTRICTS, under suspension of the rules, read the third time by short title and placed on its final passage.

**H.B. 118**, as amended, then passed on the following roll call:

**Yeas, 66; Nays, 2; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Hogue
Hughes	Hunsaker	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Voting in the negative were:** Representatives

Harper	Newbold
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**Absent or not voting were:** Representatives

Alexander	Buxton	Dunnigan	Ferrin
Holdaway	E. Hutchings	Curtis	

**H.B. 118**, as amended, transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Lawrence, the House voted to uncircle **H.B. 138**.

**H.B. 138**, NONRESIDENT TUITION FOR HIGHER EDUCATION AMENDMENTS, under suspension of the rules, was before the House on its final passage.

Representative Lawrence proposed the following amendment:

1. Page 2, Line 35:

After “years” insert “regardless of the number of credit hours earned”

Representative Lawrence’s motion to amend passed on a voice vote.

# # #

Representative Morgan proposed the following amendment:

1. Page 2, Line 35:

Delete “three” and insert “two”

Representative Morgan’s motion to amend failed on a voice vote.

**H.B. 138**, as amended, then passed on the following roll call:

**Yeas, 59; Nays, 7; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Buttars	Christensen	D. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Ferry	Fisher	Frank	Gibson
Goodfellow	Gowans	Hardy	Hendrickson
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Lockhart	Mascaro	McGee
Morley	Moss	Murray	Newbold
Noel	Oda	Ray	Romero
Shurtliff	G. Snow	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Bowman	Fowlke	Harper	Hogue
Menlove	Morgan	Tilton	

**Absent or not voting were:** Representatives

Buxton	S. Clark	Dunnigan	Ferrin
Hansen	Holdaway	Litvack	Mathis
Painter			

**H.B. 138**, as amended, transmitted to the Senate for its consideration.

**SPECIAL ORDER OF BUSINESS**

**H.C.R. 11**, RESOLUTION HONORING THE UNIVERSITY OF UTAH FOOTBALL TEAM, under suspension of the rules, read the third time by short title and placed on its final passage.

**COMMITTEE OF THE WHOLE**

On motion of Representative Alexander, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from Coach Wittingham and President Young, University of Utah.

On motion of Representative Urquhart, the Committee of the Whole was dissolved.

**H.C.R. 11** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Duckworth	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss

Murray	Newbold	Noel	Oda
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Buxton	Dougall	Dunnigan	Holdaway
Painter			

**H.C.R. 11** transmitted to the Senate for its consideration.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

### AFTERNOON SESSION

The House was called to order by Speaker Curtis at 2:15 p.m.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 23, 2005

The Senate passed, as substituted, **1st Sub. S.B. 13**, INDIVIDUAL INCOME TAX SUBTRACTION FOR CERTAIN MILITARY INCOME AND TUITION WAIVER FOR QUALIFYING MILITARY SERVICE MEMBERS, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed **S.B. 96**, COMMERCE SERVICE FUND AMENDMENTS, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed **S.B. 154**, PUBLIC SAFETY RETIREMENT AMENDMENTS, by Senator D. C. Buttars, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 187**, SPECIAL HUNTING PERMITS FOR ANTELOPE ISLAND, by Senator J. Hickman, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 204**, SALES AND USE TAX DIVERSIONS, by Senator D. Peterson, and it is transmitted for consideration; and

The Senate passed **S.B. 205**, INDIVIDUAL INCOME TAX – OFFICE OF STATE DEBT COLLECTION RULEMAKING AUTHORITY, by Senator M. Dmitrich, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 212**, CHILD CARE INVESTIGATIONS, by Senator P. Hellewell, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. S.B. 13, S.B. 96, S.B. 154, Sub. S.B. 187, Sub. S.B. 204, S.B. 205, and Sub. S.B. 212**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 23, 2005

The Senate passed, **1st Sub. H.B. 67**, ABANDONED VEHICLES AMENDMENTS, by Representative J. Gowans, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 91**, LICENSE PLATE FOR DISABLED VETERANS, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 139**, LOCAL SCHOOL BOARD AMENDMENTS, by Representative M. Dayton, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 145**, AMENDMENTS TO HEARING AND SPEECH IMPAIRED TELECOMMUNICATIONS PROGRAM, by Representative B. Goodfellow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 283**, REAL ESTATE AMENDMENTS, by Representative G. Snow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.C.R. 11**, RESOLUTION HONORING THE UNIVERSITY OF UTAH FOOTBALL TEAM, by Representative J. Alexander, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.J.R. 15**, RESOLUTION REGARDING UNITED STATES TRADE NEGOTIATIONS, by Representative S. Allen, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. H.B. 67, H.B. 91, H.B. 139, H.B. 145, H.B. 283, H.C.R. 11, and H.J.R. 15** were signed by the Speaker in open session, in

the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### REPORT OF STANDING COMMITTEES

Mr. Speaker: February 23, 2005

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 327**, DEPARTMENT OF COMMERCE – DEMOGRAPHIC DATA TRACKING, by Representative M. Wheatley.

DeMar “Bud” Bowman, Chair

Report filed. On motion of Representative Bowman, the report of the Law Enforcement and Criminal Justice committee was adopted.

**H.B. 327**, read the second time by short title and referred to the Rules Committee for prioritization.

### MISCELLANEOUS BUSINESS

On motion of Representative Ferry, the House voted to allow all bills acted upon this morning be under suspension of the rules.

\* \* \*

On motion of Representative Ferry, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

### THIRD READING CALENDAR

**H.B. 119**, NAVAJO TRUST FUND AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 119** then passed on the following roll call:

**Yeas, 68; Nays, 2; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow

Gowans	Hansen	Hardy	Hendrickson
Hogue	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Voting in the negative were:** Representatives

D. Clark                      Harper

**Absent or not voting were:** Representatives

Alexander                      Dunnigan                      Holdaway                      Lawrence  
Morgan

**H.B. 119** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 361, MUNICIPAL AUTHORITY TO USE COLLECTION AGENCIES**, read the third time by short title and placed on its final passage.

Representative Hogue proposed the following amendment:

- 1. Page 2, Line 28:  
After “debt” insert “exceeding 180 days delinquent and”

Representative Ferry proposed the following substitute motion to amend:

- 1. Page 2, Line 28:  
After “debt” insert “exceeding 90 days delinquent and”

Representative Ferry’s substitute motion to amend failed on the following roll call:

**Yeas, 23; Nays, 44; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Biskupski	Bourdeaux	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	Duckworth
Ferry	Goodfellow	Hansen	Hogue

B. Johnson	Jones	Lawrence	Litvack
Mascaro	McGee	Menlove	Romero
Shurtliff	Ure	Wallace	

**Voting in the negative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Buxton	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Dunnigan	Ferrin	Fisher
Fowlke	Frank	Gibson	Gowans
Hardy	Harper	Hendrickson	Hunsaker
E. Hutchings	King	Kiser	Last
Lockhart	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Tilton	Walker
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Alexander	Bowman	Holdaway	Hughes
Mathis	G. Snow	Urquhart	Wheatley

Representative Hogue's motion to amend failed on a voice vote.

**H.B. 361** then failed to pass on the following roll call:

**Yeas, 37; Nays, 36; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Bigelow	Bourdeaux
Bowman	Buxton	D. Clark	D. Cox
Daw	Dayton	Dee	Dougall
Dunnigan	Fisher	Fowlke	Gibson
Hunsaker	E. Hutchings	Kiser	Last
Lawrence	Lockhart	Mathis	Menlove
Murray	Newbold	Noel	Oda
Painter	Ray	Shurtliff	Tilton
Urquhart	Walker	Wheeler	Wyatt
Curtis			

**Voting in the negative were:** Representatives

S. Allen	Barrus	Becker	Biskupski
Buttars	Christensen	S. Clark	Cosgrove
Donnelson	Duckworth	Ferrin	Ferry



Frank	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Hughes	B. Johnson	Jones	King
Litvack	Mascaro	McGee	Morgan
Morley	Moss	Romero	G. Snow
Ure	Wallace	Wheatley	Wiley

**Absent or not voting were:** Representatives

Alexander	Holdaway
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**H.B. 361** was filed.

\* \* \*

**H.B. 303**, SHELTER HEARING AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 303** then passed on the following roll call:

**Yeas, 62; Nays, 8; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Barrus	Becker
Bigelow	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hansen	Hardy
Harper	Hendrickson	Hogue	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Lockhart	Mascaro	Mathis	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheeler	Wyatt		

**Voting in the negative were:** Representatives

Biskupski	Bourdeaux	Gowans	Litvack
McGee	Ure	Wheatley	Wiley

**Absent or not voting were:** Representatives

Alexander

S. Allen

Buxton

Holdaway

Curtis

**H.B. 303** transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Urquhart, the House voted to uncircle **H.B. 246**.

**H.B. 246**, WASTE FEES AMENDMENTS, was before the House on its final passage.

Representative Urquhart proposed the following amendment:

1. Page 1, Lines 18a through 19

House Committee Amendments 2–11–2005

18a facilities that receive only construction and demolition waste ←<sup>∧</sup>;

19 ► changes the municipal waste disposal fee from 50 cents  
to <sup>∧</sup>→ {30} {–20} 19 ←<sup>∧</sup> cents

2. Page 3, Lines 73 through 74a:

73 facility that receives municipal waste, including municipal  
incinerator ash shall pay a fee of

74 [50] <sup>∧</sup>→ {30} {–(20)} 19 ←<sup>∧</sup> cents per ton <sup>∧</sup>→ {  
or fraction of a ton,} ←<sup>∧</sup> on all municipal waste,

74a including municipal

3. Page 3a, Line 78b:

78b Subsection 19–6–102(3)(b)(iii) shall pay a fee of {– 20  
cents} 19 cents per ton on all municipal

4. Page 5, Line 43:

After Line 43 insert:

If this H.B. 246 and S.B. 24, Waste Amendments, both pass, it is the intent of the Legislature that, in preparing the Utah Code database for publication, the Office of Legislative Research and General Counsel make the following changes in Section 19–6–119:

(1) In H.B. 246, the language in Subsection (1)(a)(iv) supercedes the language in Subsection (1)(a)(ii) in S.B. 24, except that “(iv)” shall be

replaced with “(ii)”.

(2) In H.B. 246, Subsection (1)(c)(i) the word “commercial” is reinstated.

(3) In S.B. 24, in Subsection (1)(c)(ii), the word “commercial” is removed and “40 cents” in H.B. 246 supercedes “50 cents” in S.B. 24.

(4) In H.B. 246, in Subsection (1)(c)(iii), “commercial” is reinstated and “19” is superceded by “50” in S.B. 24.

(5) In H.B. 246, in Subsection (1)(c)(iv), “(iv)” is replaced with “(v)”.

(6) In S.B. 24, in Subsection (1)(c)(iv), “50 cents” is replaced with “19 cents”, and “commercial” is removed.

(7) In S.B. 24, in Subsection (1)(c)(vi), “50 cents” is replaced with “19 cents”.

(8) In H.B. 246, in Subsection (1)(c)(v), “(v)” is replaced with “(vi)”.

(9) In S.B. 24, in Subsection (1)(d), “Facilities” is superceded by “Wastes” in H.B. 246, and “Subsections (1)(c)(i) through (iv)” in S.B. 24 and “Subsections “(1)(c)(i), (ii), (iii), (iv), and (v)” in H.B. 246 are both removed and replaced with “Subsections (1)(c)(i) through (vi)” .

Representative Ure proposed the following substitute motion to amend:

Include Representative Urquhart’s motion to amend plus the following.

5. Page 1, Line 10

House Committee Amendments 2–11–2005

10 noncommercial and clarifies that waste to be recycled is not subject to this fee . This bill reduces the disposal fee on construction and demolition

6. Page 1, Line 16a

House Committee Amendments 2–11–2005:

16a  $\hat{H} \rightarrow$  [~~from \$2.50 to \$1.50~~] of \$2.50 to all municipal and commercial waste facilities  $\leftarrow \hat{H}$  and exempts waste to be recycled ;

7. Page 1a, Line 23

House Committee Amendments 2–11–2005:

23 the fees that apply and also states that waste to be recycled is not subject to the fee ;

8. Page 3, Line 61b:

61b or treatment except that the fee does not apply to waste that is to be recycled .

Representative Ure's substitute motion to amend passed on a voice vote.

**H.B. 246**, as amended, then passed on the following roll call:

**Yeas, 53; Nays, 16; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Adams	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
Cosgrove	Daw	Donnelson	Duckworth
Dunnigan	Ferrin	Fowlke	Frank
Goodfellow	Gowans	Hansen	Harper
Hendrickson	Hughes	Hunsaker	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	McGee
Morgan	Morley	Moss	Murray
Newbold	Noel	Painter	Romero
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wiley
Wyatt			

**Voting in the negative were:** Representatives

Aagard	S. Clark	D. Cox	Dayton
Dee	Dougall	Ferry	Fisher
Gibson	Hogue	E. Hutchings	B. Johnson
Menlove	Oda	Ray	Shurtliff

**Absent or not voting were:** Representatives

Alexander	Hardy	Holdaway	Mathis
Wheeler	Curtis		

**H.B. 246**, as amended, transmitted to the Senate for its consideration.

### THIRD READING CALENDAR

**H.B. 264**, STATE LANDS USE MANAGEMENT PLANS AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Noel, the House voted to delete **H.B. 264** in title and body and insert **Sub. H.B. 264** in lieu thereof.

On motion of Representative Noel, the House voted to circle **Sub. H.B. 264**.

\* \* \*

**Sub. H.B. 338, CHILD AND FAMILY WELFARE REVISIONS**, read the third time by short title and placed on its final passage.

Representative Christensen proposed the following amendment:

1. Page 3, Line 61

61 interest and welfare of a child to be raised under the care and supervision of ~~{-his-}~~ the child's natural parents.

2. Page 3, Line 63:

63 relationships will usually best be met by ~~{-his-}~~ the child's natural parents. Additionally, the integrity of the

3. Page 3, Line 66:

66 right of a fit, competent parent to raise ~~{-his-}~~ the parent's child without undue government interference is a

4. Page 3, Line 73:

73 protection shall be interpreted and applied consistent with this Subsection (1).

5. Page 3, Line 77:

77 Chapter 3a, Juvenile ~~{-Courts }~~ Court Act of 1996 .  
Therefore, [as a counterweight to parental rights,] the state, as

6. Page 4, Line 91:

91 division may obtain custody of the child for a planned period and place ~~{-him-}~~ the child in a safe

7. Page 4, Line 101:

101 any other way, attempt to maintain a child in ~~{-his-}~~ the child's home, provide reunification services, or to

8. Page 6, Lines 153 through 156:

153 (2) ~~{-+}~~ An ~~{-+}~~ ~~{-If appointed, an }~~ attorney guardian ad litem shall represent the best interest of

154 each minor who may become the subject of a petition alleging abuse, neglect, or dependency,

155 from the date the minor is removed from the minor's home by the division, or the date the

156 petition is filed, whichever occurs earlier.

Representative Christensen's motion to amend passed on a voice vote.

###

Representative Litvack proposed the following amendment:

1. Page 3, Line 79:  
Reinstate [are] and delete "may be"
2. Page 3, Line 82:  
Delete "may" and insert "shall"

Representative Litvack's motion to amend failed on the following roll call:

**Yeas, 25; Nays, 40; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Becker	Biskupski	Bourdeaux	Cosgrove
Duckworth	Goodfellow	Hansen	Hardy
Hendrickson	E. Hutchings	Jones	King
Lawrence	Litvack	Mascaro	McGee
Menlove	Morgan	Moss	Murray
Romero	Shurtliff	Wheatley	Wiley
Wyatt			

**Voting in the negative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferry	Fisher	Fowlke
Frank	Gibson	Harper	Hughes
Hunsaker	B. Johnson	Kiser	Last
Lockhart	Mathis	Morley	Newbold
Oda	Painter	Ray	G. Snow
Tilton	Walker	Wallace	Curtis

**Absent or not voting were:** Representatives

Alexander	Bigelow	Ferrin	Gowans
Hogue	Holdaway	Noel	Ure
Urquhart	Wheeler		

###

Representative Fowlke proposed the following amendment:

- 1. Page 7, Line 206:  
Delete “(a)”
- 2. Page 7, Lines 208–211:  
Delete lines 208, 209, 210, and 211.

Representative Fowlke’s motion to amend passed on the following roll call:

**Yeas, 37; Nays, 27; Absent or not voting, 11.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Becker	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Cosgrove	D. Cox	Dee	Duckworth
Dunnigan	Fisher	Fowlke	Hansen
Hardy	Hendrickson	Hogue	Hunsaker
B. Johnson	Jones	King	Lawrence
Litvack	Mascaro	McGee	Menlove
Moss	Murray	Romero	Shurtliff
Tilton	Ure	Wallace	Wiley
Curtis			

**Voting in the negative were:** Representatives

Adams	Barrus	Christensen	D. Clark
S. Clark	Daw	Dayton	Donnelson
Ferrin	Frank	Harper	Hughes
E. Hutchings	Kiser	Last	Lockhart
Mathis	Morgan	Morley	Newbold
Oda	Painter	Ray	G. Snow
Urquhart	Walker	Wyatt	

**Absent or not voting were:** Representatives

Alexander	Bigelow	Dougall	Ferry
Gibson	Goodfellow	Gowans	Holdaway
Noel	Wheatley	Wheeler	

**Sub. H.B. 338**, as amended, then passed on the following roll call:

**Yeas, 48; Nays, 20; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Bigelow	Bowman	Christensen	D. Clark
S. Clark	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Harper	Hogue
Hughes	Hunsaker	E. Hutchings	B. Johnson
Kiser	Last	Lockhart	Mascaro
Mathis	Menlove	Morley	Murray
Newbold	Noel	Oda	Painter
Romero	G. Snow	Tilton	Urquhart
Walker	Wallace	Wyatt	Curtis

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Cosgrove
Duckworth	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Jones	King
Lawrence	Litvack	McGee	Morgan
Moss	Shurtliff	Wheatley	Wiley

**Absent or not voting were:** Representatives

Alexander	Buttars	Buxton	Holdaway
Ray	Ure	Wheeler	

**Sub. H.B. 338**, as amended, transmitted to the Senate for its consideration.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker:

February 23, 2005

The Senate refuses to recede from its amendments to **H.B. 43**, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS, by Representative S. Urquhart, et al, and has appointed a Conference Committee consisting of Senators T. Hatch, J. Hickman, and K. Hale to meet with a like committee from the House on this bill.

Annette B. Moore  
Secretary of the Senate

Communication filed. On motion of Representative Urquhart, the House voted to authorized the Speaker to appoint a Conference Committee. Speaker Curtis appointed Representatives Urquhart, Bigelow, and Goodfellow.



**MISCELLANEOUS BUSINESS**

On motion of Representative Urquhart, the House voted to adjourn until February 24, 2005, at 8:00 a.m.

# THIRTY-NINTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 8:15 a.m.

Roll call showed all members present except Representatives Jeff Alexander and Jim Dunnigan, excused.

Prayer by Duane Huffman, Representative Holdaway's intern. Pledge of Allegiance by Representative Kory Holdaway.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 23, 2005

The Senate passed, as substituted, and amended **1st Sub. S.B. 25**, TRANSPORTATION AMENDMENTS AND HIGHWAY JURISDICTIONAL TRANSFER TASK FORCE, by Senator C. Walker, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 60**, LOCAL LAND USE DEVELOPMENT AND MANAGEMENT AMENDMENTS, by Senator G. Bell, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 195**, TAX REVISIONS, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed **S.B. 201**, CENTER FOR MULTICULTURAL HEALTH, by Senator D. C. Buttars, and it is transmitted for consideration; and

The Senate passed **S.J.R. 20**, JOINT RESOLUTION RECOGNIZING RETIRING PRESIDENT OF DIXIE STATE COLLEGE, by Senator J. Hickman, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. S.B. 25**, **Sub. S.B. 60**, **Sub. S.B. 195**, **S.B. 201**, and **S.J.R. 20**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 23, 2005

The President of the Senate has signed **1st Sub. H.B. 180**, RETIREMENT OFFICE AMENDMENTS, by Representative A. Hardy, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.C.R. 10**, CONCURRENT RESOLUTION HONORING WALDO WILCOX FOR PRESERVATION OF RANGE CREEK AREA, by Representative B. King, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. H.B. 180** and **H.C.R. 10** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

**REPORT OF STANDING COMMITTEE**

Mr. Speaker: February 23, 2005

The Public Utilities and Technology Committee reports a favorable recommendation on **2nd Sub. S.B. 199**, OFFICE OF ENERGY – OVERSIGHT, by Senator T. Hatch.

Sheryl L. Allen, Chair

Report filed. On motion of Representative Ferry, the report of the Public Utilities and Technology committee was adopted.

**2nd Sub. S.B. 199**, read the second time by short title and referred to the Rules Committee for prioritization.

**CONSENT CALENDAR**

**Sub. H.B. 115**, UTAH CHILD ABUSE PREVENTION BOARD, read the third time by short title and placed on its final passage.

**Sub. H.B. 115**, as amended, then passed on the following roll call:

**Yeas, 66; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman

Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mathis	McGee	Menlove	Morley
Moss	Murray	Newbold	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Alexander	Bourdeaux	Dunnigan	Gowans
E. Hutchings	Mascaro	Morgan	Noel
Tilton			

**Sub. H.B. 115**, as amended, transmitted to the Senate for its consideration.

**CONCURRENCE CALENDAR**

On motion of Representative Dee, the House voted to concur in the Senate amendments to **H.B. 55**, DRUG OFFENSE PENALTY ENHANCEMENTS.

**H.B. 55**, as amended by the Senate, then passed on the following roll call:

**Yeas, 50; Nays, 17; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bigelow	Bowman	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Dougall	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hunsaker	B. Johnson	Jones	King
Kiser	Last	Lawrence	Lockhart
McGee	Menlove	Murray	Oda

Painter	Ray	Romero	Shurtliff
Urquhart	Walker	Wallace	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Biskupski	Buttars	Christensen	Dayton
Donnelson	Frank	Hughes	Litvack
Mathis	Morley	Moss	Newbold
G. Snow	Tilton	Ure	Wheatley
Wiley			

**Absent or not voting were:** Representatives

Alexander	Becker	Bourdeaux	Dunnigan
E. Hutchings	Mascaro	Morgan	Noel

**H.B. 55**, as amended by the Senate, transmitted to the Senate for signature of the president.

**MISCELLANEOUS BUSINESS**

On motion of Representative Ferry, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

**THIRD READING CALENDAR**

**Sub. H.B. 103**, STUDENT HOUSING BUILT BY HIGHER EDUCATION INSTITUTIONS, read the third time by short title and placed on its final passage.

Representative S. Clark proposed the following amendment:

1. Page 2, Line 45

45 section, the institution and the legislative body of the affected county or municipality shall jointly hold

2. Page 3, Line 62:

62 section, the institution and the legislative body of the affected county or municipality shall jointly hold

3. Page 3, Lines 77 through 81:

77 (3) (a) { At the request of a county or municipality that is entitled to notice under this

78 section, the institution and the legislative body of the affected county or municipality shall hold

79 a public hearing to provide information to the public and receive input from the public about

80 the proposed construction. } (i) Within 21 days after receiving the notice required by Subsection (1)(a), a county or municipality entitled to the notice may submit a written request to the institution for a public hearing on the proposed student housing construction.

(ii) Each county or municipality that submits a written request for a hearing under Subsection (3)(a) shall deliver a copy of the request to the Division of Facilities Construction and Management.

(b) If a county or municipality requests a hearing under Subsection (3)(a), the legislative body of the affected county or municipality and the institution shall jointly hold a public hearing to provide information to the public and to allow the institution and the county or municipality to receive input from the public about the proposed student housing construction.

81 {-(b) } (c) A public hearing held under Subsection (3)(a) satisfies the public hearing

4. Page 8, Lines 235 through 238:

235 (b) { -At the request of a county or municipality that is entitled to notice under Subsection

236 (13)(a), the director and the legislative body of the affected county or municipality shall hold a

237 public hearing to provide information to the public and receive input from the public about the

238 proposed construction. } (i) Within 21 days after receiving the notice required by Subsection (13)(a)(i), a county or municipality entitled to the notice may submit a written request to the director for a public hearing on the proposed student housing construction.

(ii) If a county or municipality requests a hearing under Subsection (13)(b)(i), the director and the county or municipality shall jointly hold a public hearing to provide information to the public and to allow the director and the county or municipality to receive input from the public about the proposed student housing construction.

Representative S. Clark's motion to amend passed on a voice vote.

###

Representative Harper proposed the following amendment:

- 1. Page 2, Lines 36 and 53:  
Delete "100" and insert "300"
- 2. Page 3, Line 70:  
Delete "100" and insert "300"
- 3. Page 8, Line 228:  
Delete "100" and insert "300"

Representative Harper’s motion to amend passed on a voice vote.

**Sub. H.B. 103**, as amended, then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Donnelson	Dougall	Duckworth
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mathis	McGee	Menlove
Morley	Moss	Murray	Newbold
Oda	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Alexander	Bourdeaux	Dayton	Dunnigan
Mascaro	Morgan	Noel	Painter

**Sub. H.B. 103**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 241**, VETERANS NURSING HOME, read the third time by short title and placed on its final passage.

**H.B. 241** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Alexander	Bourdeaux	Dunnigan	Ferrin
Mascaro	Morley	Noel	Curtis

**H.B. 241** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 319**, EXPANSION OF DEPARTMENT OF ADMINISTRATIVE SERVICES OVERSIGHT TO INCLUDE HUMAN RESOURCE MANAGEMENT, read the third time by short title and placed on its final passage.

**H.B. 319**, as amended, then passed on the following roll call:

**Yeas, 63; Nays, 5; Absent or not voting, 7.**



**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Harper
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	Menlove
Morgan	Morley	Moss	Murray
Newbold	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wheatley
Wheeler	Wiley	Wyatt	

**Voting in the negative were:** Representatives

Biskupski	Duckworth	Gowans	Hansen
Hendrickson			

**Absent or not voting were:** Representatives

Alexander	Dunnigan	Hardy	McGee
Noel	Wallace	Curtis	

**H.B. 319**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**2nd Sub. H.B. 39**, TUITION TAX CREDITS, read the third time by short title and placed on its final passage.

On motion of Representative Ferrin, the House voted to circle **2nd Sub. H.B. 39**.

### MISCELLANEOUS BUSINESS

On motion of Representative Urquhart, the House voted to reconsider its action on **H.B. 246**.

### RECONSIDERATION OF H.B. 246

**H.B. 246**, WASTE FEE AMENDMENTS, was before the House upon its reconsideration.

Representative Urquhart proposed the following amendment:

1. Page 1, Lines 18a through 19  
House Committee Amendments 2-11-2005  
18a facilities that receive only construction and demolition waste ←<sup>Ĥ</sup>;  
19     ▶     changes the municipal waste disposal fee from 50 cents  
to <sup>Ĥ</sup>→ [30] { -20 } 19 ←<sup>Ĥ</sup> cents
  
2. Page 3, Lines 73 through 74a  
73 facility that receives municipal waste, including municipal  
incinerator ash shall pay a fee of  
74 [50] <sup>Ĥ</sup>→ [30] { -(20) } 19 ←<sup>Ĥ</sup> cents per ton <sup>Ĥ</sup>→ [~~or~~  
~~fraction of a ton,~~] ←<sup>Ĥ</sup> on all municipal waste,  
74a including municipal
  
3. Page 3a, Line 78b:  
78b Subsection 19-6-102(3)(b)(iii) shall pay a fee of { - 20  
cents } 19 cents per ton on all municipal
  
4. Page 5, Line 143:  
After Line 143 insert:  
If this H.B. 246 and S.B. 24, Waste Amendments, both pass, it is the  
intent of the Legislature that, in preparing the Utah Code database for  
publication, the Office of Legislative Research and General Counsel  
make the following changes in Section 19-6-119:  
(1) In H.B. 246, the language in Subsection (1)(a)(iv) supercedes the  
language in Subsection (1)(a)(ii) in S.B. 24, except that “(iv)” shall be  
replaced with “(ii)”.  
(2) In H.B. 246, Subsection (1)(c)(i) the word “commercial” is  
reinstated.  
(3) In S.B. 24, in Subsection (1)(c)(ii), the word “commercial” is  
removed and “40 cents” in H.B. 246 supercedes “50 cents” in S.B. 24.  
(4) In H.B. 246, in Subsection (1)(c)(iii), “commercial” is reinstated  
and “19” is superceded by “50” in S.B. 24.  
(5) In H.B. 246, in Subsection (1)(c)(iv), “(iv)” is replaced with “(v)”.  
(6) In S.B. 24, in Subsection (1)(c)(iv), “50 cents” is replaced with “19  
cents”, and “commercial” is removed.  
(7) In S.B. 24, in Subsection (1)(c)(vi), “50 cents” is replaced with “19  
cents”.

(8) In H.B. 246, in Subsection (1)(c)(v), “(v)” is replaced with “(vi)”.

(9) In S.B. 24, in Subsection (1)(d), “Facilities” is superceded by “Wastes” in H.B. 246, and “Subsections (1)(c)(i) through (iv)” in S.B. 24 and “Subsections “(1)(c)(i), (ii), (iii), (iv), and (v)” in H.B. 246 are both removed and replaced with “Subsections (1)(c)(i) through (vi)”.

Renumber the following section.

Representative Urquhart’s motion to amend passed on a voice vote.

On motion of Representative Curtis, the House voted to circle **H.B. 246**.

### THIRD READING CALENDAR

**H.B. 242**, CRIMINAL PENALTY FOR ANIMAL CRUELTY, read the third time by short title and placed on its final passage.

Representative Wyatt proposed the following amendment:

1. Page 1, Lines 11 through 12  
House Committee Amendments 2–11–2005  
11 certain definitions. {—This bill also increases the penalty by one degree if cruelty to an  
12 animal is committed in the presence of a juvenile—}
2. Page 1, Lines 17c through 17d  
House Committee Amendments 2–11–2005:  
17c ► provides an exemption for animals kept and used for training hunting dogs and  
17d falcons and also for animals kept or owned by a zoological park : ◀Ĥ
3. Page 1, Line 24 through Page 2, Line 28  
House Committee Amendments 2–11–2005:  
24 option of offering the animal for sale at auction precedes the option of euthanasia; and  
25 ► amends the definition of conviction to include pleas in abeyance or of nolo  
26 contendere {—;and

27 ► provides that an animal cruelty penalty is increased by one degree if the offense is

28 committed in the presence of a person younger than 18 years of age-} .

4. Page 2, Lines 54 through 55a  
House Committee Amendments 2-11-2005:

54 husbandry practices; H→ [and] ←H  
(C) animals kept or owned by a zoological park that is accredited by the American Zoo and Aquarium Association and cared for in accordance with accepted husbandry practices;

55 {-(C)} (D) protected and unprotected wildlife as defined in Section 23-13-2 H← and

55a {-(D)} (E) animals kept or owned for the purpose of hunting dog or falcon training and cared for in accordance with accepted husbandry practices

5. Page 8, Lines 220 through 223:

220 Subsection {+-} (3) {+-} {-(4)} .

221 {-(3)} A person who commits any violation of Section 76-9-301, or Subsection

222 76-9-301.1 (1) or (4) in the immediate presence of a person younger than 18 years of age.

223 regardless of where the act occurs, is subject to an enhanced penalty under Subsection (4). }

6. Page 8, Lines 228 through 231:

228 (d) if the offense is a third degree felony, it is a second degree felony.

229 {+-} (4) {+-} {-(5)} (a) The prosecuting attorney, or grand jury if an indictment is returned, shall

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

231 enhanced degree of offense or penalty under Subsection {+-} (3) {+-} {-(4)} . The notice shall be served

Representative Harper proposed the following substitute motion to amend:

Include Representative Wyatt’s proposed amendment plus the following:

- 7. Page 8, Lines 227 and 228:  
Delete lines 227 and 228.

Representative Harper’s substitute motion to amend passed on a voice vote.

**H.B. 242**, as amended, then passed on the following roll call:

**Yeas, 56; Nays, 15; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Adams	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	D. Clark	S. Clark
Cosgrove	Daw	Dee	Duckworth
Ferrin	Fisher	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Holdaway	Hughes	Hunsaker	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Moss
Murray	Noel	Painter	Ray
Romero	Shurtliff	G. Snow	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Voting in the negative were:** Representatives

Aagard	Christensen	D. Cox	Dayton
Donnelson	Ferry	Fowlke	Frank
Gibson	Hogue	Lockhart	Morley
Newbold	Oda	Tilton	

**Absent or not voting were:** Representatives

Alexander	Dougall	Dunnigan	E. Hutchings
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**H.B. 242**, as amended, transmitted to the Senate for its consideration.

\* \* \*

On motion of Representative Urquhart, the House voted to saunter.

On motion of Representative Urquhart, he House voted to cease to saunter.

### NOTICE OF BILL RETURNED TO RULES COMMITTEE

Mr. Speaker: February 23, 2005

The Health and Human Services Committee has returned **H.B. 328**, RURAL HEALTH CARE INFRASTRUCTURE , by Representative M. Noel, to the Rules Committee and recommends that it be referred to interim study; and

The Health and Human Services Committee has returned **H.B. 354**, LICENSURE OF WHOLESALE DISTRIBUTORS OF PRESCRIPTION DRUGS, by Representative B. Last, to the Rules Committee and recommends that it be referred to interim study.

Bradley G. Last, Chair

Reports filed. **H.B. 328** and **H.B. 354**, returned to the Rules Committee.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: February 23, 2005

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. S.B. 150**, FOOD SAFETY MANAGER CERTIFICATION, by Senator D. Peterson; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. S.B. 177**, INCREASE STATUTE OF LIMITATIONS ON RAPE, by Senator E. Mayne; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 206**, NONPARTICIPATING TOBACCO MANUFACTURER AMENDMENTS, by Senator S. Killpack, with the following amendments:

1. Page 16, Lines 468 through 476:

468 (1) A stamping agent shall submit the following information to the commission not

469 later than {~~20~~ } 30 calendar days after the end of each calendar quarter, or more frequently if required

470 by the commission by administrative rule in accordance with Section 59-14-607:

471 (a) a list by brand family of the total number of cigarettes for which the stamping agent

472 affixed stamps during the {~~previous~~ } reporting period;  
 473 (b) the equivalent stick count for roll your own tobacco, for  
which the stamping agent  
 474 {~~affixed stamps during the previous~~ } paid the tobacco  
product tax during the reporting period;  
 475 (c) the equivalent total number of cigarettes or stick count for  
which the stamping  
 476 agent paid taxes for the {~~previous~~ } reporting period; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 232**, EXECUTIVE DIRECTOR OF DEPARTMENT OF HEALTH ISSUES, by Senator S. Killpack, with the following amendments:

1. Page 1, Lines 17 through 18  
 Senate 3rd Reading Amendments 2-18-2005:  
 17 Other Special Clauses:  
 18 ~~§~~ → [None] This bill provides an immediate effective date.  
 ← §  
This bill provides retrospective operation.
2. Page 5, Lines 129a through 129e  
 Senate 3rd Reading Amendments 2-18-2005:  
 129a ~~§~~ → Section 2. Effective date – Retrospective operation .  
 129b (1) If approved by two-thirds of all the members elected to  
each house, this bill takes effect  
129c upon approval by the governor, or the day following the  
constitutional time limit of Utah  
129d Constitution Article VII, Section 8, without the governor's  
signature, or in the case of a veto,  
 129e the date of veto override. ← §  
(2) This bill has retrospective operation to January 3, 2005.

The Health and Human Services Committee reports a favorable recommendation on **S.J.R. 14**, JOINT RESOLUTION ON STROKE AWARENESS, by Senator P. Knudson; and

The Health and Human Services Committee reports a favorable recommendation on **S.J.R. 15**, JOINT RESOLUTION URGING MEDICAID REFORM, by Senator P. Knudson; and

The Health and Human Services Committee reports a favorable recommendation on **S.J.R. 16**, RESOLUTION URGING COMPREHENSIVE CANCER CONTROL PLAN FOR THE STATE, by Senator K. Hale; and

The Health and Human Services Committee reports a favorable recommendation on **S.J.R. 17**, RESOLUTION RECOGNIZING HUNTSMAN CANCER INSTITUTE, by Senator P. Knudson.

Bradley G. Last, Chair

Reports filed. On motion of Representative Last, the reports of the Health and Human Services committee were adopted.

**Sub. S.B. 150, Sub. S.B. 177, S.B. 206**, as amended, **S.B. 232**, as amended, **S.J.R. 14, S.J.R. 15, S.J.R. 16**, and **S.J.R. 17**, read the second time by short title and referred to the Rules Committee for prioritization.

\* \* \*

Mr. Speaker:

February 23, 2005

The Business and Labor Committee reports a favorable recommendation on **H.B. 296**, CONDOMINIUM OWNERSHIP ACT AMENDMENTS, by Representative C. Moss; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 375**, REVISIONS TO GENERAL STATE GOVERNMENT – NOTARY LAW AMENDMENTS, by Representative B. King, with the following amendments:

1. Page 2, Lines 34 through 39:

34 (1) “Acknowledgment” means a notarial act in which a notary certifies that a signer,

35 whose identity is personally known to the notary or proven on the basis of satisfactory

36 evidence, has admitted~~[, and which admission is made either]~~  
 {~~—~~} in the presence of the notary {~~—~~} [~~or by~~

37 ~~an electronic communication that is as reliable as an admission made in the presence of the~~

38 ~~notary, provided that the electronic communication is authorized by law or rule,]~~ signing a

39 document voluntarily for its stated purpose.



The Business and Labor Committee reports a favorable recommendation on **1st Sub. S.B. 39**, CONSUMER CREDIT PROTECTION, by Senator C. Walker.

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the Business and Labor committee were adopted.

**H.B. 296, H.B. 375**, as amended, and **Sub. S.B. 39**, read the second time by short title and referred to the Rules Committee for prioritization.

\* \* \*

Mr. Speaker: February 23, 2005

The Education Committee reports a favorable recommendation on **H.B. 141**, SCHOOL BREAKFAST PROGRAM, by Representative D. Litvack, with the following amendments:

- 1. Page 1, Lines 25 through 27:

25 (1) ~~{-}-~~ (a) ~~{-}-~~ Each local school board shall~~[,at~~  
~~least once every three years, review]~~ require

26 each ~~[elementary]~~ school in its district ~~[that does not]~~ that is eligible  
for severe need assistance

27 to participate in the School Breakfast Program [as to the school's  
~~reasons for nonparticipation]~~ except as provided in Subsection  
(1)(b) .

(b) A local school board may exempt the following from  
participating in the School Breakfast Program:

(i) alternative schools; or

(ii) schools at which the School Breakfast Program would not  
operate effectively or efficiently.

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 232**, UTAH BASIC SKILLS COMPETENCY TEST ALTERNATIVES, by Representative P. Ray, with the following amendments:

1. Page 1, Lines 13 through 15:
 

13       ▶       allows {~~special education and~~} certain adult  
education students to pass an alternative  
14 assessment of competency approved by the State Board of  
Education in lieu of the  
15 Utah Basic Skills Competency Test in order to receive a basic high  
school diploma;
2. Page 3, Lines 63 through 68:
 

63       **(b) An alternative assessment of competency provided for in  
this section may be taken**  
64       **in lieu of the basic skills competency test by** {~~∴~~  
65       **(i) a student with a disability, as determined pursuant to Title  
53A, Chapter 15, Part 3,**  
66       **Education of Children with Disabilities; and**  
67       **(ii) } an adult education student, as determined pursuant to  
Title 53A, Chapter 15, Part 4,**  
68       **Adult Education, whose class graduated after 2006.**

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 239**, HIGHER EDUCATION TUITION AND RESIDENCY LEGISLATIVE TASK FORCE, by Representative G. Donnelson; and

The Education Committee recommends **H.B. 381**, NONRESIDENT TUITION WAIVERS, by Representative C. Buttars, be replaced and favorably recommends **1st Sub. H.B. 381**, NONRESIDENT TUITION WAIVERS.

Margaret Dayton, Chair

Reports filed. On motion of Representative Dayton, the reports of the Education committee were adopted.

**H.B. 141**, as amended, **Sub. H.B. 232**, as amended, **Sub. H.B. 239**, and **Sub. H.B. 381**, read the second time by short title and referred to the Rules Committee for prioritization.

#### NOTICE OF BILL RETURNED TO RULES COMMITTEE

Mr. Speaker: February 23, 2005

The Education Committee has returned **H.B. 175**, EDUCATION ACHIEVEMENT GAP TASK FORCE, by Representative D. Litvack, to the Rules Committee for interim study.

Margaret Dayton, Chair

Report filed. **H.B. 175**, referred to the Rules Committee.

### MISCELLANEOUS BUSINESS

On motion of Representative Jones, the House voted to recall **H.B. 165** from the Senate.

### UNFINISHED BUSINESS

On motion of Representative Ure, the House voted to uncircle **2nd Sub. H.R. 7**.

**2nd Sub. H.R. 7**, HOUSE RULES RESOLUTION – COMMITTEE REPORT, was before the House on its final passage.

Representative Hansen proposed to delete **2nd Sub. H.R. 7** in title and body and insert **4th Sub. H.R. 7** in lieu thereof.

Representative Lockhart proposed the following substitute motion to amend:

1. Page 2, Lines 52 through 53

52        (5) (a) Any listing of dissenting members on a committee report  
          {~~shall~~ }     is not to    be read by the

53    Reading Clerk    {~~and~~ }     or    entered as part of the report in  
          the journal.

Representative Lockhart's motion to amend passed on a voice vote.

Representative Hansen proposed to delete **2nd Sub. H.R. 7** in title and body and insert **4th Sub. H.R. 7** in lieu thereof.

Representative Hendrickson proposed the following substitute motion to amend:

Substitute the bill with the **4th Sub. H.R. 7** and include the following amendments:

1. Page 3, Line 57:

Delete "made part of the House Journal" and insert "attached to the back of the bill"

Representative Hendrickson's motion to amend failed on a voice vote.

Representative Hansen's motion to substitute failed on the following roll call:

**Yeas, 19; Nays, 47; Absent or not voting, 9.****Voting in the affirmative were:** Representatives

Becker	Biskupski	Bourdeaux	S. Clark
Cosgrove	Duckworth	Goodfellow	Gowans
Hansen	Hendrickson	Jones	King
Litvack	McGee	Morgan	Romero
Shurtliff	Wheatley	Wiley	

**Voting in the negative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bowman	Buxton	Christensen	D. Clark
D. Cox	Daw	Dayton	Dee
Donnelson	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Hardy
Harper	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	Kiser	Last
Lawrence	Lockhart	Mathis	Menlove
Morley	Murray	Newbold	Noel
Oda	Painter	Ray	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheeler	Curtis	

**Absent or not voting were:** Representatives

Alexander	Bigelow	Buttars	Dougall
Dunnigan	B. Johnson	Mascaro	Moss
Wyatt			

**2nd Sub. H.R. 7**, as amended, then passed on the following roll call:

**Yeas, 49; Nays, 19; Absent or not voting, 7.****Voting in the affirmative were:** Representatives

Aagard	S. Allen	Barrus	Bigelow
Bowman	Buttars	Buxton	Christensen
D. Clark	D. Cox	Daw	Dayton
Dee	Donnelson	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Hardy	Harper	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Kiser	Last	Lawrence	Lockhart
Mathis	Menlove	Morley	Murray
Newbold	Noel	Oda	Painter

Ray	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wyatt			

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	S. Clark
Cosgrove	Duckworth	Goodfellow	Gowans
Hansen	Hendrickson	Jones	King
Litvack	McGee	Morgan	Romero
Shurtliff	Wheatley	Wiley	

**Absent or not voting were:** Representatives

Adams	Alexander	Dougall	Dunnigan
Mascaro	Moss	Curtis	

**2nd Sub. H.R. 7**, as amended, was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Lt. Governor.

**THIRD READING CALENDAR**

**H.B. 77**, PROVISIONS FOR EMANCIPATION OF A MINOR, read the third time by short title and placed on its final passage.

Representative Lawrence proposed the following amendment:

1. Page 7, Lines 192 through 193

192      (4) If the court determines by {~~a preponderance of~~  
~~the~~ } clear and convincing evidence that emancipation is in  
193 the best interests of the minor, it shall issue a declaration of  
emancipation.

Representative Lawrence’s motion to amend passed on a voice vote.

**H.B. 77**, as amended, then passed on the following roll call:

**Yeas, 44; Nays, 25; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Agard	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buttars	Cosgrove	D. Cox	Daw
Donnelson	Duckworth	Ferry	Fisher

Fowlke	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Hogue	Holdaway
Hunsaker	E. Hutchings	Jones	King
Lawrence	Litvack	McGee	Menlove
Morgan	Moss	Murray	Newbold
Ray	Romero	Shurtliff	G. Snow
Ure	Wheatley	Wiley	Wyatt

**Voting in the negative were:** Representatives

Adams	Buxton	Christensen	D. Clark
S. Clark	Dayton	Dee	Dougall
Ferrin	Gibson	Harper	Hughes
B. Johnson	Kiser	Last	Mathis
Morley	Noel	Oda	Painter
Tilton	Walker	Wallace	Wheeler
Curtis			

**Absent or not voting were:** Representatives

Alexander	Dunnigan	Frank	Lockhart
Mascaro	Urquhart		

**H.B. 77**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 122**, BAIL BOND AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Gibson, the House voted to circle **H.B. 122**.

\* \* \*

**H.B. 114**, CHILDREN'S HEALTH CARE COVERAGE AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Bowman declared a conflict of interest because he has great-grandchildren using the program.

**H.B. 114** then passed on the following roll call:

**Yeas, 50; Nays, 19; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Bowman

Buxton	D. Clark	S. Clark	Cosgrove
Dee	Donnelson	Duckworth	Fisher
Fowlke	Gibson	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Ray	Romero
Shurtliff	Urquhart	Walker	Wheatley
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Adams	Buttars	Christensen	Daw
Dayton	Dougall	Ferrin	Ferry
Frank	Harper	Hughes	Lockhart
Morley	Oda	Painter	G. Snow
Tilton	Wallace	Wheeler	

**Absent or not voting were:** Representatives

Alexander	D. Cox	Dunnigan	Mascaro
Ure	Wiley		

**H.B. 114** transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Lockhart, the House voted that any bills still in possession of the House Standing Committees be referred to the Rules Committee.

\* \* \*

On motion of Representative Urquhart, the House voted to recess until 2:00 p.m.

**AFTERNOON SESSION**

The House was called to order by Speaker Curtis at 2:15 p.m.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: February 24, 2005

The Senate passed **S.J.R. 19, RESOLUTION RECOGNIZING GRANITE SCHOOL DISTRICT'S 100 YEARS**, by Senator G. Davis, and it is transmitted for consideration; and

The Senate passed **S.J.R. 18**, JOINT RESOLUTION APPROVING CONSOLIDATION OF WEST VALLEY AND SANDY DISTRICT COURTS, by Senator P. Knudson, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.J.R. 19** and **S.J.R. 18**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 24, 2005

The Senate passed, **1st Sub. H.B. 83**, WEIGHTS AND MEASURES AMENDMENTS, by Representative D. Ure, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 156**, DAIRY PROMOTION ACT AMENDMENTS, by Representative D. Ure, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 155**, AGRICULTURAL COOP AMENDMENTS, by Representative C. Buttars, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 191**, CAPTIVE INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 201**, LIFE INSURANCE AND ANNUITIES LAW AMENDMENTS, by Representative J. Dunnigan, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 224**, PERMANENT COMMUNITY IMPACT FUND – BOARD MEMBERSHIP, by Representative J. Mathis, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. H.B. 83**, **H.B. 156**, **Sub. H.B. 155**, **H.B. 191**, **H.B. 201**, and **H.B. 224**, were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.



\* \* \*

Mr. Speaker:

February 24, 2005

The Senate passed, as amended, **2nd Sub. H.B. 74**, TUITION PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OR SPECIAL EDUCATION, by Representative R. Menlove, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **2nd Sub. H.B. 74**, placed on the calendar for concurrence.

**UNFINISHED BUSINESS**

On motion of Representative Gibson, the House voted to uncircle **H.B. 122**.

**H.B. 122**, BAIL BOND AMENDMENTS, was before the House on its final passage.

On motion of Representative Gibson, the House voted to delete **H.B. 122** in title and body and insert **Sub. H.B. 122** in lieu thereof.

**Sub. H.B. 122**, as amended, then failed to pass on the following roll call:

**Yeas, 31; Nays, 38; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Becker	Biskupski	Bowman	Buxton
Cosgrove	D. Cox	Dee	Duckworth
Gibson	Gowans	Hansen	Hendrickson
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Litvack	Mathis
Menlove	Moss	Murray	Painter
Shurtliff	Ure	Urquhart	Walker
Wiley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Agard	S. Allen	Barrus	Bigelow
Bourdeaux	Buttars	Christensen	D. Clark
S. Clark	Daw	Dayton	Donnelson
Ferrin	Ferry	Fisher	Fowlke
Frank	Goodfellow	Hardy	Harper
Hogue	Hughes	Kiser	Last

Lawrence	Lockhart	McGee	Morley
Newbold	Noel	Oda	Ray
Romero	G. Snow	Tilton	Wallace
Wheatley	Wheeler		

**Absent or not voting were:** Representatives

Adams	Alexander	Dougall	Dunnigan
Mascaro	Morgan		

**Sub. H.B. 122**, as amended, was filed.

### COMMUNICATION FROM THE SENATE

Mr. Speaker: February 24, 2005

The Senate transmits **H.B. 165**, UTAH COMMISSION ON AGING, by Representative P. Jones, for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 165** returned to the House for technical corrections (amendments not attached).

### THIRD READING CALENDAR

**Sub. H.B. 260**, AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS, read the third time by short title and placed on its final passage.

On motion of Representative Dougall, the House voted to circle **Sub. H.B. 260**.

\* \* \*

**Sub. H.B. 96**, AMENDMENTS RELATING TO CLEAN FUELS AND VEHICLES USING CLEAN FUELS, read the third time by short title and placed on its final passage.

On motion of Representative Bigelow, the House voted to circle **Sub. H.B. 96**.

\* \* \*

**H.B. 131**, ACCESS TO HEALTH CARE FACILITIES AND PLACES OF WORSHIP, read the third time by short title and placed on its final passage.

On motion of Representative Agard, the House voted to circle **H.B. 131**.

\* \* \*

**H.B. 140**, INDIVIDUAL INCOME TAX CONTRIBUTION FOR COMMUNITY SPAY AND NEUTER PROGRAMS, read the third time by short title and placed on its final passage.

**H.B. 140** then passed on the following roll call:

**Yeas, 52; Nays, 13; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	Daw	Duckworth	Ferrin
Ferry	Fowlke	Frank	Gowans
Hansen	Hardy	Hendrickson	Hogue
Holdaway	Hunsaker	B. Johnson	Jones
King	Last	Lawrence	Litvack
Mathis	McGee	Menlove	Morgan
Moss	Murray	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Ure	Walker	Wallace
Wheeler	Wiley	Wyatt	Curtis

**Voting in the negative were:** Representatives

D. Cox	Dayton	Dee	Donnelson
Dougall	Fisher	Harper	Hughes
Kiser	Lockhart	Morley	Newbold
Tilton			

**Absent or not voting were:** Representatives

Alexander	Bigelow	Buttars	Dunnigan
Gibson	Goodfellow	E. Hutchings	Mascaro
Urquhart	Wheatley		

**H.B. 140** transmitted to the Senate for its consideration.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker: February 24, 2005

The Senate passed **S.C.R. 11**, CONCURRENT RESOLUTION ON MCGRUFF HOUSE, by Senator D. Eastman, and it is transmitted for consideration with the following amendment:

## 1. Page 2, Line 57

After “started in,” delete “1998” and insert “1988”

Annette B. Moore

Secretary of the Senate

Communication filed. **S.C.R. 11**, read the first and second times by short title and placed at the top of the calendar for third reading.

### MISCELLANEOUS BUSINESS

On motion of Representative Ferry, the House voted to move to the Senate Third Reading Calendar.

### THIRD READING CALENDAR

**S.C.R. 11**, CONCURRENT RESOLUTION ON MCGRUFF HOUSE, read the third time by short title and placed on its final passage.

**S.C.R. 11** then passed on the following roll call:

**Yeas, 55; Nays, 0; Absent or not voting, 20.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buxton	Christensen	S. Clark	Cosgrove
D. Cox	Dayton	Dee	Donnelson
Dougall	Duckworth	Ferrin	Ferry
Fisher	Fowlke	Frank	Gowans
Harper	Hendrickson	Hogue	Holdaway
E. Hutchings	B. Johnson	Jones	Kiser
Last	Lawrence	Litvack	Mathis
McGee	Morgan	Morley	Moss
Murray	Newbold	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Walker	Wallace	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Alexander	Bigelow	Buttars	D. Clark
Daw	Dunnigan	Gibson	Goodfellow
Hansen	Hardy	Hughes	Hunsaker
King	Lockhart	Mascaro	Menlove
Noel	Ure	Urquhart	Wheatley

**S.C.R. 11** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### MISCELLANEOUS BUSINESS

On motion of Representative Ferry, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

### THIRD READING CALENDAR

**H.C.R. 3**, RESOLUTION REGARDING WASHINGTON COUNTY WASTE FACILITY, read the third time by short title and placed on its final passage.

**H.C.R. 3** then passed on the following roll call:

**Yeas, 66; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Dayton
Dee	Donnelson	Dougall	Duckworth
Ferrin	Ferry	Fisher	Fowlke
Frank	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mathis
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Alexander	Buttars	Daw	Dunnigan
Gibson	B. Johnson	Mascaro	McGee
Menlove			

**H.C.R. 3** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 132**, INTERNET CRIMES AGAINST CHILDREN, read the third time by short title and placed on its final passage.

**H.B. 132**, as amended, then passed on the following roll call:

**Yeas, 63; Nays, 0; Absent or not voting, 12.**

**Voting in the affirmative were:** Representatives

Adams	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Ferrin	Ferry	Fisher
Fowlke	Frank	Goodfellow	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	Jones
King	Kiser	Lawrence	Litvack
Lockhart	Mathis	McGee	Morgan
Morley	Moss	Newbold	Noel
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Aagard	Alexander	Dunnigan	Gibson
Gowans	E. Hutchings	B. Johnson	Last
Mascaro	Menlove	Murray	Oda

**H.B. 132**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 291**, CAPITOL PRESERVATION BOARD MODIFICATIONS, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **H.B. 291**.

\* \* \*

**H.B. 299**, MOTOR VEHICLE BUSINESS LICENSING AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Ray proposed the following amendment:

1. Page 2, Line 49:  
Delete “the use of a” and delete “vehicle” and insert “vehicles”
2. Page 2, Line 54:  
Refer to the standing committee amendments dated 2–10–2005:  
Lines 53 and 54:  
Delete “the use of a” and delete “vehicle” and insert “vehicles”

Representative Ray’s motion to amend passed on a voice vote.

**H.B. 299**, as amended, then passed on the following roll call:

**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Ferry	Fisher
Fowlke	Frank	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	Jones	King	Kiser
Last	Lawrence	Litvack	Mathis
McGee	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Alexander	Dunnigan	Ferrin	Gibson
B. Johnson	Lockhart	Mascaro	Menlove
G. Snow	Tilton		

**H.B. 299**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 362**, APPROPRIATION FOR HIGHLY QUALIFIED TEACHERS, read the third time by short title and placed on its final passage.

**H.B. 362** then passed on the following roll call:

**Yeas, 66; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Adams	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	Daw	Dayton
Donnelson	Dougall	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Frank
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Ure	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Aagard	Alexander	D. Cox	Dee
Dunnigan	Gibson	Mascaro	Tilton
Urquhart			

**H.B. 362** transmitted to the Senate for its consideration.

\* \* \*

**2nd Sub. H.B. 153, SECURITY FOR PUBLIC SCHOOLS**, read the third time by short title and placed on its final passage.

Representative Allen moved to delete **2nd Sub. H.B. 153** in title and body and insert **3rd Sub. H.B. 153** in lieu thereof. Her motion to substitute failed on the following roll call:

**Yeas, 30; Nays, 39; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bigelow	D. Cox	Duckworth	Fisher



Fowlke	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
Lawrence	Mathis	McGee	Menlove
Murray	Oda	Ray	G. Snow
Ure	Curtis		

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Buttars
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	Daw	Dayton	Dee
Donnelson	Dougall	Ferrin	Ferry
Frank	Gibson	B. Johnson	Jones
King	Kiser	Last	Litvack
Lockhart	Morgan	Morley	Moss
Newbold	Noel	Painter	Romero
Shurtliff	Tilton	Walker	Wallace
Wheatley	Wheeler	Wiley	

**Absent or not voting were:** Representatives

Alexander	Bowman	Dunnigan	Mascaro
Urquhart	Wyatt		

Representative Hendrickson declared a conflict of interest because he drives a school bus.

On motion of Representative Hendrickson, the House voted to circle **2nd Sub. H.B. 153**.

**REPORTS OF BILLS RETURNED TO RULES COMMITTEE**

Mr. Speaker: February 24, 2005

With committee review, the Business and Labor Committee has returned **S.B. 29, LICENSING OF CRANE OPERATORS**, by Senator G. Davis, to the Rules Committee without recommendation; and

Without committee review, the Business and Labor Committee has returned **2nd Sub. S.B. 34, PATIENT ACCESS REFORM**, by Senator D. C. Buttars, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **2nd Sub. S.B. 56, REAL ESTATE – EXCLUSIVE BROKERAGE AGREEMENTS**, by Senator L. A. Mansell, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **1st Sub. S.B. 64**, REAL ESTATE TRANSACTIONS AND SECURITIES, by Senator L. A. Mansell, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **1st Sub. S.B. 65**, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, by Senator P. Knudson, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **S.B. 71**, SECURITY PERSONNEL LICENSING AMENDMENTS, by Senator G. Davis, to the Rules Committee; and

With committee review, the Business and Labor Committee has returned **S.B. 77**, AMENDMENTS TO INDOOR CLEAN AIR ACT, by Senator M. Waddoups, to the Rules Committee without recommendation; and

With committee review, the Business and Labor Committee has returned **S.B. 87**, RESIDENCE LIEN RESTRICTION AND LIEN RECOVERY FUND AMENDMENTS, by Senator D. Thomas, to the Rules Committee without recommendation with the following amendments:

1. Page 3, Lines 68 through 69:

68        (4) The division shall report the amount of any special assessment imposed under this

69        section to the {~~governor and the Legislature as part of its budget request~~ } Revenue and Taxation Interim Committee within 30 calendar days of the date that the assessment is imposed .

Without committee review, the Business and Labor Committee has returned **S.B. 147**, PSYCHOLOGIST LICENSING ACT AMENDMENTS, by Senator E. Mayne, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **S.B. 172**, DIVISION OF REAL ESTATE AMENDMENTS, by Senator M. Waddoups, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **1st Sub. S.B. 215**, FINANCIAL INSTITUTIONS AS LIMITED LIABILITY COMPANIES, by Senator L. Hillyard, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **S.B. 223**, OVERSIGHT AND ENFORCEMENT OF WORK DONE ON MOBILE HOMES, by Senator E. Mayne, to the Rules Committee; and

With committee review, the Business and Labor Committee has returned **H.B. 100**, CONSUMER CREDIT BUREAU NOTICE REQUIREMENTS, by Representative K. Morgan, to the Rules Committee without recommendation; and

Without committee review, the Business and Labor Committee has returned **H.B. 133**, MOBILE HOME PARK – NOTICE OF SALE OF UNDERLYING PROPERTY, by Representative M. Wheatley, to the Rules Committee; and

With committee review, the Business and Labor Committee has returned **H.B. 193**, DEREGULATION OF GENERAL BUILDING CONTRACTORS, by Representative G. Hughes, to the Rules Committee without recommendation; and

With committee review, the Business and Labor Committee has returned **H.B. 277**, REVISIONS TO THE UTAH CREDIT UNION ACT, by Representative L. Christensen, to the Rules Committee without recommendation; and

Without committee review, the Business and Labor Committee has returned **H.B. 289**, AUTHORITY FOR DESIGN-BUILD CONSTRUCTION, by Representative M. Morley, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **Sub. H.B. 322**, MOTOR VEHICLE REPAIRS – CONSUMER RIGHTS, by Representative T. Kiser, to the Rules Committee.

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the Business and Labor committee were adopted.

**S.B. 29, 2nd Sub. S.B. 34, 2nd Sub. S.B. 56, Sub. S.B. 64, Sub. S.B. 65, S.B. 71, S.B. 77, S.B. 87**, as amended, **S.B. 147, S.B. 172, Sub. S.B. 215, S.B. 223, H.B. 100, H.B. 133, H.B. 193, H.B. 277, H.B. 289**, and **Sub. H.B. 322**, referred to the Rules Committee.

\* \* \*

Mr. Speaker:

February 24, 2005

With committee review, the Business and Labor Committee has returned **H.B. 50**, CRIMINAL PENALTY AMENDMENT, by Representative D. Litvack, to the Rules Committee without recommendation; and

With committee review, the Law Enforcement and Criminal Justice Committee recommends **H.B. 92**, SAFETY BELT LAW REQUIREMENT AMENDMENTS, by Representative M. Noel, be replaced with **1st Sub. H.B. 92**,

SAFETY BELT LAW REQUIREMENT AMENDMENTS, with the following amendments, and has returned it to the Rules Committee without recommendation.

1. Page 2, Lines 45 through 46:

45 (1) (a) A person who violates Section 41-6a-1803 is guilty of  
 {-[-]} an infraction {-[-]} {-a class C  
 46 misdemeanor } and shall be fined a maximum of \$45.

2. Page 4, Lines 89 through 92:

89 [~~(2)~~] (3) After reinstatement of the license under Subsection  
 (1)(a) or (2)(a) , a report authorized  
 90 under Section 53-3-104 may not contain evidence of the  
 suspension of a minor's license under  
 91 this section if the minor has not been convicted of any other offense  
 for which the suspension  
 92 under Subsection (1)(a) or (2)(a) may be extended.

With committee review, the Law Enforcement and Criminal Justice Committee has returned **1st Sub. H.B. 219**, TRAFFIC ENFORCEMENT AMENDMENTS, by Representative R. McGee, to the Rules Committee without recommendation; and

Without committee review, the Law Enforcement and Criminal Justice Committee has returned **H.B. 332**, POSSESSION OF A DANGEROUS WEAPON IN A VEHICLE, by Representative M. Morley, to the Rules Committee.

DeMar "Bud" Bowman, Chair

Reports filed. On motion of Representative Bowman, the reports of the Law Enforcement and Criminal Justice committee were adopted.

**H.B. 50**, **Sub. H.B. 92**, as amended, **Sub. H.B. 219**, and **H.B. 332**, referred to the Rules Committee.

\* \* \*

Mr. Speaker:

February 24, 2005

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **H.B. 229**, WATER RIGHTS IN IRRIGATION COMPANIES, by Representative P. Painter, to the Rules Committee.

Roger E. Barrus, Chair

Report filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee was adopted.

**H.B. 229**, referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 23, 2005

Without committee review, the Transportation Committee has returned **S.B. 151**, DRIVER EDUCATION AMENDMENTS, by Senator T. Hatch, to the Rules Committee.

Joseph G. Murray, Chair

Report filed. On motion of Representative Murray, the report of the Transportation committee was adopted.

**S.B. 151**, referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 24, 2005

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **S.B. 180**, WORKERS COMPENSATION – COMPETITIVE BID REQUIREMENTS, by Senator M. Waddoups, to the Rules Committee.

David N. Cox, Chair

Report filed. On motion of Representative Cox, the report of the Workforce Services and Community and Economic Development committee was adopted.

**S.B. 180**, referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 23, 2005

With committee review, the Political Subdivisions Committee has returned **H.B. 158**, ELECTION REQUIREMENTS FOR COUNTY CANDIDATES, by Representative R. Romero, to the Rules Committee, without recommendation, with the following amendments:

- 1. Page 3, Lines 81 through 82:

81            (2) if filing for candidacy in a first class county after January 1,  
 { ~~2006~~ }        2010 . be a licensed

82 certified public accountant as of the date of filing.

Without committee review, the Political Subdivisions Committee has returned **H.B. 329**, COUNTY CONTRACTED SERVICES, by Representative K. Holdaway, to the Rules Committee; and

With committee review, the Political Subdivisions Committee has returned **S.B. 136**, JUSTICE COURT OPERATIONS AMENDMENTS, by Senator E. Mayne, to the Rules Committee without recommendation; and

Without committee review, the Political Subdivisions Committee has returned **S.B. 139**, MINIMUM WAGE PROVISIONS, by Senator H. Stephenson, to the Rules Committee; and

Without committee review, the Political Subdivisions Committee has returned **S.B. 190**, COUNTY OFFICER AMENDMENTS, by Senator C. Bramble, to the Rules Committee.

Brad L. Dee, Chair

Reports filed. On motion of Representative Dee, the reports of the Political Subdivisions committee were adopted.

**H.B. 158**, as amended, **H.B. 329**, **S.B. 136**, **S.B. 139**, and **S.B. 190**, referred to the Rules Committee.

\* \* \*

Mr. Speaker:

February 23, 2005

Without committee review, the Retirement and Independent Entities Committee has returned **H.B. 81**, WORKERS' COMPENSATION COVERAGE OF FIRE DEPARTMENT EMPLOYEES, by Representative J. Murray, to the Rules Committee.

Michael T. Morley, Chair

Report filed. On motion of Representative Morley, the report of the Retirement and Independent Entities committee was adopted.

**H.B. 81**, referred to the Rules Committee.

\* \* \*

Mr. Speaker:

February 24, 2005

With committee review the Judiciary Committee has returned **H.B. 123**, RESTRICTIONS OF ADVERTISING ILLEGAL ACTIVITIES, by Representative S. Wyatt, to the Rules Committee without recommendation; and

Without committee review the Judiciary Committee recommends **H.B. 127**, OFFER OF SETTLEMENT PROVISIONS, by Representative L. Christensen, be replaced with **1st Sub. H.B. 127**, OFFER OF SETTLEMENT PROVISIONS, with the following amendments, and has returned it to the Rules Committee without recommendation.

1. Page 2, Lines 31 through 34:

31        (3) If an offer to settle or dismiss a lawsuit made by a plaintiff is  
not accepted and the  
32        rejecting party does not obtain a more favorable judgment, the  
judgment shall bear interest at  
33        the legal rate of 10% per annum calculated from the date of  
the plaintiff's first offer { $\frac{1}{2}$ } which is exceeded by the  
34        judgment, and interest shall accrue until the satisfaction of  
judgment.

With committee review the Judiciary Committee recommends **H.B. 271**, COMMITMENT TO MENTAL HEALTH AUTHORITY, by Representative M. Noel, be replaced with **1st Sub. H.B. 271**, COMMITMENT TO MENTAL HEALTH AUTHORITY, and has returned it to the Rules Committee without recommendation.

James A. Ferrin, Chair

Reports filed. On motion of Representative Ferry, the reports of the Judiciary committee were adopted.

**H.B. 123**, **Sub. H.B. 127**, as amended, and **Sub. H.B. 271**, referred to the Rules Committee.

\* \* \*

Mr. Speaker:

February 24, 2005

With committee review the Revenue and Taxation Committee has returned **H.B. 101**, AMENDMENTS TO THE INDIVIDUAL INCOME TAX, by Representative W. Harper, to the Rules Committee without recommendation; and

With committee review the Revenue and Taxation Committee has returned **H.B. 130**, INCOME TAX SUBTRACTION FOR SPECIALIZED IMMIGRANT SERVICES, by Representative A. Tilton, to the Rules Committee without recommendation and with the following amendments:

1. Page 5, Line 144:  
Add the word "State" before the word "Government"
2. Page 10, Line 293:  
Add the word "State" before the word "Government"

Without committee review the Revenue and Taxation Committee has returned **1st Sub. H.B. 197**, INDIVIDUAL INCOME TAX AMENDMENTS, by Representative P. Jones, to the Rules Committee without recommendation; and

With committee review the Revenue and Taxation Committee has returned **H.B. 227**, CORPORATE FRANCHISE AND INCOME TAXES – EXEMPTION FOR BANKS, by Representative W. Harper, to the Rules Committee without recommendation; and

With committee review the Revenue and Taxation Committee has returned **H.B. 258**, INDIVIDUAL INCOME TAX CREDIT FOR EMPLOYMENT-RELATED EXPENSES, by Representative D. Litvack, to the Rules Committee without recommendation; and

With committee review the Revenue and Taxation Committee has returned **H.J.R. 12**, RESOLUTION ELIMINATING PROPERTY TAX ON PERSONAL PROPERTY, by Representative J. Dougall, to the Rules Committee without recommendation.

Wayne A. Harper, Chair

Reports filed. On motion of Representative Harper, the reports of the Revenue and Taxation committee were adopted.

**H.B. 101, H.B. 130**, as amended, **Sub. H.B. 197, H.B. 227, H.B. 258**, and **H.J.R. 12**, referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 23, 2005

With committee review, the Education Committee has returned **H.B. 88**, AIR CONDITIONED BUSES FOR STUDENTS WITH DISABILITIES, by Representative D. Hogue, to the Rules Committee without recommendation; and

With committee review the Education Committee has returned **H.B. 187**, CAPITAL OUTLAY FOUNDATION PROGRAM – PARTICIPATION REQUIREMENTS, by Representative J. Ferrin, to the Rules Committee without recommendation with the following amendments:



## 1. Page 2, Line 47:

47 (B) the school campus may not exceed .015 acres per student capacity.

(c) The requirements under Subsection (2)(b) do not apply to a school designed for a capacity of 400 or fewer students.

## 2. Page 2, Lines 37 through 47:

37 (b) Beginning July 1, 2005, a school district receiving monies under the capital outlay

38 foundation program shall construct each school as follows:

39 (i) for students in grades kindergarten through 6:

40 (A) school building construction costs may not exceed \$5,000 per student capacity; and

41 (B) the school campus may not exceed .01 acres per student capacity in counties of the first, second, and third class ;

42 (ii) for students in grades 7 through 9:

43 (A) school building construction costs may not exceed \$7,000 per student capacity; and

44 (B) the school campus may not exceed .015 acres per student capacity in counties of the first, second, and third class ; and

45 (iii) for students in grades 10 through 12:

46 (A) school building construction costs may not exceed \$9,000 per student capacity; and

47 (B) the school campus may not exceed .015 acres per student capacity in counties of the first, second, and third class .

With committee review the Education Committee has returned **H.B. 196**, LEGISLATORS INVOLVEMENT IN PUBLIC SCHOOLS, by Representative D. Bourdeaux, to the Rules Committee without recommendation with the following amendments:

## 1. Page 2, Lines 43 through 45:

43 (c) Each legislator is encouraged as part of the legislator's participation under

44 Subsection (1)(b) to interview teachers and staff and visit a special education class or a class teaching proficiency in English as

45 a second language.

Without committee review, the Education Committee has returned **S.B. 41**, SCHOOL AND INSTITUTIONAL TRUST LANDS MANAGEMENT ACT REVISIONS, by Senator M. Dmitrich, to the Rules Committee; and

Without committee review, the Education Committee has returned **S.B. 59**, HOME SCHOOL AMENDMENTS, by Senator M. Madsen, to the Rules Committee; and

Without committee review, the Education Committee has returned **S.B. 178**, CHARTER SCHOOL AMENDMENTS, by Senator H. Stephenson, to the Rules Committee; and

Without committee review, the Education Committee has returned **S.B. 239**, PUBLIC LANDS POLICY COORDINATION, by Senator T. Hatch, to the Rules Committee.

Margaret Dayton, Chair

Reports filed. On motion of Representative Dayton, the reports of the Education committee were adopted.

**H.B. 88**, **H.B. 187**, as amended, **H.B. 196**, as amended, **S.B. 41**, **S.B. 59**, **S.B. 178**, and **S.B. 239**, referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 24, 2005

With committee review, the Government Operations Committee has returned **H.B. 166**, UTAH INDOOR CLEAN AIR ACT AMENDMENTS, by Representative P. Ray, to the Rules Committee without recommendation; and

With committee review, the Government Operations Committee has returned **H.B. 267**, ELECTION DAY VOTER REGISTRATION, by Representative N. Hansen, to the Rules Committee without recommendation; and

Without committee review, the Government Operations Committee has returned **S.C.R. 10**, CONCURRENT RESOLUTION HONORING UTAH FOUNDATION, by Senator L. A. Mansell, to the Rules Committee.

Douglas C. Aagard, Chair

Reports filed. On motion of Representative Aagard, the reports of the Government Operations committee were adopted.

**H.B. 166, H.B. 267, and S.C.R. 10**, referred to the Rules Committee.

\* \* \*

Mr. Speaker:

February 24, 2005

With committee review, the Health and Human Services Committee has returned **H.B. 106**, REGULATION OF NONCOMPETE AGREEMENTS IN MEDICAL PRACTICES, by Representative R. McGee, to the Rules Committee without recommendation; and

With committee review, the Health and Human Services Committee recommends **H.B. 134**, PUBLIC SAFETY OFFICERS – CRITICAL INCIDENT SHOOTING PROVISIONS, by Representative P. Ray, be replaced with **1st Sub. H.B. 134**, PUBLIC SAFETY OFFICERS – CRITICAL INCIDENT SHOOTING PROVISIONS, and has returned it to the Rules Committee without recommendation; and

With committee review, the Health and Human Services Committee has returned **H.B. 146**, VACCINE RESTRICTIONS, by Representative E. Hutchings, to the Rules Committee without recommendation with the following amendments:

1. Page 1, Line 26:

26 pediatric vaccine necessary for school entry immunization requirements, or a vaccine or immunization for a woman who is pregnant or breast feeding if the vaccine contains

2. Page 2, Line 29:

29 (2) The department may purchase and distribute a pediatric vaccine, or a vaccine or immunization for a woman who is pregnant or breast feeding that contains

With committee review, the Health and Human Services Committee has returned **H.B. 161**, INJURY REPORTING REQUIREMENT AMENDMENTS, by Representative J. Murray, to the Rules Committee without recommendation; and

Without committee review, the Health and Human Services Committee has returned **H.B. 167**, ELDER PROTECTION PROVISIONS, by Representative P. Jones, to the Rules Committee; and

Without committee review, the Health and Human Services Committee has returned **H.B. 321**, BACKGROUND CHECKS FOR BOARDING SCHOOLS, by Representative B. Last, to the Rules Committee.

Bradley G. Last, Chair

Reports filed. On motion of Representative Ray, the reports of the Health and Human Services committee were adopted.

**H.B. 106, Sub. H.B. 134, H.B. 146, as amended, H.B. 161, H.B. 167, and H.B. 321,** referred to the Rules Committee.

### THIRD READING CALENDAR

**H.R. 11, RESOLUTION URGING CONGRESS TO PASS BALANCED BUDGET AMENDMENT,** read the third time by short title and placed on its final passage.

**H.R. 11** then passed on the following roll call:

**Yeas, 55; Nays, 4; Absent or not voting, 16.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Barrus	Becker
Bigelow	Buttars	Christensen	D. Clark
S. Clark	D. Cox	Daw	Dee
Donnelson	Dougall	Duckworth	Ferry
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mathis
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Ray	Romero	Shurtliff	G. Snow
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	

**Voting in the negative were:** Representatives

Cosgrove	Fisher	Tilton	Wyatt
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**Absent or not voting were:** Representatives

Adams	Alexander	Biskupski	Bourdeaux
Bowman	Buxton	Dayton	Dunnigan
Ferrin	Fowlke	Harper	B. Johnson
Mascaro	McGee	Painter	Curtis

**H.R. 11** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Lt. Governor.

\* \* \*

**H.B. 326, HIGH SCHOOL CURRICULUM**, read the third time by short title and placed on its final passage.

On motion of Representative Daw, under suspension of the rules, **H.B. 326** was considered read the first, second, and third times by short title.

**H.B. 326**, as amended, then failed to pass on the following roll call:

**Yeas, 35; Nays, 36; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Bigelow	Bourdeaux	Christensen
D. Clark	S. Clark	D. Cox	Daw
Dee	Donnelson	Dougall	Fisher
Frank	Hogue	Hughes	Hunsaker
B. Johnson	Kiser	Litvack	Lockhart
Morgan	Morley	Newbold	Noel
Oda	Painter	Romero	Tilton
Ure	Urquhart	Walker	Wallace
Wheeler	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Adams	S. Allen	Barrus	Becker
Biskupski	Bowman	Buttars	Buxton
Cosgrove	Dayton	Duckworth	Ferry
Fowlke	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Holdaway	E. Hutchings	Jones	King
Last	Lawrence	Mathis	McGee
Menlove	Moss	Murray	Ray
Shurtliff	G. Snow	Wheatley	Wiley

**Absent or not voting were:** Representatives

Alexander	Dunnigan	Ferrin	Mascaro
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**H.B. 326**, as amended, was filed.

\* \* \*

**H.B. 314, DRIVING WITH ANY MEASURABLE CONTROLLED SUBSTANCE IN THE BODY REVISIONS**, read the third time by short title and placed on its final passage.

**H.B. 314** then passed on the following roll call:

**Yeas, 61; Nays, 0; Absent or not voting, 14.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Becker
Biskupski	Bourdeaux	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Donnelson
Dougall	Duckworth	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hardy	Harper	Hendrickson
Hogue	Hughes	Hunsaker	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mathis
McGee	Menlove	Morgan	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

**Absent or not voting were:** Representatives

Alexander	Barrus	Bigelow	Bowman
Dee	Dunnigan	Ferrin	Hansen
Holdaway	E. Hutchings	Mascaro	Morley
Romero	Curtis		

**H.B. 314** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 178**, MENTAL HEALTH SERVICES COORDINATOR, read the third time by short title and placed on its final passage.

On motion of Representative Hogue, the House voted to refer **H.B. 178** to the Rules Committee.

\* \* \*

**H.B. 292**, COMMISSION ON RACIAL AND ETHNIC FAIRNESS, read the third time by short title and placed on its final passage.

Representative Bourdeaux proposed the following amendment:

- 1. Page 3, Lines 85 through 86  
House Committee Amendments 2-22-2005

85 (w) the following members appointed by the president of the  
Utah State Bar {–Association} to

86 serve staggered four-year terms:

Representative Bourdeaux motion to amend passed on a voice vote.

**H.B. 292**, as amended, then passed on the following roll call:

**Yeas, 60; Nays, 5; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Adams	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dougall	Duckworth	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Ray	Romero	Shurtliff
G. Snow	Tilton	Urquhart	Walker
Wheatley	Wheeler	Wiley	Wyatt

**Voting in the negative were:** Representatives

Aagard	Donnelson	Ferrin	Ure
Wallace			

**Absent or not voting were:** Representatives

Alexander	Dayton	Dee	Dunnigan
Hughes	B. Johnson	Mascaro	Morley
Painter	Curtis		

**H.B. 292**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 126**, AMENDMENTS TO FACILITIES WITH REGIONAL IMPACT, read the third time by short title and placed on its final passage.

On motion of Representative Becker, the House voted to circle **H.B. 126**.

\* \* \*

**H.B. 129**, SCHOOL UNIFORMS, read the third time by short title and placed on its final passage.

On motion of Representative Romero, the House voted to circle **H.B. 129**.

\* \* \*

**Sub. H.B. 247**, CREDIT OR REFUND FOR TAX PAID ON CIGARETTE OR TOBACCO PRODUCT DESTROYED OR RETURNED TO THE MANUFACTURER, read the third time by short title and placed on its final passage.

**Sub. H.B. 247**, as amended, then passed on the following roll call:

**Yeas, 54; Nays, 0; Absent or not voting, 21.**

**Voting in the affirmative were:** Representatives

Agard	S. Allen	Barrus	Becker
Bigelow	Bourdeaux	Bowman	Buttars
Buxton	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dayton	Donnelson
Duckworth	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Harper	Hogue
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Last	Lawrence	Mathis
McGee	Menlove	Morgan	Moss
Murray	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley		

**Absent or not voting were:** Representatives

Adams	Alexander	Biskupski	S. Clark
Dee	Dougall	Dunnigan	Hardy
Hendrickson	Holdaway	Hughes	Kiser
Litvack	Lockhart	Mascaro	Morley
Newbold	Tilton	Ure	Wyatt
Curtis			



**Sub. H.B. 247**, as amended, transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Frank, the House voted to uncircle **H.B. 129**.

**H.B. 129**, SCHOOL UNIFORMS, was before the House on its final passage.

**H.B. 129**, as amended, then failed to pass on the following roll call:

**Yeas, 32; Nays, 35; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Christensen	S. Clark	Cosgrove	Daw
Dayton	Donnelson	Dougall	Ferrin
Ferry	Fowlke	Frank	Gibson
Harper	Hogue	Hughes	Hunsaker
E. Hutchings	B. Johnson	Kiser	Last
Lockhart	Morley	Newbold	Noel
Oda	Painter	Ray	Tilton
Ure	Walker	Wallace	Curtis

**Voting in the negative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	D. Clark	D. Cox
Duckworth	Fisher	Goodfellow	Gowans
Hansen	Hendrickson	Holdaway	Jones
King	Lawrence	Litvack	Mathis
McGee	Menlove	Morgan	Moss
Murray	Romero	Shurtliff	G. Snow
Urquhart	Wheatley	Wiley	

**Absent or not voting were:** Representatives

Alexander	Buxton	Dee	Dunnigan
Hardy	Mascaro	Wheeler	Wyatt

**H.B. 129**, was filed.

**THIRD READING CALENDAR**

**H.B. 245**, COMPENSATION OF CONSTITUTIONAL OFFICERS – BENEFITS AND INSURANCE, read the third time by short title and placed on its final passage.

**H.B. 245** then failed to pass on the following roll call:

**Yeas, 21; Nays, 42; Absent or not voting, 12.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Bourdeaux	Bowman
Christensen	Daw	Donnelson	Dougall
Ferrin	Gibson	Harper	Hughes
E. Hutchings	Kiser	Lawrence	Newbold
Noel	Painter	Tilton	Urquhart
Wallace			

**Voting in the negative were:** Representatives

S. Allen	Barrus	Becker	Bigelow
Biskupski	Buttars	D. Clark	S. Clark
Cosgrove	D. Cox	Duckworth	Ferry
Fisher	Fowlke	Frank	Goodfellow
Gowans	Hansen	Hendrickson	Hogue
Holdaway	Hunsaker	B. Johnson	Jones
Litvack	Lockhart	Mathis	McGee
Menlove	Morley	Moss	Murray
Oda	Ray	Romero	Shurtliff
G. Snow	Ure	Walker	Wheatley
Wiley	Curtis		

**Absent or not voting were:** Representatives

Alexander	Buxton	Dayton	Dee
Dunnigan	Hardy	King	Last
Mascaro	Morgan	Wheeler	Wyatt

**H.B. 245**, was filed.

### MISCELLANEOUS BUSINESS

On motion of Representative Urquhart, the House voted to recess until 7:00 p.m.

### EVENING SESSION

The House was called to order by Speaker Curtis at 7:00 p.m.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: February 24, 2005

The Senate passed, as substituted, **5th Sub. S.B. 61**, PRIVATELY OWNED HEALTH CARE ORGANIZATION TASK FORCE, by Senator M. Waddoups, et al, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 168**, CONSTRUCTION TRADE RELATED AMENDMENTS, by Senator S. Jenkins, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 170**, STATE TAX COMMISSION COLLECTION AND LICENSING PRACTICES, by Senator C. Bramble, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **5th Sub. S.B. 61**, **Sub. S.B. 168**, and **Sub. S.B. 170**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 24, 2005

The President of the Senate has signed **H.B. 55**, DRUG OFFENSE PENALTY ENHANCEMENTS, by Representative B. Dee, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 150**, WATER RIGHTS FEES, by Representative J. Gowans, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 55** and **H.B. 150** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: February 24, 2005

The Senate passed, as amended, **H.J.R. 17**, RESOLUTION HONORING CELEBRATION OF MARRIAGE WEEK, by Representative L. Fowlke, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.J.R. 17**, placed on the calendar for concurrence.

\* \* \*

Mr. Speaker: February 24, 2005

The Senate adopted the Joint Conference Committee Report dated February 24, 2005, and passed **4th Sub. H.B. 43**, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS, by Representative S. Urquhart, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed.

### CONFERENCE COMMITTEE REPORT

Mr. Speaker: February 24, 2005

The Joint Conference Committee comprised of Senators Hatch, Hickman, and Hale, and Representatives Urquhart, Bigelow, and Goodfellow, recommends **H.B. 43**, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS, by Representative S. Urquhart, be replaced and favorably recommends **4th Sub. H.B. 43**, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS.

Tom Hatch, Senate Chair  
Stephen Urquhart, House Chair

Report filed. On motion of Representative Urquhart, the House voted to adopt the Conference Committee Report.

**4th Sub. H.B. 43** then passed on the following roll call:

**Yeas, 61; Nays, 2; Absent or not voting, 12.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bigelow	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Donnelson	Dougall	Duckworth	Ferrin
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hunsaker	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mathis	McGee	Menlove

Morgan	Morley	Murray	Newbold
Noel	Oda	Painter	Romero
Shurtliff	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Voting in the negative were:** Representatives  
Ferry                      G. Snow

**Absent or not voting were:** Representatives  
Alexander              Becker                      Christensen              Dee  
Dunnigan              Hughes                      E. Hutchings              Mascaro  
Moss                      Ray                              Tilton                      Wiley

**4th Sub. H.B. 43** transmitted to the Senate for signature of the President.

### UNFINISHED BUSINESS

On motion of Representative Hunsaker, the House voted to uncircle **Sub. H.B. 96**.

**Sub. H.B. 96**, AMENDMENTS RELATING TO CLEAN FUELS AND VEHICLES USING CLEAN FUELS, was before the House on its final passage.

Representative Hunsaker proposed the following amendment:

- Page 2, Lines 31 through 32  
31 Other Special Clauses:  
32 This bill provides an effective date {~~and provides for retrospective operation~~} .
- Page 6, Lines 173 through 174:  
173 (b) Notwithstanding Subsection (2)(a) and subject to Subsection (5)(b), for taxable years beginning on or after January 1, 2006 , a taxpayer may not claim a tax credit under this  
174 section with respect to an electric-hybrid vehicle.
- Page 9, Lines 263 through 264:  
263 (b) Notwithstanding Subsection (2)(a) and subject to Subsection (5)(b), for taxable years beginning on or after January 1, 2006, a taxpayer may not claim a tax credit under this

264 section with respect to an electric-hybrid vehicle.

4. Page 14, Lines 402 through 407

House Committee Amendments 2-15-2005:

402 Section 8. Effective date {—Retrospective operation—} .

403 (1) Except as provided in Subsections (2) and (3), this bill takes effect on May 2, 2005.

404 (2) Notwithstanding Subsection (1), the amendments to Section H→ [41-6-53.5]

404a 41-6a-702 {-(5) } ←H take effect

405 on July 1, 2005.

406 (3) Notwithstanding Subsection (1), the amendments to Sections 59-7-605 and

407 59-10-127 {~~have retrospective operation~~ } take effect for taxable years beginning on or after January 1, {~~2005~~ } 2006 .

Representative Hunsaker’s motion to amend passed on a voice vote.

**Sub. H.B. 96**, as amended, then passed on the following roll call:

**Yeas, 51; Nays, 16; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buxton	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Donnelson	Dougall
Duckworth	Ferry	Fisher	Fowlke
Gibson	Hardy	Harper	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Last	Litvack
Mathis	McGee	Menlove	Morgan
Moss	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Ure	Urquhart	Wallace
Wheatley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Buttars	Christensen	Dayton	Ferrin
Frank	Goodfellow	Gowans	Hansen
Hendrickson	Kiser	Lawrence	Lockhart
Morley	Murray	Walker	Wheeler

**Absent or not voting were:** Representatives

Alexander	Bigelow	Dee	Dunnigan
Hughes	Mascaro	Tilton	Wiley

**Sub. H.B. 96**, as amended, transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Dougall, the House voted to uncircle **Sub. H.B. 260**.

**Sub. H.B. 260**, AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS, was before the House on its final passage.

On motion of Representative Urquhart, the House voted to delete **Sub. H.B. 260** in title and body and insert **2nd Sub. H.B. 260** in lieu thereof.

**2nd Sub. H.B. 260** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero

Shurtliff	G. Snow	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Alexander	Dunnigan	Mascaro	Tilton
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**2nd Sub. H.B. 260** transmitted to the Senate for its consideration.

### MISCELLANEOUS BUSINESS

On motion of Representative Dougall, the House voted to print the following intent language in the House Journal.

#### INTENT LANGUAGE FOR 2ND SUB. H.B. 260

Under section 76–10–1233, enacted by 2nd Sub. H.B. 260, it is anticipated that the Division of Consumer Protection will report back to the Utah Technology Commission throughout the 2005 interim regarding its proposed rules for establishing acceptable rating methods.

The addition of a negligence or recklessness standard to Section 76–10–1206 is intended to apply to a person’s determination of the age of a minor, while the intentional standard is intended to apply to distribution, production, presentation, direction, or performance identified in Subsection (1)(a), (b), and (c).

### MISCELLANEOUS BUSINESS

On motion of Representative Ray, the House voted to reconsider its action on **H.B. 326**.

#### RECONSIDERATION OF H.B. 326

**H.B. 326, HIGH SCHOOL CURRICULUM**, was before the House upon its reconsideration.

On motion of Representative Holdaway, the House voted to circle **H.B. 326**.

### UNFINISHED BUSINESS

On motion of Representative Noel, the House voted to uncircle **Sub. H.B. 264**.

**Sub. H.B. 264, STATE LAND USE MANAGEMENT PLANS AMENDMENTS**, was before the House on its final passage.



On motion of Representative Noel, the House voted to delete **Sub. H.B. 264** in title and body and insert **2nd Sub. H.B. 264** in lieu thereof.

Representative Noel proposed the following amendment:

- 1. Page 8, Lines 220 through 225

220 (C) the state favors quickly and effectively adjusting wildlife population goals and population census

221 numbers in response to variations in the amount of available forage caused by drought or other

222 climatic adjustments, and {~~that~~} state agencies responsible for managing wildlife population

223 goals and population census numbers will give due regard to both the needs of the livestock

224 industry and the need to prevent the decline of species to a point where listing under the terms

225 of the Endangered Species Act when making such adjustments;

- 2. Page 11, Lines 314 through 316:

314 (ix) it is clearly demonstrated that the agency with management authority over the river

315 segment commits not to use an actual or proposed designation as a basis to impose Visual Resource Management Class I or II management

316 prescriptions that do not comply with the provisions of Subsection (8)(t); and

Representative Noel’s motion to amend passed on a voice vote.

**2nd Sub. H.B. 264**, as amended, then passed on the following roll call:

**Yeas, 66; Nays, 5; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth

Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Lockhart
Mathis	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Shurtliff
G. Snow	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Biskupski	Cosgrove	Litvack	McGee
Romero			

**Absent or not voting were:** Representatives

Alexander	Dunnigan	Mascaro	Tilton
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**2nd Sub. H.B. 264**, as amended, transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Urquhart, the House voted to uncircle **H.B. 246**.

**H.B. 246**, WASTE FEES AMENDMENTS, was before the House on its final passage.

Representative Ray proposed the following amendment:

1. Page 1a, Lines 22 through 23

22 within the state, from which the waste is sent to an unregulated facility, and states

23 the fees that apply;

allows the state to collect fees from the transfer stations and recycling centers that send waste to unregulated facilities as defined in the bill, but provides that these fees are minus any solid waste disposal fee or royalty payments paid to a private regulatory entity having jurisdiction over the unregulated facility;

2. Page 5, Line 130

House Committee Amendments 2–11–2005:

130 municipal incinerator ash, to an unregulated facility shall pay to the department the following fees, minus any solid waste disposal fee or royalty payment paid to a regulatory entity that has regulatory jurisdiction over the unregulated entity and that is not the state or any of the state’s political subdivisions :

Representative Ray’s motion to amend failed on the following roll call:

**Yeas, 30; Nays, 38; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	Christensen
S. Clark	Cosgrove	D. Cox	Dayton
Dee	Donnelson	Duckworth	Ferry
Gibson	Gowans	Hardy	E. Hutchings
Litvack	Menlove	Moss	Ray
Romero	Shurtliff	G. Snow	Ure
Wallace	Wheatley		

**Voting in the negative were:** Representatives

Adams	S. Allen	Barrus	Buttars
D. Clark	Daw	Dougall	Ferrin
Fisher	Fowlke	Frank	Goodfellow
Harper	Hendrickson	Hogue	Hughes
Hunsaker	B. Johnson	Jones	King
Kiser	Last	Lawrence	Lockhart
Mathis	McGee	Morgan	Murray
Newbold	Noel	Oda	Painter
Urquhart	Walker	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Alexander	Dunnigan	Hansen	Holdaway
Mascaro	Morley	Tilton	

**H.B. 246**, as amended, then passed on the following roll call:

**Yeas, 56; Nays, 12; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Adams	Barrus	Becker	Bigelow
Biskupski	Bourdeaux	Bowman	Buttars

Buxton	Christensen	D. Clark	S. Clark
Cosgrove	Daw	Dee	Donnelson
Duckworth	Ferrin	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mathis
McGee	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Romero	Urquhart	Walker	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Voting in the negative were:** Representatives

Aagard	S. Allen	D. Cox	Dayton
Dougall	Ferry	B. Johnson	Menlove
Ray	Shurtliff	G. Snow	Wallace

**Absent or not voting were:** Representatives

Alexander	Dunnigan	Hansen	Mascaro
Morley	Tilton	Ure	

**H.B. 246**, as amended, transmitted to the Senate for its consideration.

### **RULES COMMITTEE REPORT**

Mr. Speaker:

February 24, 2005

The Rules Committee recommends that, under suspension of the rules, the following bills and resolutions be considered read for the second time and placed on the Third Reading Calendar:

<b>H.B. 318</b>	Community and Economic Development Restructuring (Rep. C. Buttars)
<b>H.B. 296</b>	Condominium Ownership Act Amendments (Rep. C. Moss)
<b>H.B. 73</b>	Local Referendum Requirements (Rep. D. Hogue)
<b>H.B. 274</b>	Referendum Procedure (Rep. D. Hogue)
<b>H.B. 199</b>	Special Election Dates (Rep. D. Hogue)
<b>1st Sub. H.B. 18</b>	Transportation Investment Act (Rep. R. Lockhart)
<b>1st Sub. H.B. 381</b>	Nonresident Tuition Waivers (Rep. C. Buttars)
<b>H.B. 375</b>	Revisions to General State Government – Notary Law Amendments (Rep. B. King)
<b>H.B. 373</b>	Education Technology Task Force (Rep. E. Hutchings)

- H.B. 272** Patient Access to Providers and Contracting Amendments  
(Rep. R. Lockhart)
- H.C.R. 13** Concurrent Resolution Promoting Utah Saves Strategic  
Initiative (Rep. D. Hogue)
- H.J.R. 18** Joint Resolution Supporting Counties Expansion of  
Correctional Facilities (Rep. D. Hogue)
- 1st Sub. H.B. 335** Disconnecting Territory from a Municipality  
(Rep. C. Frank)
- H.B. 340** Office of Recovery Services Fee (Rep. A. Tilton)
- H.B. 252** Marriage Preparation Education (Rep. R. McGee)
- 1st Sub. H.B. 232** Utah Basic Skills Competency Test Alternatives  
(Rep. P. Ray)
- 1st Sub. H.B. 239** Higher Education Tuition and Residency Legislative Task  
Force (Rep. G. Donnelson)
- 1st Sub. H.B. 304** Premium Assistance Program for Covered-at-work  
(Rep. K. Holdaway)
- 2nd Sub. H.B. 152** County Option Sales and Use Tax for Agricultural Land,  
Open Land, and Recreational Facilities Act  
(Rep. C. Buttars)
- H.B. 141** School Breakfast Program (Rep. D. Litvack)
- H.B. 262** Licensure of Athletic Trainers (Rep. P. Ray)
- H.B. 169** Appropriation for School Districts Impacted by Fee  
Waivers (Rep. L. Shurtliff)
- 1st Sub. H.B. 92** Safety Belt Law Requirement Amendments  
(Rep. M. Noel)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

### MISCELLANEOUS BUSINESS

On motion of Representative Urquhart, the House voted to adjourn until February 25, 2005, at 9:00 a.m.

# FORTIETH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 9:15 a.m.

Roll call showed all members present except Representative Jim Dunnigan, excused.

Pledge of Allegiance and prayer by Bessie Torres, Representative Litvack's intern and guest of Representative Bourdeaux.

### INTRODUCTION OF BILL

**H.B. 358, Tuition and Books Assistance** (E. Hutchings), read the first time by short title and referred to the Rules Committee.

### THIRD READING CALENDAR

**H.B. 356, STATE GOVERNMENT LAW REVISIONS – WITHDRAWAL FROM EDUCATION COMPACT**, read the third time by short title and placed on its final passage.

**H.B. 356** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morley

Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Bigelow	Dunnigan	Morgan
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**H.B. 356** transmitted to the Senate for its consideration.

\* \* \*

**Sub. H.B. 313**, ECONOMIC DEVELOPMENT INITIATIVE FOR HIGHER EDUCATION, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **Sub. H.B. 313**.

\* \* \*

**Sub. H.J.R. 5**, RESOLUTION CLARIFYING REMOVAL PROVISIONS, read the third time by short title and placed on its final passage.

**Sub. H.J.R. 5** then failed to pass on the following roll call:

**Yeas, 45; Nays, 27; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	S. Clark	Cosgrove	Dayton
Donnelson	Duckworth	Ferry	Goodfellow
Gowans	Hansen	Hendrickson	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Lawrence	Litvack
Lockhart	Mascaro	McGee	Moss
Murray	Noel	Painter	Romero
Shurtliff	Tilton	Ure	Walker
Wallace	Wheatley	Wheeler	Wiley
Curtis			

**Voting in the negative were:** Representatives

Adams	Buxton	Christensen	D. Clark
D. Cox	Daw	Dee	Dougall

Ferrin	Fisher	Fowlke	Frank
Gibson	Hardy	Harper	Hughes
Kiser	Last	Mathis	Menlove
Morley	Newbold	Oda	Ray
G. Snow	Urquhart	Wyatt	

**Absent or not voting were:** Representatives  
Bigelow                      Dunnigan                      Morgan

**Sub. H.J.R. 5** was filed.

### MISCELLANEOUS BUSINESS

On motion of Representative Adams, the House voted to reconsider its action on **H.B. 129**.

### RECONSIDERATION OF H.B. 129

**H.B. 129**, SCHOOL UNIFORMS, was before the House upon its reconsideration.

**H.B. 129** then passed on the following roll call:

**Yeas, 45; Nays, 25; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Bowman
Buxton	Christensen	S. Clark	Cosgrove
Daw	Dayton	Dee	Donnelson
Dougall	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Hardy
Harper	Hughes	Hunsaker	E. Hutchings
B. Johnson	King	Kiser	Last
Lawrence	Lockhart	Mascaro	Morley
Newbold	Noel	Oda	Painter
Ray	Tilton	Ure	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Voting in the negative were:** Representatives

S. Allen	Barrus	Becker	Biskupski
Bourdeaux	Buttars	D. Clark	Duckworth
Goodfellow	Gowans	Hansen	Hendrickson
Hogue	Holdaway	Jones	Litvack



McGee	Menlove	Moss	Murray
Romero	Shurtliff	G. Snow	Urquhart
Wiley			

**Absent or not voting were:** Representatives  
 Bigelow                      D. Cox                      Dunnigan                      Mathis  
 Morgan

**H.B. 129**, transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Ferrin, the House voted to uncircle **2nd Sub. H.B. 39**.

**2nd Sub. H.B. 39**, TUITION TAX CREDITS, was before the House on its final passage.

Representative Christensen proposed the following amendment:

1. Page 2, Lines 31 through 33
 

31            This bill appropriates:

32            ►            {~~-\$1,500,000-~~}    \$10,000,000            from    the

                 General Fund for fiscal year 2005-06 only, to the State Board

33            of Education.
  
2. Page 2, Lines 54 through 56:
 

54            (1) There is appropriated {~~-\$1,500,000~~ }    \$10,000,000

from the General Fund, for fiscal year 2005-06

55            only, to the State Board of Education to be distributed to school

districts that demonstrate

56            measurable financial harm that can be attributed to the enactment

of the tuition tax credit under
  
3. Page 3, Lines 59 through 61:
 

59            (3) In accordance with Title 63, Chapter 46a, Utah

Administrative Rulemaking Act, the

60            board shall make rules establishing criteria and procedures for the

distribution of funds

- 61 appropriated under Subsection (1) {—} including:
- (a) consideration of the following criteria in determining eligibility for the funds:
- (i) the extent to which any enrollment decline attributed to students transferring to private schools is offset by enrollment increases due to the growing school age population or other factors;
- (ii) the extent to which any decrease in funding attributed to students transferring to private schools is offset by revenue increases from state, local, or federal sources;
- (iii) the ability of a school district to reduce spending necessitated by decreased funding attributed to students transferring to private schools; and
- (iv) the impact of tuition tax credits on per pupil expenditures for students within a school district; and
- (b) procedures governing:
- (i) the application for funds by school districts; and
- (ii) the awarding of funds to school districts in accordance with the criteria established by the board.
- (4)(a) As prioritized by the Audit Subcommittee, the legislative auditor general shall, at the conclusion of the 2008–09 school year, conduct a comprehensive audit, examination, and review of:
- (i) the tuition tax credit under Section 59–10–136; and
- (ii) the appropriation for school districts affected by tuition tax credits under Subsection (1).
- (b) The audit findings shall include:
- (i) public school enrollment trends;
- (ii) private school enrollment trends;
- (iii) the number of public school students that transfer to private schools annually;
- (iv) the net fiscal impact to the state due to tuition tax credits;
- (v) an analysis of the impacts of tuition tax credits to school districts, including impacts on school district finances and school programs;
- (vi) a comparison of actual per pupil expenditures and an estimate what per pupil expenditures would have been without tuition tax credits;
- (viii) a listing of to whom and for what purpose the funds available under Subsection (1) were distributed; and
- (ix) an assessment of alternatives available to school districts if they had not received funds under Subsection (1).
- (5)(a) The Legislative Management Committee may:

(i) contract with one or more qualified researchers who have previous experience evaluating school choice programs to conduct a study of the tuition tax credit enacted under Section 59-10-136 using funds other than state funds; and

(ii) accept grants to fund the study.

(b) The study shall cover the number of years the tuition tax credit is in effect, not to exceed 13 years.

(c) The Legislative Management Committee may require periodic reports from the researchers.

4. Page 4, Line 107 through Page 5, Line 119:

107 (2) The Legislature finds:

108 (a) { ~~parents are best equipped to make decisions for their children, including the~~

109 educational setting that will best serve the interests and educational needs of their children }

the state system of public education as established and maintained pursuant to the state Constitution is charged with making available a free public education for all children of the state ;

(b) there are limits to the total tax burden that the state's taxpayers may reasonably assume to fund growth in student enrollment and other demands on the state's public education system;

(c) a limited tax credit for private school tuition is projected to have a positive net fiscal impact, thereby maximizing the available state resources for the benefit of the state's public education system while fostering the education of all children in the state;

(d) enacting a tax credit for private school tuition would allow the state to assess its fiscal impact;

(e) if a positive net fiscal impact does not occur, a mitigation fund would help school districts deal with any potential negative impact;

110 { ~~(b) } (f) children, parents, and families are the primary beneficiaries of the tuition tax credit~~

111 authorized in this section and any benefit to private schools, sectarian or otherwise, is purely

112 incidental; and

113 { ~~(e) } (g) the tuition tax credit authorized in this section;~~

114 (i) is enacted for the valid secular purpose of tailoring a student's education to that

115 student's specific needs;  
 116 (ii) is neutral with respect to religion; and  
 117 (iii) provides tax relief to a broad class of persons who are then  
able to direct their  
 118 resources {~~to religious and secular schools~~ } solely as a  
result of their genuine and independent  
 119 {~~private~~ } individual choices.

Representative Dougall proposed the following substitute motion to amend:

Include Representative Christensen's amendments plus the following:

1. Page 2, Lines 36 through 40

36 Utah Code Sections Affected:

AMENDS:

13-2-1, as last amended by Chapter 222, Laws of Utah 2002

59-1-401, as last amended by Chapters 67 and 255, Laws of

Utah 2004

37 ENACTS:

38 53A-11-102.3, Utah Code Annotated 1953

39 53A-17a-152, Utah Code Annotated 1953

40 59-10-136, Utah Code Annotated 1953

59-10-137, Utah Code Annotated 1953

2. Page 2, Line 42:

42 Be it enacted by the Legislature of the state of Utah:

Section 1. Section 13-2-1 is amended to read:

13-2-1. Consumer protection division established --  
 Functions.

(1) There is established within the Department of Commerce  
 the Division of Consumer Protection.

(2) The division shall administer and enforce the following:

(a) Chapter 5, Unfair Practices Act;

(b) Chapter 10a, Music Licensing Practices Act;

(c) Chapter 11, Utah Consumer Sales Practices Act;

(d) Chapter 15, Business Opportunity Disclosure Act;

(e) Chapter 20, New Motor Vehicles Warranties Act;

(f) Chapter 21, Credit Services Organizations Act;

- (g) Chapter 22, Charitable Solicitations Act;
- (h) Chapter 23, Health Spa Services Protection Act;
- (i) Chapter 25a, Telephone and Facsimile Solicitation Act;
- (j) Chapter 26, Telephone Fraud Prevention Act;
- (k) Chapter 28, Prize Notices Regulation Act;
- (l) Chapter 30, Utah Personal Introduction Services Protection Act; ~~{-and-}~~
- (m) Chapter 34, Utah Postsecondary Proprietary School Act ~~{-}~~ ; and
- (n) Section 59-10-137, the requirements for private school registration certificates.

3. Page 3, Lines 59 through 61

House Committee Amendments 2-21-2005:

59 (3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

60 board shall make rules establishing criteria and procedures for the distribution of funds

61 appropriated under Subsection (1).

Section 3. Section 59-1-401 is amended to read:

59-1-401. Offenses and penalties — Rulemaking authority — Statute of limitations — Commission authority to waive, reduce, or compromise penalty or interest.

(1) (a) The penalty for failure to file a tax return within the time prescribed by law including extensions is the greater of \$20 or 10% of the unpaid tax due on the return.

(b) This Subsection (1) does not apply to amended returns.

(2) The penalty for failure to pay tax due shall be the greater of \$20 or 10% of the unpaid tax for:

(a) failure to pay any tax, as reported on a timely filed return;

(b) failure to pay any tax within 90 days of the due date of the return, if there was a late filed return subject to the penalty provided under Subsection (1)(a);

(c) failure to pay any tax within 30 days of the date of mailing any notice of deficiency of tax unless a petition for redetermination or a request for agency action is filed within 30 days of the date of mailing the notice of deficiency;

(d) failure to pay any tax within 30 days after the date the commission’s order constituting final agency action resulting from a timely filed petition for redetermination or request for agency action is

issued or is considered to have been denied under Subsection 63-46b-13(3)(b); and

(e) failure to pay any tax within 30 days after the date of a final judicial decision resulting from a timely filed petition for judicial review.

(3) (a) Beginning January 1, 1995, in the case of any underpayment of estimated tax or quarterly installments required by Sections 59-5-107, 59-5-207, 59-7-504, and 59-9-104, there shall be added a penalty in an amount determined by applying the interest rate provided under Section 59-1-402 plus four percentage points to the amount of the underpayment for the period of the underpayment.

(b) (i) For purposes of Subsection (3)(a), the amount of the underpayment shall be the excess of the required installment over the amount, if any, of the installment paid on or before the due date for the installment.

(ii) The period of the underpayment shall run from the due date for the installment to whichever of the following dates is the earlier:

(A) the original due date of the tax return, without extensions, for the taxable year; or

(B) with respect to any portion of the underpayment, the date on which that portion is paid.

(iii) For purposes of this Subsection (3), a payment of estimated tax shall be credited against unpaid required installments in the order in which the installments are required to be paid.

(4) (a) In case of an extension of time to file an individual income tax or corporate franchise tax return, if the lesser of 90% of the total tax reported on the tax return or 100% of the prior year's tax is not paid by the due date of the return, not including extensions, a 2% per month penalty shall apply on the unpaid tax during the period of extension.

(b) If a return is not filed within the extension time period as provided in Section 59-7-505 or 59-10-516, penalties as provided in Subsection (1) and Subsection (2)(b) shall be added in lieu of the penalty assessed under this Subsection (4) as if no extension of time for filing a return had been granted.

(5) (a) Additional penalties for underpayments of tax are as provided in Subsections (5)(a)(i) through (iv).

(i) Except as provided in Subsection (5)(c), if any underpayment of tax is due to negligence, the penalty is 10% of the underpayment.

(ii) Except as provided in Subsection (5)(d), if any

underpayment of tax is due to intentional disregard of law or rule, the penalty is 15% of the underpayment.

(iii) For intent to evade the tax, the penalty is the greater of \$500 per period or 50% of the tax due.

(iv) If the underpayment is due to fraud with intent to evade the tax, the penalty is the greater of \$500 per period or 100% of the underpayment.

(b) If the commission determines that a person is liable for a penalty imposed under Subsection (5)(a)(ii), (iii), or (iv), the commission shall notify the taxpayer of the proposed penalty.

(i) The notice of proposed penalty shall:

(A) set forth the basis of the assessment; and

(B) be mailed by registered mail, postage prepaid, to the person's last-known address.

(ii) Upon receipt of the notice of proposed penalty, the person against whom the penalty is proposed may:

(A) pay the amount of the proposed penalty at the place and time stated in the notice; or

(B) proceed in accordance with the review procedures of Subsection (5)(b)(iii).

(iii) Any person against whom a penalty has been proposed in accordance with this Subsection (5) may contest the proposed penalty by filing a petition for an adjudicative proceeding with the commission.

(iv) If the commission determines that a person is liable for a penalty under this Subsection (5), the commission shall assess the penalty and give notice and demand for payment. The notice and demand for payment shall be mailed by registered mail, postage prepaid, to the person's last-known address.

(c) Notwithstanding Subsection (5)(a)(i), a seller that voluntarily collects a tax under Subsection 59-12-107(1)(b) is not subject to the penalty under Subsection (5)(a)(i) if on or after July 1, 2001:

(i) a court of competent jurisdiction issues a final unappealable judgment or order determining that:

(A) the seller meets one or more of the criteria described in Subsection 59-12-107(1)(a); and

(B) the commission or a county, city, or town may require the seller to collect a tax under Subsection 59-12-103(2)(a) or (b); or

(ii) the commission issues a final unappealable administrative order determining that:

(A) the seller meets one or more of the criteria described in Subsection 59-12-107(1)(a); and

(B) the commission or a county, city, or town may require the seller to collect a tax under Subsection 59-12-103(2)(a) or (b).

(d) Notwithstanding Subsection (5)(a)(ii), a seller that voluntarily collects a tax under Subsection 59-12-107(1)(b) is not subject to the penalty under Subsection (5)(a)(ii) if:

(i) (A) a court of competent jurisdiction issues a final unappealable judgment or order determining that:

(I) the seller meets one or more of the criteria described in Subsection 59-12-107(1)(a); and

(II) the commission or a county, city, or town may require the seller to collect a tax under Subsection 59-12-103(2)(a) or (b); or

(B) the commission issues a final unappealable administrative order determining that:

(I) the seller meets one or more of the criteria described in Subsection 59-12-107(1)(a); and

(II) the commission or a county, city, or town may require the seller to collect a tax under Subsection 59-12-103(2)(a) or (b); and

(ii) the seller's intentional disregard of law or rule is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law.

(e)(i) In cases not amounting to another violation under this section, penalties for unlawfully claiming a tax credit are as provided in this Subsection (5)(e).

(ii) If the unlawful claim of a tax credit is due to negligence, the penalty is 10% of the amount of the tax credit unlawfully claimed.

(iii) If the unlawful claim of a tax credit is due to intentional disregard of law or rule, the penalty is 15% of the amount of the tax credit unlawfully claimed.

(iv) If the unlawful claim of a tax credit is due to intent to unlawfully claim a tax credit, the penalty is the greater of \$500 per taxable year or 50% of the amount of the tax credit unlawfully claimed.

(v) If the unlawful claim of a tax credit is due to fraud with intent to unlawfully claim a tax credit, the penalty is the greater of \$500 per taxable year or 100% of the amount of the tax credit unlawfully claimed.

(vi) If the commission determines that a person is liable for a penalty imposed under Subsection (5)(e)(ii), (iii), (iv), or (v), the commission shall notify the taxpayer of the proposed penalty using the procedures described under Subsection (5)(b).



(6) Except as provided in Section 59–12–105, the penalty for failure to file an information return, information report, or a complete supporting schedule is \$50 for each information return, information report, or supporting schedule up to a maximum of \$1,000.

(7) If any taxpayer, in furtherance of a frivolous position, has a prima facie intent to delay or impede administration of the tax law and files a purported return that fails to contain information from which the correctness of reported tax liability can be determined or that clearly indicates that the tax liability shown must be substantially incorrect, the penalty is \$500.

(8) (a) A seller that fails to remit a tax, fee, or charge monthly as required by Subsection 59–12–108(1)(a)(i):

(i) is subject to the penalties described in Subsection (1); and

(ii) may not retain the percentage of sales and use taxes that would otherwise be allowable under Subsection 59–12–108(2).

(b) A seller that fails to remit a tax, fee, or charge by electronic funds transfer as required by Subsection 59–12–108(1)(a)(ii)(A)(II):

(i) is subject to the penalties described in Subsection (1); and

(ii) may not retain the percentage of sales and use taxes that would otherwise be allowable under Subsection 59–12–108(2).

(9) (a) A person is subject to the penalty provided in Subsection (9)(c) if that person:

(i) commits an act described in Subsection (9)(b) with respect to one or more of the following documents:

(A) a return;

(B) an affidavit;

(C) a claim; or

(D) a document similar to Subsections (9)(a)(i)(A) through (C);

(ii) knows or has reason to believe that the document described in Subsection (9)(a)(i) will be used in connection with any material matter administered by the commission; and

(iii) knows that the document described in Subsection (9)(a)(i), if used in connection with any material matter administered by the commission, would result in an understatement of another person's liability for a tax, fee, or charge administered by the commission.

(b) The following acts apply to Subsection (9)(a)(i):

(i) preparing any portion of a document described in Subsection (9)(a)(i);

(ii) presenting any portion of a document described in Subsection (9)(a)(i);

(iii) procuring any portion of a document described in Subsection (9)(a)(i);

(iv) advising in the preparation or presentation of any portion of a document described in Subsection (9)(a)(i);

(v) aiding in the preparation or presentation of any portion of a document described in Subsection (9)(a)(i);

(vi) assisting in the preparation or presentation of any portion of a document described in Subsection (9)(a)(i); or

(vii) counseling in the preparation or presentation of any portion of a document described in Subsection (9)(a)(i).

(c) For purposes of Subsection (9)(a), the penalty:

(i) shall be imposed by the commission;

(ii) is \$500 for each document described in Subsection (9)(a)(i) with respect to which the person described in Subsection (9)(a) meets the requirements of Subsection (9)(a); and

(iii) is in addition to any other penalty provided by law.

(d) The commission may seek a court order to enjoin a person from engaging in conduct that is subject to a penalty under this Subsection (9).

(e) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission may make rules prescribing the documents that are similar to Subsections (9)(a)(i)(A) through (C).

(10) (a) As provided in Section 76–8–1101, criminal offenses and penalties are as provided in Subsections (10)(b) through ~~{(e)}~~ (f) .

(b) (i) Any person who is required by this title or any laws the commission administers or regulates to register with or obtain a license or permit from the commission, who operates without having registered or secured a license or permit, or who operates when the registration, license, or permit is expired or not current, is guilty of a class B misdemeanor.

(ii) Notwithstanding Section 76–3–301, for purposes of Subsection (10)(b)(i), the penalty may not:

(A) be less than \$500; or

(B) exceed \$1,000.

(c) (i) Any person who, with intent to evade any tax or requirement of this title or any lawful requirement of the commission, fails to make, render, sign, or verify any return or to supply any information within the time required by law, or who makes, renders,

signs, or verifies any false or fraudulent return or statement, or who supplies any false or fraudulent information, is guilty of a third degree felony.

(ii) Notwithstanding Section 76-3-301, for purposes of Subsection (10)(c)(i), the penalty may not:

(A) be less than \$1,000; or

(B) exceed \$5,000.

(d) (i) Any person who intentionally or willfully attempts to evade or defeat any tax or the payment of a tax is, in addition to other penalties provided by law, guilty of a second degree felony.

(ii) Notwithstanding Section 76-3-301, for purposes of Subsection (10)(d)(i), the penalty may not:

(A) be less than \$1,500; or

(B) exceed \$25,000.

(e) (i) A person is guilty of a second degree felony if that person commits an act:

(A) described in Subsection (10)(e)(ii) with respect to one or more of the following documents:

(I) a return;

(II) an affidavit;

(III) a claim; or

(IV) a document similar to Subsections (10)(e)(i)(A)(I) through (III); and

(B) subject to Subsection (10)(e)(iii), with knowledge that the document described in Subsection (10)(e)(i)(A):

(I) is false or fraudulent as to any material matter; and

(II) could be used in connection with any material matter administered by the commission.

(ii) The following acts apply to Subsection (10)(e)(i):

(A) preparing any portion of a document described in Subsection (10)(e)(i)(A);

(B) presenting any portion of a document described in Subsection (10)(e)(i)(A);

(C) procuring any portion of a document described in Subsection (10)(e)(i)(A);

(D) advising in the preparation or presentation of any portion of a document described in Subsection (10)(e)(i)(A);

(E) aiding in the preparation or presentation of any portion of a document described in Subsection (10)(e)(i)(A);

(F) assisting in the preparation or presentation of any portion of a document described in Subsection (10)(e)(i)(A); or

(G) counseling in the preparation or presentation of any portion of a document described in Subsection (10)(e)(i)(A).

(iii) This Subsection (10)(e) applies:

(A) regardless of whether the person for which the document described in Subsection (10)(e)(i)(A) is prepared or presented:

(I) knew of the falsity of the document described in Subsection (10)(e)(i)(A); or

(II) consented to the falsity of the document described in Subsection (10)(e)(i)(A); and

(B) in addition to any other penalty provided by law.

(iv) Notwithstanding Section 76-3-301, for purposes of this Subsection (10)(e), the penalty may not:

(A) be less than \$1,500; or

(B) exceed \$25,000.

(v) The commission may seek a court order to enjoin a person from engaging in conduct that is subject to a penalty under this Subsection (10)(e).

(vi) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission may make rules prescribing the documents that are similar to Subsections (10)(e)(i)(A)(I) through (III).

(f)(i) In cases not amounting to another criminal violation under this section, a person who intentionally or willfully makes an unlawful claim of a tax credit is guilty of a third degree felony.

(ii) Notwithstanding Section 76-3-301, for purposes of Subsection (10)(f)(i), the penalty may not:

(A) be less than \$1,000; or

(B) exceed \$5,000.

~~{-(f)-}~~ (g) The statute of limitations for prosecution for a violation of this Subsection (10) is the later of six years:

(i) from the date the tax should have been remitted; or

(ii) after the day on which the person commits the criminal offense.

(11) Upon making a record of its actions, and upon reasonable cause shown, the commission may waive, reduce, or compromise any of the penalties or interest imposed under this part.

4. Page 3, Lines 82 through 84:
- 82 (H) (I) annually assesses the achievement of each student in  
grade three or higher by administering a  
 83 norm-referenced test scored by an independent party that provides  
a comparison of the student's  
 84 performance to other students on a national basis;
5. Page 4, Lines 88 through 91:
- 88 (I) provides to parents the relevant credentials of teachers who  
will be teaching their  
 89 children; { -and }  
 90 (J) provides, upon request to any person, a statement indicating  
which, if any,  
 91 organizations have accredited the private school ; and  
(K) holds a current registration certificate issued by the Division of  
Consumer Protection under Section 59-10-137 .
6. Page 4, Lines 106i through 106j  
 House Committee Amendments 2-21-2005:
- 106i (f)(i) "Tuition expenses" means amounts charged for attending  
a private school minus  
 106j any amounts paid for with scholarship or grant monies  
{ -received from the state } .
7. Page 5, Lines 128 through 129:
- 128 (b) For the purposes of this section, { -tuition expenses shall  
be considered to be incurred  
 129 when the qualifying student receives the private school  
education } "tuition expenses incurred" means tuition expenses for  
private school education received by a qualifying student during the  
taxable year, but not paid for by the taxpayer as of the end of the taxable  
year .
8. Page 6, Line 180d through Page 7, Line 181  
 House Committee Amendments 2-21-2005:
- 180d (b) may not be carried forward or carried back. ←Ĥ .  
(6) In accordance with Title 63, Chapter 46a, Utah Administrative

Rulemaking Act, the commission shall make rules specifying the manner in which a private school and a taxpayer shall submit information to the commission regarding:

(a) school identification;

(b) taxpayer identification;

(c) qualifying student identification;

(d) the qualifying student's grade;

(e) the number of days the qualifying student was enrolled in the private school;

(f) the amount of tuition paid or incurred; and

(g) the date the tuition was paid or incurred.

Section 5. Section 59-10-137 is enacted to read:

59-10-137. Private school registration certificate -- Requirements -- Renewals -- Investigations.

(1) As used in this section, division" means the Division of Consumer Protection in the Department of Commerce.

(2) The division shall issue a private school registration certificate to an applicant that meets the requirements of this section.

(3) An applicant for a registration certificate or renewal of a registration certificate as a private school shall:

(a) pay an:

(i) initial application fee of \$100; or

(ii) annual renewal fee of \$100;

(b) submit an application on a form approved by the division that shall include:

(i) the applicant's name, address, and telephone number;

(ii) the legal nature of the applicants organization;

(iii) the names and residence addresses of the officers and directors of the applicant; and

(iv) (A) the name and address of a registered agent in Utah for service of process; and

(B) consent to service of process; and

(c) certify to the division that the applicant meets the definition of a private school under Section 59-10-136.

(4) A registration certificate issued under this section expires annually on the earlier of February 1, May 1, August 1, or November 1 following the completion of 12 months after the date of initial issuance.

(5) (a) The division may investigate or audit an applicant or registrant under this section to verify that the applicant or registrant meets the definition of a private school under Section 59-10-136.

(b) An applicant or registrant under this section shall make available to the division for inspection during normal business hours all records relevant to the efforts of the applicant or registrant to meet the definition of a private school under Section 59–10–136.

(6) In accordance with Title 13, Chapter 2, Division of Consumer Protection, and Title 63, Chapter 46b, Administrative Procedures Act, the division may deny, revoke, or suspend a registration certificate issued under this section if the applicant or registrant fails to meet:

(a) any of the requirements of this section; or

(b) the definition of a private school under Section 59–10–136.

Renumber remaining sections accordingly.

Representative Allen divided the motion so that on Representative Christensen’s motion to amend, Item 3, from paragraph (4) (a) to (5)(a) be voted on separately. The divided motion passed.

Representative Dougall’s substitute motion to amend passed on the following roll call:

**Yeas, 39; Nays, 35; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	Barrus	Buttars
Christensen	D. Clark	S. Clark	Daw
Dayton	Donnelson	Dougall	Ferrin
Ferry	Fowlke	Frank	Gibson
Hardy	Harper	Hughes	E. Hutchings
B. Johnson	Kiser	Last	Lockhart
Mascaro	Mathis	Morley	Newbold
Noel	Oda	Painter	Tilton
Ure	Urquhart	Walker	Wallace
Wheeler	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Aagard	S. Allen	Becker	Bigelow
Biskupski	Bourdeaux	Bowman	Buxton
Cosgrove	D. Cox	Dee	Duckworth
Fisher	Goodfellow	Gowans	Hansen
Hendrickson	Hogue	Holdaway	Hunsaker
Jones	King	Lawrence	Litvack

McGee	Menlove	Morgan	Moss
Murray	Ray	Romero	Shurtliff
G. Snow	Wheatley	Wiley	

**Absent or not voting was:** Representative  
Dunnigan

On motion of Representative Alexander, the House voted to circle **2nd Sub. H.B. 39**.

### COMMITTEE OF THE WHOLE

On motion of Representative Alexander, the House resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing from U.S. Senator Bob Bennett.

On motion of Representative Alexander, the Committee of the Whole was dissolved.

### UNFINISHED BUSINESS

On motion of Representative Alexander, the House voted to uncircle **2nd Sub. H.B. 39**.

**2nd Sub. H.B. 39**, TUITION TAX CREDITS, was before the House on its final passage.

Representative Hardy proposed the following amendment:

- Page 5, Line 142 through Page 6, Line 159:
 

142	<u>Less than or equal to</u>	<del>{-100% }</del>	<u>175%</u>	<u>of the</u>
143	<u>income eligibility guideline</u>	<del>{-\$3750 }</del>	<u>\$3,000</u>	
144	<del>{-Greater than 100% but less than or equal to</del>			
145	<del>125% of the income eligibility guideline</del>		<del>\$3500</del>	
146	<del>Greater than 125% but less than or equal to</del>			
147	<del>150% of the income eligibility guideline</del>		<del>\$3250</del>	
148	<del>Greater than 150% but less than or equal to</del>			
149	<del>175% of the income eligibility guideline</del>		<del>\$3000-</del>	
150	<u>Greater than 175% but less than or equal to</u>			



- 151 200% of the income eligibility guideline \$2750
- 152 Greater than 200% but less than or equal to
- 153 225% of the income eligibility guideline \$2500
- 154 Greater than 225% but less than or equal to
- 155 250% of the income eligibility guideline \$1750
- 156 Greater than 250% but less than or equal to
- 157 275% of the income eligibility guideline \$1000
- 158 Greater than 275% but less than or equal to
- 159 300% of the income eligibility guideline \$500

Representative Romero proposed the following substitute motion to amend:

1. Page 2, Line 40

40        59–10–136, Utah Code Annotated 1953  
             59–10–137, Utah Code Annotated 1953

2. Page 6, Line 180d through Page 7, Line 181  
    House Committee Amendments 2–21–2005:

180d    (b) may not be carried forward or carried back. ←Ĥ

Section 4. Section 59–10–137 is enacted to read:

59–10–137. Refundable tax credit for public school expenditures.

(1) As used in this section:

(a) “Public school” means any elementary or secondary school subject to the general control and supervision of the State Board of Education.

(b) “School expenses” means:

(i) fees required of a student or the student’s parent or guardian, as a condition for student participation in an activity, class, or program provided, sponsored, or supported by or through a public school; or

(ii) costs incurred for school uniforms required by a public school.

(iii) donations for civic and character education programs; or

(2) For taxable years beginning on or after January 1, 2005, a taxpayer may claim, as provided in this section, a refundable tax credit against the taxes imposed by this chapter for school expenses paid by the taxpayer during the taxable year for school expenses.

(3) A taxpayer may claim a refundable tax credit under Subsection (2) for school expenses paid by the taxpayer during the taxable year for one or more public school students.

(4) The refundable tax credit for each student's school expenses may not exceed the total school expenses paid for the public school student, up to a maximum of \$500.

181 Section {~~4.~~} 5. Retrospective operation.

Representative Romero's substitute motion to amend failed on a voice vote.

Representative Hardy's motion to amend passed on a voice vote.

**2nd Sub. H.B. 39**, as amended, then failed to pass on the following roll call:

**Yeas, 34; Nays, 40; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	Barrus	Buttars
Christensen	D. Clark	S. Clark	Daw
Dayton	Donnelson	Dougall	Ferrin
Frank	Hardy	Harper	Hughes
E. Hutchings	B. Johnson	Kiser	Lockhart
Mascaro	Morley	Newbold	Noel
Oda	Painter	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Aagard	S. Allen	Becker	Bigelow
Biskupski	Bourdeaux	Bowman	Buxton
Cosgrove	D. Cox	Dee	Duckworth
Ferry	Fisher	Fowlke	Gibson
Goodfellow	Gowans	Hansen	Hendrickson
Hogue	Holdaway	Hunsaker	Jones
King	Last	Lawrence	Litvack
Mathis	McGee	Menlove	Morgan
Moss	Murray	Ray	Romero
Shurtliff	G. Snow	Wheatley	Wiley

**Absent or not voting was:** Representative  
Dunnigan

**2nd Sub. H.B. 39**, was filed.

### THIRD READING CALENDAR

**H.B. 268**, DRUG UTILIZATION REVIEW COMMITTEE AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 268** then passed on the following roll call:

**Yeas, 61; Nays, 0; Absent or not voting, 14.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Buttars	Buxton	Christensen	D. Clark
S. Clark	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Harper	Hendrickson	Hogue	Holdaway
Hunsaker	B. Johnson	Jones	King
Kiser	Last	Lawrence	Lockhart
Mascaro	Mathis	Menlove	Morgan
Morley	Moss	Newbold	Oda
Painter	Ray	Romero	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Bourdeaux	Bowman	Cosgrove	Dunnigan
Hansen	Hardy	Hughes	E. Hutchings
Litvack	McGee	Murray	Noel
Shurtliff	Wheatley		

**H.B. 268** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 318, COMMUNITY AND ECONOMIC DEVELOPMENT RESTRUCTURING**, read the third time by short title and placed on its final passage.

On motion of Representative Buttars, the House voted to circle **H.B. 318**.

\* \* \*

**H.B. 296, CONDOMINIUM OWNERSHIP ACT AMENDMENTS**, read the third time by short title and placed on its final passage.

Representative Moss proposed the following amendment:

1. Page 6, Lines 171 through 173

171 (ii) Notwithstanding Subsection (27)(c)(i), a unit owner who owns a unit that is not

172 constructed in a condominium project established by an instrument filed before July 1, 1994 is

173 not liable for {~~a~~} any uncollected statutory assessment or a statutory lien on that unit until May 2, 2005.

Representative Moss’s motion to amend passed on a voice vote.

**H.B. 296**, as amended, then failed to pass on the following roll call:

**Yeas, 24; Nays, 46; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Becker	Biskupski	Bourdeaux	Cosgrove
Duckworth	Goodfellow	Gowans	Hansen
Hendrickson	Holdaway	Jones	King
Lawrence	Litvack	Lockhart	McGee
Morgan	Moss	Romero	Shurtliff
Wheatley	Wiley	Wyatt	Curtis

**Voting in the negative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Bigelow	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Ferrin	Ferry	Fisher
Frank	Gibson	Harper	Hughes
Hunsaker	E. Hutchings	B. Johnson	Kiser
Last	Mascaro	Mathis	Menlove
Morley	Murray	Newbold	Noel
Oda	Painter	Ray	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheeler		

**Absent or not voting were:** Representatives

Barrus	Dunnigan	Fowlke	Hardy
Hogue			

**H.B. 296**, as amended, was filed.

### UNFINISHED BUSINESS

On motion of Representative Daw, the House voted to uncircle **H.B. 326**.

**H.B. 326**, HIGH SCHOOL CURRICULUM, was before the House on its final passage.

On motion of Representative Menlove, the House voted to delete **H.B. 326** in title and body and insert **Sub. H.B. 326** in lieu thereof.

**Sub. H.B. 326** then passed on the following roll call:

**Yeas, 52; Nays, 19; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Bigelow	Bourdeaux	Bowman	Buttars
Buxton	Christensen	S. Clark	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Gowans
Hughes	B. Johnson	King	Kiser
Last	Litvack	Lockhart	Mascaro
Mathis	Menlove	Morgan	Morley
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheeler	Wyatt	Curtis

**Voting in the negative were:** Representatives

Becker	Biskupski	D. Clark	Cosgrove
Duckworth	Goodfellow	Hansen	Hardy
Harper	Hendrickson	Holdaway	E. Hutchings
Jones	Lawrence	McGee	Moss
Shurtliff	Wheatley	Wiley	

**Absent or not voting were:** Representatives

Barrus	Dunnigan	Hogue	Hunsaker
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**Sub. H.B. 326** transmitted to the Senate for its consideration.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

## AFTERNOON SESSION

The House was called to order by Speaker Curtis at 2:00 p.m.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 25, 2005

The Senate passed **S.B. 62**, PERSONAL PROPERTY TRANSACTIONS AMENDMENTS, by Senator M. Waddoups, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 63**, SEVERANCE TAX AMENDMENTS, by Senator B. Evans, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 67**, ELECTION LAW – VOTER REQUIREMENTS, by Senator M. Madsen, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 137**, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 216**, AMENDMENTS TO UTAH EMERGENCY MEDICAL SERVICES ACT, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 225**, CHANGES TO GENERAL GOVERNMENT – SALES AND USE TAX AMENDMENTS, by Senator G. Davis, and it is transmitted for consideration; and

The Senate passed **S.C.R. 8**, CONCURRENT RESOLUTION APPROVING CLASS V LANDFILL, by Senator M. Dmitrich, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 62**, **Sub. S.B. 63**, **S.B. 67**, **Sub. S.B. 137**, **S.B. 216**, **Sub. S.B. 225**, and **S.C.R. 8**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 25, 2005  
The Senate passed, as amended, **H.B. 65**, DRIVER LICENSE AND COMMERCIAL DRIVER LICENSE AMENDMENTS, by Representative D. Bowman, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 65**, placed on the calendar for concurrence.

\* \* \*

Mr. Speaker: February 25, 2005  
The President of the Senate has signed **4th Sub. H.B. 43**, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS, by Representative S. Urquhart, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 143**, NATIONAL GUARD AMENDMENTS, by Representative E. Hutchings, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **4th Sub. H.B. 43** and **H.B. 143** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: February 25, 2005  
The Senate has rejected **H.B. 172**, NOTARY PUBLIC AMENDMENTS, by Representative L. Shurtliff, and it is transmitted for filing.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 172** was filed.

### CONCURRENCE CALENDAR

On motion of Representative Menlove, the House voted to concur in the Senate amendments to **2nd Sub. H.B. 74**, TUITION PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OF SPECIAL EDUCATION.

**2nd Sub. H.B. 74**, as amended by the Senate, then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hunsaker
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

S. Allen	Bigelow	Dunnigan	Hughes
E. Hutchings	Lockhart	Urquhart	

**2nd Sub. H.B. 74**, as amended by the Senate, transmitted to the Senate for signature of the president.

**UNFINISHED BUSINESS**

On motion of Representative Hardy, the House voted to uncircle **H.B. 256**.

**H.B. 256**, LOCAL GOVERNMENT ACQUISITION OF REAL PROPERTY, was before the House on its final passage.

On motion of Representative Ferry, the House voted to circle **H.B. 256**.

\* \* \*

On motion of Representative Holdaway, the House voted to uncircle **Sub. H.B. 313**.



**Sub. H.B. 313**, ECONOMIC DEVELOPMENT FOR HIGHER EDUCATION, was before the House on its final passage.

On motion of Representative Alexander, the House voted to delete **Sub. H.B. 313** in title and body and insert **2nd Sub. H.B. 313** in lieu thereof.

Representative Holdaway proposed the following amendment:

1. Page 2, Lines 35 through 40

35        (2) The initiative shall {~~- include components that~~ }  
 36        provide {~~-~~ }

37        {~~-(a)~~ } support for technical training expansion that trains  
 38        skilled potential employees

39        within a period not to exceed 12 months for technical jobs in critical  
 40        needs occupations {~~-;and~~ }

41        {~~-(b) support for degree programs that specifically support~~  
 42        workforce preparation in }

43        {~~- areas of identified need for business and industry-~~ } .

44        (3) (a) The Legislature shall provide an annual appropriation to  
 45        fund the initiative in a

2. Page 2, Lines 46 through 50:

46        training expansion referred to in Subsection (2) {~~-(a)~~ } .

47        (c) The board may allocate and distribute up to one third of the  
 48        appropriation to

49        institutions within the state system of higher education for {~~-the~~  
 50        initiative component identified }

51        {~~- in Subsection (2)(b)-~~} short term training programs that  
 52        prepare skilled potential employees within a period not to exceed 12  
 53        months for technical jobs in critical needs occupations .

54        (d) In accordance with Title 63, Chapter 46a, Utah  
 55        Administrative Rulemaking Act, the

Representative Holdaway's motion to amend passed on a voice vote.

**2nd Sub. H.B. 313**, as amended, then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dee	Donnelson	Duckworth
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Bigelow	Dayton	Dougall	Dunnigan
Lawrence	Urquhart		

**2nd Sub. H.B. 313**, as amended, transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Buttars, the House voted to uncircle **H.B. 318**.

**H.B. 318**, COMMUNITY AND ECONOMIC DEVELOPMENT RESTRUCTURING, was before the House on its final passage.

Representative Allen proposed the following amendment:

1. Page 96, Lines 2946 through 2954

2946 (5) “Economically disadvantaged rural area” means a geographic area designated by the

2947 {~~+~~} board {~~+~~} { administrator } under Section  
[9–2–1207] 63–38f–909.

2948 (6) “Fund” means the restricted account known as the Industrial Assistance Fund

2949 created in Section [9-2-1203] 63-38f-903.

2950 (7) "Replacement company" means a company locating its business or part of its

2951 business in a location vacated by a company creating an economic impediment.

2952 (8) "Targeted industry" means an industry or group of industries targeted by the

2953 {— administrator with the advice of the—} board {—, —} under Section [9-2-1207] 63-38f-909, for economic

2954 development in the state.

2. Page 96, Lines 2963 through 2964:

2963 (2) The fund shall be administered by the administrator {—} under the policy direction of {—}

2964 {—with advice from } the board.

3. Page 103, Lines 3162 through 3172:

3162 (1) The {—administrator, with the advice of the } board {—x } shall determine annually which

3163 industries or groups of industries shall be targeted industries as defined in Section [9-2-1202]

3164 63-38f-902.

3165 (2) In designating an economically disadvantaged rural area, the {—administrator, with the }

3166 {— advice of the—} board {—x } shall consider the average agricultural and nonagricultural wage, personal

3167 income, unemployment, and employment in the area.

3168 (3) In evaluating the economic impact of applications for assistance, the {—administrator, }

3169 {—with the advice of the } board {—x } shall use an econometric cost-benefit model or models adopted by

3170 the Governor's Office of Planning and Budget.

3171 (4) The {—administrator, with the advice of the } board {—x } may establish:

3172 (a) minimum interest rates to be applied to loans granted that reflect a fair social rate of

4. Page 181, Lines 5598 through 5600  
House Committee Amendments 2–23–2005

5598 November 30, 2005.

Section 169. Legislative audits required.

(1) Beginning July 1, 2005, the Legislative Auditor General shall:

(a) conduct a limited scope audit of the management and financial controls of the Governor’s Office of Economic Development; and

(b) report its findings and recommendations to the Legislature’s Interim Executive Appropriations Committee by December 22, 2005.

(2) Beginning March 15, 2006, the Legislative Auditor General shall:

(a) conduct a performance audit of the Governor’s Office of Economic Development to evaluate the programs and expenditures of the office; and

(b) report its findings and recommendations to the Legislature’s Interim Executive Appropriations Committee by December 22, 2006.

5599 Section {–169–} 170 . Effective date.

5600 This bill takes effect on July 1, 2005.

Representative Allen’s motion to amend passed on a voice vote.

###

Representative Ferry proposed the following amendment:

1. Page 181, Line 5600:  
Delete “2005” and insert “2006”

Representative Allen proposed the following substitute motion to amend:

Include Representative Ferry’s motion to amend plus the following:

Refer to amendment #4 Line 5598 and make the following date changes:

After “November 30,” delete “2005” and insert “2006”

After “July 1” delete “2005” and insert “2006”

After “December 22,” delete “2005” and insert “2006”

After “December 22,” delete “2006” and insert “2007”

Representative Allen’s substitute motion to amend failed on a voice vote.

Representative Ferry’s motion to amend failed on a voice vote.

**H.B. 318**, as amended, then passed on the following roll call:

**Yeas, 55; Nays, 19; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Agard	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	S. Clark
Cosgrove	D. Cox	Dee	Donnelson
Dougall	Duckworth	Ferrin	Fisher
Fowlke	Gibson	Goodfellow	Hansen
Hardy	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Last	Lawrence	Litvack	Mascaro
McGee	Menlove	Morgan	Moss
Murray	Newbold	Noel	Painter
Ray	Romero	Shurtliff	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Voting in the negative were:** Representatives

Adams	Alexander	D. Clark	Daw
Dayton	Ferry	Frank	Gowans
Harper	Hendrickson	Hughes	Kiser
Lockhart	Mathis	Morley	Oda
G. Snow	Tilton	Curtis	

**Absent or not voting was:** Representative  
Dunnigan

**H.B. 318**, as amended, transmitted to the Senate for its consideration.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker: February 25, 2005

The Senate passed **S.J.R. 9**, RESOLUTION RECOGNIZING 100 YEARS OF ROTARY INTERNATIONAL, by Senator P. Knudson, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.J.R. 9**, read the first time by short title. On motion of Representative Alexander, under suspension of the rules, the House voted to

consider **S.J.R. 9** read the second time by short title and placed at the top of the Third Reading Calendar.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the Senate Third Reading Calendar.

### THIRD READING CALENDAR

**S.J.R. 9**, RESOLUTION RECOGNIZING 100 YEARS OF ROTARY INTERNATIONAL, read the third time by short title and placed on its final passage.

**S.J.R. 9** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Donnelson	Dougall
Duckworth	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Dayton	Dee	Dunnigan	Gowans
Morley			

**S.J.R. 9** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to move to the House Third Reading Calendar.

### UNFINISHED BUSINESS

On motion of Representative Hardy, the House voted to uncircle **H.B. 256**.

**H.B. 256**, LOCAL GOVERNMENT ACQUISITION OF REAL PROPERTY, was before the House on its final passage.

On motion of Representative Hardy, the House voted to delete **H.B. 256** in title and body and insert **2nd Sub. H.B. 256** in lieu thereof.

**2nd H.B. 256**, as amended, then passed on the following roll call:

**Yeas, 68; Nays, 1; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dee	Donnelson
Dougall	Duckworth	Ferrin	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hansen	Hardy	Harper	Hendrickson
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Voting in the negative was:** Representative Romero

**Absent or not voting were:** Representatives

Dayton	Dunnigan	Ferry	Gowans
Hogue	Lockhart		

**2nd H.B. 256**, as amended, transmitted to the Senate for its consideration.

### MISCELLANEOUS BUSINESS

On motion of Representative Bigelow, under suspension of the rules, the House voted to lift **H.B. 301** from the Rules Committee, consider it read the second time by short title and placed at the top of the Third Reading Calendar.

### THIRD READING CALENDAR

**H.B. 301**, SUPPLEMENTAL APPROPRIATIONS III, read the third time by short title and placed on its final passage.

Representative Holdaway proposed the following amendment:

1. Page 5, Line 169:  
Delete “25,000,000” and insert “23,000,000”
2. Page 5, Line 171:  
Delete “25,000,000” and insert “23,000,000”
3. Page 13, Line 489:  
After line 489 insert:  
“ITEM 62a To State Board of Regents — Jobs Now Initiative From Income Tax 2,000,000 Schedule of Programs Jobs Now Initiative 2,000,000”

Representative Holdaway’s motion to amend passed on a voice vote.

###

Representative Ferrin proposed the following amendment:

1. Page 16, Line 586:  
After line 586 insert:  
“It is the intent of the Legislature that the \$2,800,000 in one-time Uniform School Fund revenue appropriated to the State Board of Education – State Charter School Board be used to equalize revenue received through the federal charter school start-up grant for charter schools that begin operations in fall 2005. When combined with per school allocations provided by the federal start-up grant, the Uniform School Fund appropriation shall be used to provide up to \$860 per student enrolled in a qualifying school to support start-up costs.”



Representative Ferrin's motion to amend passed on a voice vote.

###

Representative Hogue proposed the following amendment:

1. Page 8, Line 285:  
After line 285 insert:  
"It is the intent of the Legislature that the Division of Substance Abuse and Mental Health, in consultation with local mental health and substance abuse authorities and their providers, the Robert G. Sanderson Community Center of the Deaf and Hard of Hearing Programs within the Utah State Office of Rehabilitation, and others, identify critical issues related to the delivery of substance abuse and mental health services to persons with a hearing disability and report on those issues to the Health and Human Services Joint Appropriations Subcommittee and the Health and Human Services Interim Committee before October 1, 2005."
2. Page 8, Line 271:  
After line 271 insert:  
"It is the intent of the Legislature that the Department study removal of the state-option Medicaid resource tests applied to various Medicaid populations and submit a written report on the costs and effects of removing the tests, either entirely or in part, to the Health and Human Services Joint Appropriations Subcommittee and the Health and Human Services Interim Committee before October 1, 2005."

Representative Hogue's motion to amend passed on a voice vote.

###

Representative Morgan proposed the following amendment:

1. Page 5, Line 171:  
Refer to Representative Hogue's amendment and on line 171 delete "23,000,000" and insert "22,622,000"
2. Page 16, Line 588:  
Delete "250,000" and insert "628,000"
3. Page 16, Line 591:  
Delete "550,000" and insert "928,000"

Representative Morgan’s motion to amend failed on a voice vote.

###

Representative Hutchings proposed the following amendment:

- 1. Page 18, Line 647:Delete “30,000,000” and insert “25,000,000”
- 2. Page 18, Line 649:  
Delete “50,000,000” and insert “45,000,000”

Representative Hansen proposed the following substitute motion to amend:

Include Representative Hutchings motion to amend plus the following:

- 1. Page 18, Line 647:  
Delete “25,000,000” and insert “20,500,000”
- 2. Page 18, Line 649:  
Delete “45,000,000” and insert “40,500,000”

Representative Hansen’s substitute motion to amend failed on a voice vote.

Representative Hutchings’ motion to amend failed on the following roll call:

**Yeas, 24; Nays, 48; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

S. Allen	Barrus	Biskupski	Bourdeaux
Bowman	Cosgrove	Duckworth	Goodfellow
Hansen	Hogue	E. Hutchings	Jones
King	Lawrence	Litvack	Mascaro
McGee	Moss	Ray	Romero
Shurtliff	Walker	Wheatley	Wiley

**Voting in the negative were:** Representatives

Aagard	Adams	Alexander	Becker
Bigelow	Buttars	Buxton	Christensen
D. Clark	S. Clark	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Gowans	Hardy
Harper	Hendrickson	Hughes	Hunsaker
B. Johnson	Kiser	Last	Lockhart

Mathis	Menlove	Morley	Murray
Newbold	Noel	Oda	Painter
G. Snow	Tilton	Ure	Urquhart
Wallace	Wheeler	Wyatt	Curtis

**Absent or not voting were:** Representatives  
 Dunnigan                      Holdaway                      Morgan

**H.B. 301**, as amended, then passed on the following roll call:

**Yeas, 59; Nays, 12; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hardy	Harper
Hogue	Holdaway	Hughes	Hunsaker
B. Johnson	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	Menlove	Morley	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheeler	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Becker	Biskupski	Duckworth	Gowans
Hansen	Hendrickson	Jones	McGee
Moss	Shurtliff	Wheatley	Wiley

**Absent or not voting were:** Representatives

Cosgrove	Dunnigan	E. Hutchings	Morgan
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**H.B. 301**, as amended, transmitted to the Senate for its consideration.

### MISCELLANEOUS BUSINESS

On motion of Representative Lockhart, under suspension of the rules, the House voted to lift the following bills from the Rules Committee, consider them read the second time by short title and placed on the Third Reading Calendar:

<b>S.B. 15</b>	Children’s Justice Center Amendments (Sen. D. C. Buttars)
<b>S.B. 57</b>	Use of State Sales and Use Tax Revenues for Business Development in Disadvantaged Rural Communities (Sen. P. Knudson)
<b>S.B. 72</b>	Child Welfare Amendments (Sen. D. Eastman)
<b>S.B. 91</b>	Interstate Juvenile Compact (Sen. L. Hillyard)
<b>S.B. 93</b>	Children’s Justice Center Addition (Sen. T. Hatch)
<b>S.B. 107</b>	Licensure and Regulation of Programs and Facilities (Sen. T. Hatch)
<b>S.B. 119</b>	Rural Medical Residency Training Programs (Sen. P. Knudson)
<b>1st Sub. S.B. 164</b>	Individual Income Tax – Tax Credit for Live Organ Donation Expenses (Sen. K. Hale)
<b>1st Sub. S.B. 167</b>	Penalties for False Driver Licenses and Identification Cards (Sen. C. Walker)
<b>S.B. 239</b>	Public Lands Policy Coordination (Sen. T. Hatch)

### THIRD READING CALENDAR

**H.B. 73, LOCAL REFERENDUM REQUIREMENTS**, read the third time by short title and placed on its final passage.

On motion of Representative Hogue, the House voted to circle **H.B. 73**.

\* \* \*

**H.B. 274, REFERENDUM PROCEDURE**, read the third time by short title and placed on its final passage.

On motion of Representative Hogue, the House voted to circle **H.B. 274**.

\* \* \*

**H.B. 199, SPECIAL ELECTION DATES**, read the third time by short title and placed on its final passage.

Representative Hogue proposed the following amendment:

1. Page 1, Line 11:  
After “election” delete the rest of the line
2. Page 1, Line 12:  
Delete “use law”

3. Page 2, Line 38:  
After "referendum" delete the rest of the line
4. Page 2, Line 39:  
Delete "20A-7-601(2)(a)."

On motion of Representative Cox, the House voted to circle **H.B. 199**.

\* \* \*

**Sub. H.B. 18**, TRANSPORTATION INVESTMENT ACT, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle **Sub. H.B. 18**.

\* \* \*

**Sub. H.B. 381**, NONRESIDENT TUITION WAIVERS, read the third time by short title and placed on its final passage.

On motion of Representative Urquhart, the House voted to circle **Sub. H.B. 381**.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the Senate Third Reading Calendar.

### THIRD READING CALENDAR

**S.B. 15**, CHILDREN'S JUSTICE CENTER AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Wallace proposed the following amendment:

1. Page 1, Lines 12 through 14b  
House Committee Amendments 2-7-2005
  - 12     ▶     increases the number of children to be served by  
Children's Justice Centers
  - 13     throughout the state by expanding the scope to include ~~[all crimes  
committed against~~
  - 14     ~~children or in the presence of children]~~ crimes involving children  
when the child is a

- 14a primary victim or a critical witness  $\hat{H} \rightarrow$  [~~such as domestic violence cases~~]  $\leftarrow \hat{H}$  {~~and~~} such as in
- 14b drug-related child endangerment cases .
2. Page 2, Lines 33a through 33b  
House Committee Amendments 2-7-2005:
- 33a critical witness  $\hat{H} \rightarrow$  [~~such as in domestic violence cases~~]  $\leftarrow \hat{H}$   
{~~and~~} such as in drug-related child
- 33b endangerment cases § .
3. Page 2, Lines 55a through 55c  
House Committee Amendments 2-7-2005:
- 55a child is a primary victim or a critical witness  $\hat{H} \rightarrow$  [~~such as in domestic violence cases~~]  $\leftarrow \hat{H}$
- 55b {~~and~~} such as in drug-related child endangerment cases, § in a facility known as a Children's Justice
- 55c Center.
4. Page 3, Line 89b through Page 4, Line 90  
House Committee Amendments 2-7-2005:
- 89a children where the child is a primary victim or a critical witness  $\hat{H} \rightarrow$  [~~such as in~~
- 89b domestic violence cases]  $\leftarrow \hat{H}$  {~~and~~} such as in drug-related child endangerment
5. Page 4, Line 100b  
House Committee Amendments 2-7-2005:
- 100a the child is a primary victim or a critical witness [~~such as in domestic violence~~
- 100b cases]  $\leftarrow \hat{H}$  {~~and~~} such as in drug-related child endangerment cases § . in a facility known as a Children's
6. Page 5, Lines 144a through 144b  
House Committee Amendments 2-7-2005:
- 144a primary victim or a critical witness  $\hat{H} \rightarrow$  [~~such as in domestic violence cases~~]  $\leftarrow \hat{H}$  {~~and~~} such as in

144b drug-related child endangerment cases § ;

- 7. Page 5, Lines 149a through 149b  
House Committee Amendments 2-7-2005:

149a children where the child is a primary victim or a critical witness

↳ ~~such as in~~

149b ~~domestic violence cases~~ ← ~~and~~ such as in  
drug-related child endangerment cases § .

Representative Wallace’s motion to amend passed on a voice vote.

On motion of Representative Bigelow, the House voted to circle **S.B. 15**.

\* \* \*

**S.B. 57, USE OF STATE SALES AND USE TAX REVENUES FOR BUSINESS DEVELOPMENT IN DISADVANTAGED RURAL COMMUNITIES**, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **S.B. 57**.

\* \* \*

**S.B. 72, CHILD WELFARE AMENDMENTS**, read the third time by short title and placed on its final passage.

On motion of Representative Bigelow, the House voted to circle **S.B. 72**.

\* \* \*

**S.B. 91, INTERSTATE JUVENILE COMPACT**, read the third time by short title and placed on its final passage.

**S.B. 91** then passed on the following roll call:

**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Ferry	Fisher

Fowlke	Frank	Gibson	Goodfellow
Hansen	Hardy	Harper	Hendrickson
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morley
Moss	Murray	Newbold	Noel
Oda	Ray	Romero	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

**Absent or not voting were:** Representatives

Adams	Dunnigan	Ferrin	Gowans
Hogue	Hughes	Morgan	Painter
Shurtliff	Curtis		

**S.B. 91** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 93, CHILDREN'S JUSTICE CENTER ADDITION**, read the third time by short title and placed on its final passage.

**S.B. 93** then passed on the following roll call:

**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Ferry
Fisher	Fowlke	Gibson	Goodfellow
Gowans	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mathis	McGee	Menlove	Morley



Murray	Newbold	Noel	Oda
Ray	Romero	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Dunnigan	Ferrin	Frank	Hansen
E. Hutchings	Mascaro	Morgan	Moss
Painter	Ure		

**S.B. 93** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### UNFINISHED BUSINESS

On motion of Representative Wallace, the House voted to uncircle **S.B. 15**.

**S.B. 15, CHILDREN'S JUSTICE CENTER AMENDMENTS**, was before the House on its final passage.

**S.B. 15**, as amended, then passed on the following roll call:

**Yeas, 62; Nays, 0; Absent or not voting, 13.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Lawrence
Lockhart	Mathis	McGee	Menlove
Morley	Moss	Murray	Noel
Oda	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Adams	Alexander	Buttars	Dougall
Dunnigan	Hughes	Last	Litvack
Mascaro	Morgan	Newbold	Painter
Urquhart			

**S.B. 15**, as amended, returned to the Senate for further consideration.

\* \* \*

On motion of Representative Mascaro, the House voted to uncircle **S.B. 72**.

**S.B. 72**, CHILD WELFARE AMENDMENTS, was before the House on its final passage.

**S.B. 72** then passed on the following roll call:

**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Donnelson	Dougall	Duckworth
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morley	Moss
Murray	Newbold	Noel	Oda
Ray	Romero	Shurtliff	G. Snow
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Adams	Buxton	Dayton	Dunnigan
Hogue	Kiser	Lockhart	Morgan
Painter	Tilton		

**S.B. 72** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### THIRD READING CALENDAR

**S.B. 107, LICENSURE AND REGULATION OF PROGRAMS AND FACILITIES**, read the third time by short title and placed on its final passage.

Representative Last proposed the following amendment:

1. Page 4, Line 111

Senate 2nd Reading Amendments 2-1-2005

111 (II) have a primary purpose of providing the services described in Subsection (27)(a).

(c) "Boarding school" does not include a therapeutic school.

2. Page 5, Line 147 through Page 6, Line 152:

147 ~~[(12)]~~ (17) (a) "Human services [~~licensee~~ or "~~licensee~~"] program" means a:

148 (i) foster home;

(ii) therapeutic school;

149 {~~(ii)~~} (iii) youth program[;];

150 {~~(iii)~~} (iv) resource family home[;]; or [a]

151 {~~(iv)~~} (v) facility or program[ ~~licensed by the department,~~] that provides [care,];

152 (A) secure treatment[;];

3. Page 9, Lines 247 through 250:

247 (ii) chemical dependency disorder.

(32) "Therapeutic school" means a residential group living facility:

(a) for four or more individuals that are not related to:

(i) the owner of the facility; or

(ii) the primary service provider of the facility;

(b) that serves students who have a history of failing to function:

(i) at home;

(ii) in a public school; or

(iii) in a nonresidential private school; and

(c) that offers:

- (i) room and board; and
- (ii) an academic education integrated with:
  - (A) specialized structure and supervision; or
  - (B) services or treatment related to:
    - (I) a disability;
    - (II) emotional development;
    - (III) behavioral development;
    - (IV) familial development; or
    - (V) social development.

248 [(23)] {-(32)} (33) “Unrelated persons” means persons other than parents, legal guardians,

249 grandparents, brothers, sisters, uncles, or aunts.

250 [(24)] {-(33)} (34) “Vulnerable adult” means an elder adult or an adult who has a temporary or

4. Page 9, Line 259:

259 [(25)] {-(34)} (35) (a) “Youth program” means a nonresidential program[, ] designed to provide

5. Page 10, Lines 298 through 299:

298 [(a)] (i) except as provided in Subsection (1)(a)(ii), basic health and safety standards for licensees, {~~which~~} that shall be limited to {~~the~~

299 following-} :

6. Page 11, Lines 313 through 316:

313 (K) staff qualifications and training ,including standards for permitting experience to be substituted for education, unless prohibited by law :

314 (L) staff to client ratios; and

315 (M) access to firearms;

(ii) basic health and safety standards for therapeutic schools, that shall be limited to:

(A) fire safety, except that the standards are limited to those required by law or rule under Title 53, Chapter 7, Part 2, Fire Prevention and Fireworks Act;

(B) food safety;

- (C) sanitation;
- (D) infectious disease control, except that the standards are limited to:
  - (I) those required by law or rule under Title 26, Utah Health Code or Title 26a, Local Health Authorities; and
  - (II) requiring a separate room for clients who are sick;
  - (E) safety of the physical facility and grounds, except that the standards are limited to those required by law or rule under Title 53, Chapter 7, Part 2, Fire Prevention and Fireworks Act;
  - (F) transportation safety;
  - (G) emergency preparedness and response;
  - (H) access to appropriate medical care, including:
    - (I) subject to the requirements of law, designation of a person who is authorized to dispense medication; and
    - (II) storing, tracking, and securing medication;
  - (I) staff and client safety and protection that permits the school to provide for the direct supervision of clients at all times;
  - (J) the administration and maintenance of client and service records;
  - (K) staff qualifications and training, including standards for permitting experience to be substituted for education, unless prohibited by law;
  - (L) staff to client ratios; and
  - (M) access to firearms;

316        ~~{-(ii)}~~ }        (iii)    procedures and standards for permitting a licensee to:

5. Page 11, Line 321 through Page 12, Line 322:
 

321        (II) has resided at the licensee’s residential treatment facility continuously since the

322        time described in Subsection (1)(a) ~~{-(ii)}~~ }        (iii)    (A)(I):
6. Page 12, Lines 325 through 326:
 

325        (IV) voluntarily consents to complete the course of treatment described in Subsection

326        (1)(a) ~~{-(ii)}~~ }        (iii)    (A)(III); or
7. Page 12, Lines 330 through 336:
 

330        (II) provide, in the same facility as a child described in Subsection (1)(a) ~~{-(ii)}~~ }        (iii)    (B)(I).

- 331 residential treatment services to a person who is:
- 332 (Aa) at least 18 years old, but younger than 21 years old; and
- 333 (Bb) under the custody of the Division of Juvenile Justice Services;
- 334 ~~[(b)]~~ ~~{-(iii)}~~ (iv) minimum administration and financial requirements for licensees; and
- 335 ~~[(e)]~~ ~~{-(iv)}~~ (v) guidelines for variances from rules established under this Subsection (1);
- 336 ~~[(2)]~~ (b) enforce rules~~[(a)]~~ approved by the licensing board;

8. Page 12, Lines 366 through 368:

- 366 (2) In establishing rules under Subsection (1)(a)(i)(G) or
- (1)(a)(ii)(G) , the office shall require a
- 367 licensee to establish and comply with an emergency response plan
- that requires clients and staff
- 368 to:

Representative Last’s motion to amend passed on a voice vote.

**S.B. 107**, as amended, then passed on the following roll call:

**Yeas, 58; Nays, 11; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Dee
Donnelson	Duckworth	Ferry	Fisher
Fowlke	Gibson	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Moss
Murray	Newbold	Noel	Ray
Romero	Shurtliff	G. Snow	Ure
Urquhart	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Voting in the negative were:** Representatives

Alexander	Dayton	Dougall	Ferrin
Frank	Harper	Hughes	Morley
Tilton	Walker	Curtis	

**Absent or not voting were:** Representatives

Buttars	Daw	Dunnigan	Morgan
Oda	Painter		

**S.B. 107**, as amended, returned to the Senate for further consideration.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker: February 25, 2005

The Senate passed, as amended, **S.B. 1**, SUPPLEMENTAL APPROPRIATIONS ACT, by Senator L. Hillyard, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 1**, read the first time by short title and referred to the Rules Committee.

**RULES COMMITTEE REPORT**

Mr. Speaker: February 25, 2005

The Rules Committee recommends that, under suspension of the rules, the following bills and resolutions be considered read for the second time and placed on the Third Reading Calendar for Senate bills:

- S.B. 1** Supplemental Appropriations Act (Sen. L. Hillyard)
- S.B. 86** 2004 General Obligation Bond Amendments  
(Sen. P. Knudson)
- 1st Sub. S.B. 58** Liability Protection of Educators (Sen. H. Stephenson)
- S.B. 62** Personal Property Transactions Amendments  
(Sen. M. Waddoups)
- S.B. 41** School and Institutional Trust Lands Management Act  
Revisions (Sen. M. Dmitrich)
- 2nd Sub. S.B. 56** Real Estate – Exclusive Brokerage Agreements  
(Sen. L. A. Mansell)
- S.B. 114** County and Municipal Zoning Regarding Billboards  
(Sen. M. Waddoups)
- S.B. 126** Medical Benefits Recovery Act Amendments  
(Sen. S. Killpack)

- 1st Sub. S.B. 150** Food Safety Manager Certification (Sen. D. Peterson)  
**S.B. 59** Home School Amendments (Sen. M. Madsen)  
**1st Sub. S.B. 152** Business License Fees (Sen. M. Waddoups)  
**S.B. 159** Assessment Offset for Donations Promoting Occupational Health and Safety (Sen. E. Mayne)  
**S.B. 134** Powersport Vehicle Franchise Act (Sen. D. Eastman)  
**S.B. 161** Amendments to the Property Tax Valuation Agency Fund Assessing and Collecting Levy (Sen. H. Stephenson)  
**1st Sub. S.B. 170** State Tax Commission Collection and Licensing Practices (Sen. C. Bramble)  
**S.B. 172** Division of Real Estate Amendments (Sen. M. Waddoups)  
**1st Sub. S.B. 149** Pete Suazo Athletic Commission Amendments (Sen. E. Mayne)  
**S.B. 163** Capitol Preservation Board Amendments (Sen. B. Evans)  
**S.B. 227** Public Safety Driving Privilege and Identification Card Amendments (Sen. C. Bramble)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

### **MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until February 28, 2005, at 9:00 a.m.



# FORTY–THIRD DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 9:30 a.m.

Roll call showed all members present.

Prayer by Robert Wallace, brother of Representative Peggy Wallace.

Pledge of Allegiance by Jeffrey Mackay, brother-in-law of Representative Peggy Wallace.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 25, 2005

The Senate passed, as substituted, and amended **1st Sub. S.B. 113**, EMPLOYEE NONCOMPETITION CONTRACTS, by Senator E. Mayne, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **2nd Sub. S.B. 184**, REDEVELOPMENT AGENCY AMENDMENTS, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed, as substituted, **2nd Sub. S.B. 192**, HIGH TECHNOLOGY ECONOMIC DEVELOPMENT APPROPRIATION, by Senator L. A. Mansell, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **2nd Sub. S.B. 209**, INTERLOCAL COOPERATION AMENDMENTS, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 231**, COMPENSATION OF LIEUTENANT GOVERNOR AND OTHER STATE OFFICERS, by Senator M. Madsen, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. S.B. 113**, **2nd Sub. S.B. 184**, **2nd Sub. S.B. 192**, **2nd Sub. S.B. 209**, and **Sub. S.B. 231**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 25, 2005

The Senate passed, **H.B. 4**, DIVORCE MEDIATION PROGRAM, by Representative B. Ferry, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 33**, ASSISTANCE FOR PEOPLE WITH BLEEDING DISORDERS, by Representative D. Litvack, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 38**, WATER LAW – CRIMINAL PENALTIES AMENDMENTS, by Representative B. Ferry, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **2nd Sub. H.B. 74**, TUITION PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OR SPECIAL EDUCATION, by Representative R. Menlove, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 116**, PRIVATE ACTIVITY BOND AMENDMENTS, by Representative D. Clark, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 132**, INTERNET CRIMES AGAINST CHILDREN, by Representative T. Cosgrove, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 213**, UNUSED SICK LEAVE AT RETIREMENT AMENDMENTS, by Representative D. Clark, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 249**, CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS, by Representative M. Newbold, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 287**, REVENUE BONDS AND CAPITAL FACILITIES AUTHORIZATIONS, by Representative D. G. Buxton, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.J.R. 3**, RESOLUTION REGARDING FEDERAL NO CHILD LEFT BEHIND, by Representative K. Holdaway, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 4, H.B. 33, Sub. H.B. 38, 2nd Sub. H.B. 74, H.B. 116, H.B. 132, H.B. 213, H.B. 249, H.B. 287, and H.J.R. 3** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker:

February 25, 2005

The Senate passed, as amended, **2nd Sub. H.B. 93, EMISSION INSPECTION AMENDMENTS**, by Representative K. Gibson, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 109, INFORMATION TECHNOLOGY GOVERNANCE AMENDMENTS**, by Representative D. Clark, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 157, WATER ENFORCEMENT PROCEDURES AND PENALTIES**, by Representative D. Ure, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 165, UTAH COMMISSION ON AGING**, by Representative P. Jones, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 216, GLOBAL POSITIONING REFERENCE NETWORK**, by Representative K. Holdaway, and it is transmitted for further consideration; and

The Senate substituted and passed, **Senate 1st Sub. H.B. 234, TELEPHONE CHARGE FOR EDUCATION AND TRAINING PROGRAMS AT PRISON**, by Representative Goodfellow, et al, and it is transmitted for further consideration; and

The Senate substituted and passed, **Senate 2nd Sub. H.B. 188, PUBLIC EDUCATION JOB ENHANCEMENT PROGRAM**, by Representative B. Johnson, et al, it is transmitted for further consideration, and it is recommended that it be read for the first and second time because of a short title change.

Annette B. Moore

Secretary of the Senate

Communications filed. **2nd H.B. 93, H.B. 109, H.B. 157, H.B. 165, H.B. 216, Senate Sub. H.B. 234, and Senate 2nd Sub. H.B. 188**, placed on the calendar for concurrence.

### CONCURRENCE CALENDAR

On motion of Representative Fowlke, the House voted to concur in the Senate amendments to **H.J.R. 17**, RESOLUTION HONORING CELEBRATION OF MARRIAGE WEEK.

**H.J.R. 17**, as amended by the Senate, then passed on the following roll call:

**Yeas, 72; Nays, 2; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Voting in the negative were:** Representatives

Biskupski                      Litvack

**Absent or not voting was:** Representative

Hughes

**H.J.R. 17**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Bowman, the House voted to concur in the Senate amendments to **H.B. 65**, DRIVER LICENSE AND COMMERCIAL DRIVER LICENSE AMENDMENTS.

**H.B. 65**, as amended by the Senate, then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Buxton	E. Hutchings
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**H.B. 65**, as amended by the Senate, transmitted to the Senate for signature of the president.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker: February 28, 2005

The Senate requests the return of **1st Sub. S.B. 231, COMPENSATION OF LIEUTENANT GOVERNOR AND OTHER STATE OFFICERS**, by Senator M. Madsen, for reconsideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **Sub. S.B. 231** was returned to the Senate.

### THIRD READING CALENDAR

**S.B. 119**, RURAL MEDICAL RESIDENCY TRAINING PROGRAMS, under suspension of the rules, read the third time by short title and placed on its final passage.

**S.B. 119** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Alexander	Barrus	Buttars	Frank
E. Hutchings	Morgan		

**S.B. 119** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**Sub. S.B. 164**, INDIVIDUAL INCOME TAX – TAX CREDIT FOR LIVE ORGAN DONATION EXPENSES, under suspension of the rules, read the third time by short title and placed on its final passage.

**Sub. S.B. 164** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Mascaro
Mathis	McGee	Menlove	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Buttars	Lockhart	Morgan	Tilton
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**Sub. S.B. 164** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**Sub. S.B. 167, PENALTIES FOR FALSE DRIVER LICENSES AND IDENTIFICATION CARDS**, under suspension of the rules, read the third time by short title and placed on its final passage.

**Sub. S.B. 167** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski

Bourdeaux	Bowman	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Buttars                      Buxton                      Morgan

**Sub. S.B. 167** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 239**, PUBLIC LANDS POLICY COORDINATION, under suspension of the rules, read the third time by short title and placed on its final passage.

On motion of Representative Urquhart, the House voted to circle **S.B. 239**.

\* \* \*

**S.B. 1**, SUPPLEMENTAL APPROPRIATIONS ACT, read the third time by short title and placed on its final passage.

On motion of Representative Bigelow, the House voted to circle **S.B. 1**.

\* \* \*

**S.B. 86**, 2004 GENERAL OBLIGATION BOND AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Bigelow, the House voted to circle **S.B. 86**.



\* \* \*

**Sub. S.B. 58**, LIABILITY PROTECTION OF EDUCATORS, read the third time by short title and placed on its final passage.

**Sub. S.B. 58** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Bigelow	Morgan	Tilton
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**Sub. S.B. 58** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**UNFINISHED BUSINESS**

On motion of Representative Bigelow, the House voted to uncircle **S.B. 86**.

**S.B. 86**, 2004 GENERAL OBLIGATION BOND AMENDMENTS, was before the House on its final passage.

On motion of Representative Bigelow, the House voted to delete **S.B. 86** in title and body and insert **Sub. S.B. 86** in lieu thereof.

**Sub. S.B. 86** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Morgan	Morley	Urquhart
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**Sub. S.B. 86**, as substituted, returned to the Senate for further consideration.

### **THIRD READING CALENDAR**

**S.B. 62**, PERSONAL PROPERTY TRANSACTIONS AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Adams, the House voted to circle **S.B. 62**.

### **UNFINISHED BUSINESS**

On motion of Representative Urquhart, the House voted to uncircle **S.B. 239**.

**S.B. 239**, PUBLIC LANDS POLICY COORDINATION, was before the House on its final passage.

Representative Becker proposed the following amendment:

- 1. Page 3, Lines 77 and 78:

After “based on” delete the rest of the line and on line 78 delete up to the semicolon and insert “cooperation and in conjunction with political subdivisions”

Representative Becker’s motion to amend passed on a voice vote.

**S.B. 239**, as amended, then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morley	Moss	Murray	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Fowlke	Morgan	Newbold	Ure
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**S.B. 239**, as amended, returned to the Senate for further consideration.

**THIRD READING CALENDAR**

**S.B. 41**, SCHOOL AND INSTITUTIONAL TRUST LANDS MANAGEMENT ACT REVISIONS, read the third time by short title and placed on its final passage.

**S.B. 41** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	Menlove	Morley	Moss
Murray	Newbold	Noel	Painter
Ray	Romero	Shurtliff	G. Snow
Ure	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Ferrin	Fowlke	McGee	Morgan
Oda	Tilton	Urquhart	

**S.B. 41** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**2nd Sub. S.B. 56, REAL ESTATE – EXCLUSIVE BROKERAGE AGREEMENTS**, read the third time by short title and placed on its final passage.

**2nd Sub. S.B. 56** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox

Daw	Dee	Donnelson	Dougall
Duckworth	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	Menlove
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Buxton	Dayton	Dunnigan	King
McGee	Morgan	Shurtliff	

**2nd Sub. S.B. 56** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 114, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS**, read the third time by short title and placed on its final passage.

Representative Ure proposed the following amendment:

1. Page 1, Line 14

14 be rebuilt or replaced by anyone other than its owner; {~~and~~}

2. Page 1, Line 16:

16 allow nonconforming billboards to be rebuilt {~~---~~} and  
▶ provides that, under certain circumstances, a county or municipal permit for a billboard remains valid for 180 days after a required state permit is issued.

3. Page 4, Line 100

Senate 3rd Reading Amendments 2-10-2005:

(6) A permit issued, extended, or renewed by a municipality for a billboard remains valid for a period of 180 days after a required state

permit is issued for the billboard if:

(a) the billboard requires a state permit; and

(b) an application for the state permit is filed within 30 days after the municipality issues, extends, or renews a permit for the billboard.

100 {-(6)-} (7) A municipality may terminate the nonconforming status of school district property

- 4. Page 6, Lines 170 through 171:

170 (5) A county may not allow a nonconforming billboard to be rebuilt [for a reason other

171 than:] or replaced by anyone other than its owner or the owner acting through its contractors .

- 5. Page 6, Line 178:

(6) A permit issued, extended, or renewed by a county for a billboard remains valid for a period of 180 days after a required state permit is issued for the billboard if:

(a) the billboard requires a state permit; and

(b) an application for the state permit is filed within 30 days after the county issues, extends, or renews a permit for the billboard.

178 {-(6)-} (7) A county may terminate the nonconforming status of school district property when

Representative Ure’s motion to amend passed on a voice vote.

On motion of Representative Urquhart, the House voted to circle **S.B. 114**.

\* \* \*

**S.B. 126**, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, read the third time by short title and placed on its final passage.

**S.B. 126** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson

Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Bowman	Goodfellow	Hughes	Morgan
Ure			

**S.B. 126** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### UNFINISHED BUSINESS

On motion of Representative Ure, the House voted to uncircle **S.B. 114**.

**S.B. 114**, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS, was before the House on its final passage.

**S.B. 114**, as amended, then passed on the following roll call:

**Yeas, 67; Nays, 3; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker

E. Hutchings	B. Johnson	Jones	Kiser
Last	Lawrence	Litvack	Mascaro
Mathis	McGee	Menlove	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Becker	King	Ray
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**Absent or not voting were:** Representatives

Buxton	Dayton	Goodfellow	Lockhart
Morgan			

**S.B. 114**, as amended, returned to the Senate for further consideration.

### THIRD READING CALENDAR

**Sub. S.B. 150**, FOOD SAFETY MANAGER CERTIFICATION, read the third time by short title and placed on its final passage.

**Sub. S.B. 150** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morley	Moss	Murray
Newbold	Noel	Oda	Painter



Ray	Romero	Shurtliff	G. Snow
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives  
Morgan                      Tilton

**Sub. S.B. 150** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### **MISCELLANEOUS BUSINESS**

On motion of Representative Bigelow, the House voted to have the House Journal reflect that the following bills were considered under suspension of the rules: **S.B. 119, Sub. S.B. 164, Sub. S.B. 167, and S.B. 239.**

\* \* \*

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

### **AFTERNOON SESSION**

The House was called to order by Speaker Curtis at 2:00 p.m.

### **COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: February 28, 2005

The Senate passed, as substituted, and amended **1st Sub. S.B. 211, FUNDING FOR CONVENTION FACILITIES**, by Senator M. Waddoups, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **Sub. S.B. 211**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 28, 2005

The Senate passed, as amended, **1st Sub. H.B. 105, CONSTRUCTION FILING AMENDMENTS**, by Representative M. Morley, and it is transmitted for further consideration; and

The Senate passed, as amended, **1st Sub. H.B. 200**, INSURANCE LAW REVISIONS, by Representative J. Dunnigan, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. H.B. 105** and **Sub. H.B. 200**, placed on the calendar for concurrence.

\* \* \*

Mr. Speaker: February 28, 2005

The Senate passed, **H.B. 89**, PRESUMPTION OF RESPONSIBILITY FOR ABUSE OR NEGLECT, by Representative L. Christensen, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 102**, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, by Representative S. Wyatt, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 154**, SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS, by Representative E. Hutchings, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 217**, PUBLIC SAFETY RETIREMENT – EXEMPTION OF CERTAIN EMPLOYEES, by Representative D. Clark, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 89**, **H.B. 102**, **H.B. 154**, and **H.B. 217** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### THIRD READING CALENDAR

**S.B. 59**, HOME SCHOOL AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Shurtliff proposed the following amendment:

1. Page 3, Line 86 and 87:  
Delete lines 86 and 87.

- 2. Page 4, Line 90:  
Delete line 90.

Representative Shurtliff’s motion to amend failed on a voice vote.

Representative Ferry declared a conflict of interest because his family home schools.

**S.B. 59** then passed on the following roll call:

**Yeas, 70; Nays, 0; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Absent or not voting were:** Representatives

D. Clark	Dunnigan	Ferrin	King
Curtis			

**S.B. 59** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**UNFINISHED BUSINESS**

On motion of Representative Adams, the House voted to uncircle **S.B. 62**.

**S.B. 62, PERSONAL PROPERTY TRANSACTIONS AMENDMENTS,** was before the House on its final passage.

**S.B. 62** then passed on the following roll call:

**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Donnelson	Dougall	Duckworth
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

**Absent or not voting were:** Representatives

Bourdeaux	Christensen	Dayton	Dunnigan
Ferrin	B. Johnson	Lockhart	Tilton
Ure	Curtis		

**S.B. 62** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### THIRD READING CALENDAR

**Sub. S.B. 152, BUSINESS LICENSE FEES,** read the third time by short title and placed on its final passage.

**Sub. S.B. 152** then passed on the following roll call:

**Yeas, 63; Nays, 1; Absent or not voting, 11.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	D. Clark
S. Clark	Cosgrove	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Ferry	Fisher	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Hughes
Hunsaker	E. Hutchings	Jones	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Ure	Urquhart	Walker	Wheatley
Wheeler	Wiley	Wyatt	

**Voting in the negative was:** Representative

Fowlke

**Absent or not voting were:** Representatives

Bigelow	Christensen	D. Cox	Dunnigan
Ferrin	Holdaway	B. Johnson	King
Tilton	Wallace	Curtis	

**Sub. S.B. 152** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**UNFINISHED BUSINESS**

On motion of Representative Ferry, under suspension of the rules, the House voted to uncircle **S.B. 57**.

**S.B. 57**, USE OF STATE SALES AND USE TAX REVENUES FOR BUSINESS DEVELOPMENT IN DISADVANTAGED RURAL COMMUNITIES, was before the House on its final passage.

On motion of Representative Ferry, the House voted to delete **S.B. 57** in title and body and insert **Sub. S.B. 57** in lieu thereof.

**Sub. S.B. 57** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

S. Allen	Dunnigan	E. Hutchings	Morley
Ure	Urquhart		

**Sub. S.B. 57**, as substituted, returned to the Senate for further consideration.

### THIRD READING CALENDAR

**S.B. 159**, ASSESSMENT OFFSET FOR DONATIONS PROMOTING OCCUPATIONAL HEALTH AND SAFETY, read the third time by short title and placed on its final passage.

**S.B. 159** then passed on the following roll call:

**Yeas, 58; Nays, 15; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
S. Clark	Cosgrove	Daw	Dee

Donnelson	Duckworth	Dunnigan	Ferry
Fisher	Goodfellow	Hansen	Hardy
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Ure	Urquhart
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative were:** Representatives

D. Clark	D. Cox	Dayton	Dougall
Ferrin	Fowlke	Frank	Gibson
Gowans	Harper	Hughes	Lockhart
Newbold	Tilton	Walker	

**Absent or not voting were:** Representatives

Alexander	Morley
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**S.B. 159** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 134, POWERSPORT VEHICLE FRANCHISE ACT**, read the third time by short title and placed on its final passage.

**S.B. 134** then passed on the following roll call:

**Yeas, 67; Nays, 2; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper

Hendrickson	Hogue	Holdaway	Hunsaker
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Dayton Walker

**Absent or not voting were:** Representatives

Biskupski	Ferrin	Hughes	E. Hutchings
McGee	Morley		

**S.B. 134** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 161**, AMENDMENTS TO THE PROPERTY TAX VALUATION AGENCY FUND ASSESSING AND COLLECTING LEVY, read the third time by short title and placed on its final passage.

**S.B. 161** then passed on the following roll call:

**Yeas, 60; Nays, 0; Absent or not voting, 15.****Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hogue	Holdaway	Hunsaker
B. Johnson	Jones	King	Last
Lawrence	Mascaro	Mathis	Menlove
Morgan	Moss	Murray	Newbold



Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Adams	Biskupski	S. Clark	Dougall
Dunnigan	Hardy	Hendrickson	Hughes
E. Hutchings	Kiser	Litvack	Lockhart
McGee	Morley	Ure	

**S.B. 161** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**Sub. S.B. 170**, STATE TAX COMMISSION COLLECTION AND LICENSING PRACTICES, read the third time by short title and placed on its final passage.

**Sub. S.B. 170** then passed on the following roll call:

**Yeas, 58; Nays, 0; Absent or not voting, 17.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
Cosgrove	D. Cox	Daw	Dee
Donnelson	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hogue	Holdaway	Hunsaker
B. Johnson	Jones	Last	Lawrence
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Adams	Biskupski	S. Clark	Dayton
Dougall	Hardy	Hendrickson	Hughes

E. Hutchings	King	Kiser	Litvack
Lockhart	Morley	Ure	Urquhart
Wiley			

**Sub. S.B. 170** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 172**, DIVISION OF REAL ESTATE AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **S.B. 172**.

\* \* \*

**Sub. S.B. 149**, PETE SUAZO ATHLETIC COMMISSION AMENDMENTS, read the third time by short title and placed on its final passage.

**Sub. S.B. 149** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hunsaker	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Ure	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Bourdeaux	Fisher	Hughes	E. Hutchings
Morley	Tilton	Urquhart	

**Sub. S.B. 149** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### UNFINISHED BUSINESS

On motion of Representative Bigelow, the House voted to uncircle **S.B. 1**.

**S.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT**, was before the House on its final passage.

Representative Alexander proposed the following amendment:

1. Page 5, Line 168:  
Delete “3,585,500” and insert “3,555,500”
2. Page 5, Line 170:  
Delete “3,585,500” and insert “3,555,500”

Representative Alexander’s motion to amend passed on a voice vote.

###

Representative Snow proposed the following amendment:

1. Page 5, Lines 166a, b, and c (goldenrod copy dated 2–25–2005):  
Delete lines 166a, 166b, and 166c.

Representative Snow’s motion to amend passed on a voice vote.

###

Representative Jones proposed the following amendment:

1. Page 4, Lines 119–125:  
Delete lines 119 through 125.
2. Page 9, Line 304:  
Take “\$150,000” from line 119 and insert it into the Division of Aging and Adult Services for an ombudsman to oversee nursing home abuse complaints.

Representative Christensen proposed the following substitute motion to amend:

- Page 5, Lines 163 and 166 (goldenrod copy dated 2–25–2005):  
Delete “48,488,000” and insert “48,023,000”

Representative Christensen’s substitute motion to amend passed on the following roll call:

**Yeas, 39; Nays, 35; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	Bigelow	Bowman
Buttars	Christensen	D. Clark	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Ferrin	Ferry	Fowlke
Frank	Gibson	Harper	Hogue
Holdaway	Hughes	E. Hutchings	B. Johnson
Kiser	Last	Lockhart	Mathis
Newbold	Noel	Oda	Painter
Tilton	Ure	Urquhart	Walker
Wallace	Wiley	Curtis	

**Voting in the negative were:** Representatives

Adams	S. Allen	Barrus	Becker
Biskupski	Bourdeaux	Buxton	S. Clark
Cosgrove	Duckworth	Dunnigan	Fisher
Goodfellow	Gowans	Hansen	Hardy
Hendrickson	Hunsaker	Jones	King
Lawrence	Litvack	Mascaro	McGee
Menlove	Morgan	Moss	Murray
Ray	Romero	Shurtliff	G. Snow
Wheatley	Wheeler	Wyatt	

**Absent or not voting was:** Representative

Morley

Representative Jones re-proposed the following amendment:

- Page 4, Lines 119–125:  
Delete lines 119 through 125.
- Page 9, Line 304:  
Take “\$150,000” from line 119 and insert it into the Division of Aging and Adult Services for an ombudsman to oversee nursing home abuse complaints.

Representative Jones motion to amend failed on a voice vote.

###

Representative King proposed the following amendment:

1. Page 4, Line 125:

After Line 125 insert:

“It is the intent of the Legislature that the Department spend this money to conduct a feasibility study to determine whether or not to move the state prison at Draper to another location. It is also the intent of the Legislature that the Department, in expending the money to conduct the feasibility study, ensure that the process: allows substantial opportunity for public review and comment; gives due consideration to those public comments and recommendations in the preparations and final recommendations of the study; allows opportunities for all interested parties to submit written comments on any draft Request for Proposals; includes public hearings on the draft report and recommendations in each community affected by the recommendations contained in the draft report; and allows opportunities for interested parties to submit oral or written comments to the draft report at those public hearings.”

Representative King’s motion to amend passed on a voice vote.

###

Representative Becker proposed the following amendment:

1. Page 12, Line 413:

Insert a new line: “From General Fund, one-time to Capitol Trails Grant \$80,000”

Representative Snow proposed the following substitute motion to amend:

1. Page 5, Line 163 (goldenrod copy dated 2-25-2005):  
Refer to Representative Christensen’s amendment.  
Delete “48,023,000” and reinstate “48,488,000”
2. Page 5, Line 166a (goldenrod copy dated 2-25-2005):  
Insert a new line: “Utah Museum of Fine Arts 465,000”

Representative Snow’s motion to amend passed on a voice vote.

###

Representative Becker re-proposed the following amendment:

1. Page 12, Line 413:  
Insert a new line: "From General Fund, one-time to Capitol Trails Grant \$80,000"

Representative Becker's motion to amend failed on a voice vote.

###

Representative Buxton proposed the following amendment:

1. Page 5, Line 162  
Senate 2nd Reading Amendments 2-25-05:  
Delete "50,000,000" and insert "54,500,000"
2. Page 5, Line 166  
Senate 2nd Reading Amendments 2-25-05:  
After line 166 insert:  
"Veteran's Nursing Home 4,500,000"
3. Page 5, Line 178  
Senate 2nd Reading Amendments 2-25-05:  
Delete "10,351,500" and insert "5,851,500"
4. Page 5, Line 180  
Senate 2nd Reading Amendments 2-25-05:  
Delete "10,351,500" and insert "5,851,500"

Representative Buxton's motion to amend passed on a voice vote.

###

Representative McGee proposed the following amendment:

1. Page 5, Line 178 and 179:  
Refer to Representative Buxton's amendment.  
Delete "5,851,500" on both lines and insert "2,851,500"
2. Page 8, Line 283:  
Delete "1,694,400" and insert "4,694,400"
3. Page 8, Line 286:  
Insert a new line: "Division of Substance Abuse and Mental Health 3,000,000"

Representative McGee’s motion to amend failed on a voice vote.

**S.B. 1**, as amended, then passed on the following roll call:

**Yeas, 60; Nays, 11; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bowman	Buttars
Buxton	Christensen	D. Clark	S. Clark
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Kiser	Last
Lawrence	Lockhart	Mascaro	Mathis
Menlove	Morgan	Murray	Newbold
Noel	Oda	Painter	Ray
G. Snow	Ure	Urquhart	Walker
Wallace	Wheeler	Wyatt	Curtis

**Voting in the negative were:** Representatives

Becker	Bourdeaux	Cosgrove	Jones
Litvack	McGee	Moss	Romero
Shurtliff	Wheatley	Wiley	

**Absent or not voting were:** Representatives

Biskupski	King	Morley	Tilton
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**S.B. 1**, as amended, returned to the Senate for further consideration.

On motion of Representative Alexander, the House voted to saunter.

On motion of Representative Alexander, the House voted to cease to saunter.

**RULES COMMITTEE REPORT**

Mr. Speaker: February 28, 2005

The Rules Committee recommends that, under suspension of the rules, the following bills and resolutions be considered read for the second time and placed on the Third Reading Calendar for Senate bills:

<b>S.B. 127</b>	Tax, Fee, or Charge Amendments (Sen. L. Hillyard)
<b>S.C.R. 5</b>	Resolution Approving Settlement of Lawsuit (Sen. P. Knudson)
<b>1st Sub. S.B. 60</b>	Local Land Use Development and Management Amendments (Sen. G. Bell)
<b>1st Sub. S.B. 212</b>	Child Care Investigations (Sen. P. Hellewell)
<b>S.C.R. 10</b>	Concurrent Resolution Honoring Utah Foundation (Sen. L. A. Mansell)
<b>1st Sub. S.B. 177</b>	Increase Statute of Limitations on Rape (Sen. E. Mayne)
<b>1st Sub. S.B. 65</b>	Alcoholic Beverage Control Amendments (Sen. P. Knudson)
<b>1st Sub. S.B. 215</b>	Financial Institutions as Limited Liability Companies (Sen. L. Hillyard)
<b>S.J.R. 6</b>	Space Exploration Resolution (Sen. P. Knudson)
<b>2nd Sub. S.B. 110</b>	Medical Device Notification and Liability (Sen. D. C. Buttars)
<b>S.B. 194</b>	Sales and Use Tax Exemption for Items Relating to Direct Mail (Sen. H. Stephenson)
<b>S.J.R. 17</b>	Resolution Recognizing Huntsman Cancer Institute (Sen. P. Knudson)
<b>5th Sub. S.B. 61</b>	Privately Owned Health Care Organization Task Force (Sen. M. Waddoups)
<b>S.B. 153</b>	Tax Reform Task Force (Sen. C. Bramble)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

### MISCELLANEOUS BUSINESS

On motion of Representative Ferry, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

### THIRD READING CALENDAR

**H.B. 375, REVISIONS TO GENERAL STATE GOVERNMENT – NOTARY LAW AMENDMENTS**, read the third time by short title and placed on its final passage.

**H.B. 375**, as amended, then passed on the following roll call:

**Yeas, 70; Nays, 1; Absent or not voting, 4.**



**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Curtis		

**Voting in the negative was:** Representative  
D. Clark

**Absent or not voting were:** Representatives

Alexander	Hendrickson	Ray	Wyatt
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**H.B. 375**, as amended, transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Buttars, the House voted to uncircle **Sub. H.B. 381**.

**Sub. H.B. 381**, NONRESIDENT TUITION WAIVERS, was before the House on its final passage.

On motion of Representative Buttars, under suspension of the rules, the House voted to consider **Sub. H.B. 381** read the first, second, and third times by short title.

**Sub. H.B. 381** then passed on the following roll call:

**Yeas, 58; Nays, 12; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dee	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Gibson
Goodfellow	Gowans	Hansen	Hardy
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Last	Lawrence
Litvack	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Murray
Noel	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Voting in the negative were:** Representatives

Dayton	Donnelson	Frank	Hogue
Hughes	Kiser	Lockhart	Morley
Newbold	Oda	Walker	Curtis

**Absent or not voting were:** Representatives

Buxton	Dougall	Ferrin	Harper
Hendrickson			

**Sub. H.B. 381** transmitted to the Senate for its consideration.

**THIRD READING CALENDAR**

**H.B. 373**, EDUCATION TECHNOLOGY TASK FORCE, read the third time by short title and placed on its final passage.

**H.B. 373** then passed on the following roll call:

**Yeas, 65; Nays, 5; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dee	Donnelson

Dougall	Duckworth	Dunnigan	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	Menlove
Morgan	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Walker
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Dayton	McGee	Morley	Moss
Wallace			

**Absent or not voting were:** Representatives

Ferrin	Hendrickson	B. Johnson	Ure
Urquhart			

**H.B. 373** transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Alexander, the House voted to uncircle **H.B. 291**.

**H.B. 291**, CAPITOL PRESERVATION BOARD MODIFICATIONS, was before the House on its final passage.

On motion of Representative Alexander, the House voted to delete **H.B. 291** in title and body and insert **Sub. H.B. 291** in lieu thereof.

**Sub. H.B. 291** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson

Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Bigelow	Ure	Urquhart	Curtis
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**Sub. H.B. 291** transmitted to the Senate for its consideration.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 28, 2005

The Senate refuses to concur with the House Amendments to **S.B. 1**, SUPPLEMENTAL APPROPRIATIONS ACT, by Senator L. Hillyard, and requests the House recede from its amendments.

Annette B. Moore  
Secretary of the Senate

Communication filed. On motion of Representative Bigelow, the House voted to refuse to recede from its amendments to **S.B. 1**. The Speaker was authorized to appoint a conference committee. The Speaker appointed Representatives Bigelow, Alexander, and King.

\* \* \*

Mr. Speaker: February 28, 2005

The Senate passed, as amended, **H.B. 301**, SUPPLEMENTAL APPROPRIATIONS III, by Representative R. Bigelow, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. On motion of Representative Bigelow, the House voted to concur in the Senate amendments to **H.B. 301**.

**H.B. 301**, as amended by the Senate, then passed on the following roll call:

**Yeas, 60; Nays, 15; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Donnelson	Dougall	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Hardy
Harper	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	Menlove
Morgan	Murray	Newbold	Noel
Oda	Painter	Ray	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheeler	Wyatt	Curtis

**Voting in the negative were:** Representatives

Becker	Biskupski	Dayton	Duckworth
Gowans	Hansen	Hendrickson	Jones
McGee	Morley	Moss	Romero
Shurtliff	Wheatley	Wiley	

**H.B. 301**, as amended by the Senate, transmitted to the Senate for signature of the President.

### THIRD READING CALENDAR

**H.B. 272, PATIENT ACCESS TO PROVIDERS AND CONTRACTING AMENDMENTS**, read the third time by short title and placed on its final passage.

Representative Lockhart proposed the following amendment:

1. Page 3, Lines 82 through 84

82 (d) If the parties are unable to resolve their dispute, the matter shall be subject to

83 binding arbitration by a jointly selected arbitrator. Each party is to bear its own expense except

84 the cost of the jointly selected arbitrator shall be equally shared. This Subsection (d) does not apply to the claim of a general acute hospital to the extent it is inconsistent with the hospital’s provider agreement.

- 2. Page 4, Lines 107 through 109  
House Committee Amendments 2–22–2005:

107 (iii) If the parties are unable to resolve their dispute, the matter shall be subject to

108 binding arbitration by a jointly selected arbitrator. Each party is to bear its own expense except

109 the cost of the jointly selected arbitrator shall be equally shared. This Subsection (iii) does not apply to the claim of a general acute hospital to the extent it is inconsistent with the hospital’s provider agreement.

Representative Lockhart’s motion to amend passed on a voice vote.

**H.B. 272**, as amended, then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives  
Christensen Harper

**H.B. 272**, as amended, transmitted to the Senate for its consideration.

### **UNFINISHED BUSINESS**

On motion of Representative Lockhart, the House voted to uncircle **Sub. H.B. 18**.

**Sub. H.B. 18**, TRANSPORTATION INVESTMENT ACT, was before the House on its final passage.

Representative Lockhart proposed the following amendment:

1. Page 1, Line 25 through Page 2, Line 27
 

25       ▶ provides that {~~-\$70,000,000-~~}       \$90,000,000  
of the revenues deposited in the Transportation  
26 Investment Fund of 2005 shall annually be transferred to the  
Centennial Highway Fund  
27 Restricted Account until the highway general obligation bonds  
for the Centennial Highway Fund have been paid off ;
2. Page 2, Line 32:
 

32       {~~None-~~}       This bill appropriates:  
•       (\$179,594,700) from the General Fund to the  
Centennial Highway Program; and  
•       \$30,000,000 from the General Fund to the  
Transportation Investment Fund of 2005, for fiscal year 2005–06 only.
3. Page 11, Line 313 through Page 12, Line 339:
 

313       (8) (a) Notwithstanding Subsection (3)(a), in addition to the  
amount deposited in  
314 Subsection (6)(a), and until Subsection (8)(b) applies, for a fiscal  
year beginning on or after  
315 July 1, 2005, the Division of Finance shall deposit  
      {~~-\$60,000,000~~}       \$59,594,700 of the revenues generated by  
316 the taxes described in Subsections (2)(a)(i) and (2)(b)(i) into the  
Centennial Highway Fund

317 Restricted Account created by Section 72-2-118.

318 (b) Notwithstanding Subsection (3)(a) and in addition to the amounts deposited under

319 Subsections (6)(b) and (9), when the highway general obligation bonds issued under Title 63B,

320 Chapters 6 through 13 have been paid off, the Division of Finance shall deposit {~~-\$60,000,000~~ } \$59,594,700 of

321 the revenues generated by the taxes described in Subsections (2)(a)(i) and (2)(b)(i) into the

322 Transportation Investment Fund of 2005 created by Section 72-2-124.

323 (9) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,

324 2005, the Division of Finance shall deposit {~~-\$70,000,000~~ } \$90,000,000 of the revenues generated by the taxes

325 described in Subsections (2)(a)(i) and (2)(b)(i) into the Transportation Investment Fund of

326 2005 created by Section 72-2-124.

327 (b) Notwithstanding Subsection (3)(a), for the fiscal year 2007 only, the Division of

328 Finance may, subject to legislative appropriation, deposit into the Transportation Investment

329 Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a)

330 equal to the revenues generated by a {~~-.23%~~ } .36% tax rate on the taxable transactions under Subsection

331 (1) including the {~~-amount~~ } amounts deposited under {~~-Subsection~~ } Subsections (8) and (9)(a), which represents a portion of the

332 amount of revenue generated by the sales and use tax on vehicles and vehicle-related products.

333 (c) Notwithstanding Subsection (3)(a) and in addition to {~~-amounts~~ } any amount deposited under



334 ~~{Subsections }~~ Subsection (6)(b) ~~{and (8)(b) }~~ ,  
 335 for a fiscal year beginning on or after July 1, 2007, the Division  
 336 of Finance may, subject to legislative appropriation, deposit into  
 337 the Transportation Investment  
 338 Fund of 2005 created by Section 72-2-124 a portion of the taxes  
 339 listed under Subsection (3)(a)  
 340 equal to the revenues generated by a .56% tax rate on the taxable  
 341 transactions under Subsection  
 342 (1) including the ~~{amount }~~ amounts deposited under  
 343 ~~{Subsection }~~ Subsections (8) and (9)(a), which represents a  
 344 portion of the  
 345 amount of revenue generated by the sales and use tax on vehicles  
 346 and vehicle-related products.

4. Page 16, Lines 466 through 475:

466 (5) ~~{The }~~ (a) Except as provided in Subsection (5)(b),  
 467 the executive director may use fund monies only to pay the costs of  
 468 maintenance,  
 469 construction, reconstruction, or renovation to state and federal  
 470 highways prioritized by the  
 471 Transportation Commission under a prioritization process for new  
 472 transportation capacity  
 473 projects.  
 474 (b) The executive director may use fund monies deposited into  
 475 the fund in fiscal year 2006 only to pay the costs of maintenance,  
 476 construction, reconstruction, or renovation to state and federal highways  
 477 prioritized by the Transportation Commission.  
 478 (6) On July 1 of each year until the highway general  
 479 obligations bonds issued under Title 36, Chapters 6 through 13 have been  
 480 paid off , the Division of Finance shall transfer  
 481 ~~{-\$70,000,000 }~~ \$90,000,000 of the  
 482 revenues deposited in the Transportation Investment Fund of 2005  
 483 created by this section to the  
 484 Centennial Highway Fund Restricted Account within the  
 485 Transportation Investment Fund of 2005 created  
 486 by Section 72-2-118.  
 487 Section 7. Appropriation.

Under the terms and conditions of Section 63-38-3, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or fund accounts indicated for the use and support of the government of the State of Utah for the fiscal year beginning July 1, 2005 and ending June 30, 2006. This is an addition to or a subtraction from amounts previously appropriated for fiscal year 2006.

To Department of Transportation – Centennial Highway Program

From General Fund (\$149,594,700)

From General Fund, One-time (\$30,000,000)

Schedule of Programs:

Centennial Highway Program (\$179,594,700)

To Department of Transportation – Transportation Investment Fund of 2005

From General Fund, One-time \$30,000,000

Schedule of Programs:

Transportation Investment Fund of 2005 \$30,000,000

474 Section {–7–} § . Effective date.

475 This bill takes effect on July 1, 2005.

Representative Lockhart’s motion to amend passed on a voice vote.

**Sub. H.B. 18**, as amended, then passed on the following roll call:

**Yeas, 50; Nays, 24; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Hardy
Harper	Hogue	Hughes	Hunsaker
E. Hutchings	B. Johnson	Kiser	Last
Lawrence	Lockhart	Mathis	Menlove
Morley	Murray	Newbold	Noel
Oda	Painter	Ray	Shurtliff
Tilton	Urquhart	Walker	Wallace
Wheeler	Wyatt		

**Voting in the negative were:** Representatives

S. Allen	Becker	Bigelow	Biskupski
Bourdeaux	Duckworth	Dunnigan	Goodfellow
Gowans	Hansen	Hendrickson	Holdaway
Jones	King	Litvack	Mascaro
McGee	Morgan	Moss	Romero
G. Snow	Ure	Wheatley	Wiley

**Absent or not voting was:** Representative

Curtis

**Sub. H.B. 18**, as amended, transmitted to the Senate for its consideration.

\* \* \*

On motion of Representative Dougall, the House voted to uncircle **H.B. 263**.

**H.B. 263**, INSURERS REHABILITATION AND LIQUIDATION, was before the House on its final passage.

On motion of Representative Ferry, the House voted to circle **H.B. 263**.

\* \* \*

On motion of Representative Hughes, the House voted to uncircle **H.B. 126**.

**H.B. 126**, AMENDMENTS TO FACILITIES WITH REGIONAL IMPACT, was before the House on its final passage.

**H.B. 126**, as amended, then passed on the following roll call:

**Yeas, 55; Nays, 17; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Donnelson	Dougall
Dunnigan	Ferrin	Ferry	Fisher
Frank	Hansen	Hardy	Harper
Hogue	Hughes	Hunsaker	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mathis

McGee	Morgan	Newbold	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wiley	

**Voting in the negative were:** Representatives

Buttars	Duckworth	Fowlke	Gibson
Goodfellow	Gowans	Hendrickson	Holdaway
Mascaro	Menlove	Morley	Moss
Murray	Noel	Wheatley	Wheeler
Wyatt			

**Absent or not voting were:** Representatives

Dee	B. Johnson	Curtis
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**H.B. 126**, as amended, transmitted to the Senate for its consideration.

\* \* \*

On motion of Representative Dougall, the House voted to uncircle **H.B. 263**.

**H.B. 263**, INSURERS REHABILITATION AND LIQUIDATION, was before the House on its final passage.

On motion of Representative Dunnigan, the House voted to delete **H.B. 263** in title and body and insert **3rd Sub. H.B. 263** in lieu thereof and as amended on line 79 to delete the first “to”.

**3rd Sub. H.B. 263** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
Jones	King	Kiser	Last

Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt

**Absent or not voting were:** Representatives

Ferrin                      B. Johnson                      Curtis

**3rd Sub. H.B. 263** transmitted to the Senate for its consideration.

### **MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until March 1, 2005, at 8:30 a.m.

# FORTY-FOURTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 8:40 a.m.

Roll call showed all members present.

Prayer by Jeb Johnson, grandson of Representative Brad Johnson.

Pledge of Allegiance by Scott Jackson, nephew of Representative Brad Johnson.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: February 28, 2005

The Senate passed, as amended, **S.C.R. 2**, RESOLUTION APPROVING CLASS V LANDFILL, by Senator R. Allen, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.C.R. 2**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: February 28, 2005

The President of the Senate has signed **H.B. 65**, DRIVER LICENSE AND COMMERCIAL DRIVER LICENSE AMENDMENTS, by Representative D. Bowman, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.J.R. 17**, RESOLUTION HONORING CELEBRATION OF MARRIAGE WEEK, by Representative L. Fowlke, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 65** and **H.J.R. 17** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker:

February 28, 2005

The Senate substituted and passed, **Senate 2nd Sub. H.B. 49**, BICYCLE SAFETY PROVISIONS, by Representative R. McGee, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **2nd Sub. H.B. 49**, placed on the calendar for concurrence.

**UNFINISHED BUSINESS**

On motion of Representative Adams, the House voted to uncircle **S.B. 172**.

**S.B. 172**, DIVISION OF REAL ESTATE AMENDMENTS, was before the House on its final passage.

Representative Ray proposed the following amendment:

- 1. Page 54, Line 1668:  
Before “members” delete “three” and insert “four”
- 2. Page 55, Line 1671–1672:  
Delete lines 1671 and 1672.

Representative Ray’s motion to amend passed on a voice vote.

**S.B. 172**, as amended, then passed on the following roll call:

**Yeas, 66; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Biskupski	Bowman	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	Kiser	Last

Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	Tilton	Ure	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Becker	Bigelow	Bourdeaux	Buttars
Dunnigan	King	Morgan	G. Snow
Urquhart			

**S.B. 172**, as amended, returned to the Senate for further consideration.

### THIRD READING CALENDAR

**S.B. 163**, CAPITOL PRESERVATION BOARD AMENDMENTS, read the third time by short title and placed on its final passage.

**S.B. 163** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Donnelson	Dougall	Duckworth
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Lockhart	Mascaro	Mathis
McGee	Menlove	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	



**Absent or not voting were:** Representatives

Buttars	Buxton	Dee	Dunnigan
Hansen	Hughes	Litvack	Morgan

**S.B. 163** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 227**, PUBLIC SAFETY DRIVING PRIVILEGE AND IDENTIFICATION CARD AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle **S.B. 227**.

\* \* \*

**S.B. 127**, TAX, FEE, OR CHARGE AMENDMENTS, under suspension of the rules, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to consider **S.B. 127** under suspension of the rules.

**S.B. 127** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray

Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Ferrin	Morgan
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**S.B. 127** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.C.R. 5**, RESOLUTION APPROVING SETTLEMENT OF LAWSUIT, read the third time by short title and placed on its final passage.

**S.C.R. 5** then passed on the following roll call:

**Yeas, 68; Nays, 2; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buttars	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Shurtliff	G. Snow
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Voting in the negative were:** Representatives

Barrus	Tilton
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**Absent or not voting were:** Representatives

S. Allen	Buxton	Morgan	Romero
Ure			

**S.C.R. 5** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**Sub. S.B. 60**, LOCAL LAND USE DEVELOPMENT AND MANAGEMENT AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Adams, the House voted to circle **Sub. S.B. 60**.

\* \* \*

**Sub. S.B. 212**, CHILD CARE INVESTIGATIONS, read the third time by short title and placed on its final passage.

Representative Morley proposed the following amendment:

1. Page 3, Line 67

67 Section {~~78-8-506~~} 76-8-506 if the person gives false information to the department with a purpose of

Representative Morley’s motion to amend passed on a voice vote.

**Sub. S.B. 212**, as amended, then passed on the following roll call:

**Yeas, 39; Nays, 30; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Barrus	Bowman
Buttars	Christensen	D. Clark	S. Clark
D. Cox	Daw	Dayton	Donnelson
Dougall	Dunnigan	Ferrin	Frank
Gibson	Harper	Hogue	Holdaway
E. Hutchings	B. Johnson	Kiser	Last
Mathis	Morley	Murray	Newbold
Noel	Oda	Painter	Ray
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheeler	

**Voting in the negative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Cosgrove	Dee	Duckworth	Ferry
Fisher	Fowlke	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Hunsaker
Jones	King	Lawrence	Litvack
Mascaro	McGee	Menlove	Morgan
Moss	Romero	Shurtliff	Wheatley
Wiley	Wyatt		

**Absent or not voting were:** Representatives

Alexander	Bigelow	Buxton	Hughes
Lockhart	Curtis		

**Sub. S.B. 212**, as amended, returned to the Senate for further consideration.

\* \* \*

**S.C.R. 10**, CONCURRENT RESOLUTION HONORING UTAH FOUNDATION, read the third time by short title and placed on its final passage.

**S.C.R. 10** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Alexander	Bigelow	Buxton	Hughes
King	Ure		

**S.C.R. 10** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**Sub. S.B. 177**, INCREASE STATUTE OF LIMITATIONS ON RAPE, read the third time by short title and placed on its final passage.

Representative Ferrin proposed the following amendment:

1. Page 2, Line 33:  
Delete the colon at the end of the line.
2. Page 2, Line 33–34:  
Delete lines 33 and 34.
3. Page 2, Line 36:  
Delete “(ii)”

Representative Ferrin’s motion to amend failed on a voice vote.

On motion of Representative Ray, the House voted to circle **Sub. S.B. 177**.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

**THIRD READING CALENDAR**

**H.C.R. 13**, CONCURRENT RESOLUTION PROMOTING UTAH SAVES STRATEGIC INITIATIVE, read the third time by short title and placed on its final passage.

**H.C.R. 13** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Bourdeaux

Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Hogue	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Biskupski	Harper	Holdaway	Hughes
Noel	Urquhart		

**H.C.R. 13** transmitted to the Senate for its consideration.

\* \* \*

**H.J.R. 18**, JOINT RESOLUTION SUPPORTING COUNTIES EXPANSION OF CORRECTIONAL FACILITIES, read the third time by short title and placed on its final passage.

**H.J.R. 18** then passed on the following roll call:

**Yeas, 54; Nays, 17; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Donnelson	Duckworth	Dunnigan
Fisher	Fowlke	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	Jones	King	Kiser

Last	Lawrence	Litvack	Mascaro
Mathis	McGee	Menlove	Morgan
Moss	Murray	Painter	Shurtliff
G. Snow	Urquhart	Wheatley	Wheeler
Wiley	Wyatt		

**Voting in the negative were:** Representatives

Alexander	Dayton	Dougall	Ferrin
Frank	Hughes	B. Johnson	Lockhart
Morley	Newbold	Oda	Ray
Romero	Ure	Walker	Wallace
Curtis			

**Absent or not voting were:** Representatives

Biskupski	Ferry	Noel	Tilton
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**H.J.R. 18** transmitted to the Senate for its consideration.

\* \* \*

On motion of Representative Alexander, the House voted to saunter.

On motion of Representative Alexander, the House voted to cease to saunter.

**THIRD READING CALENDAR**

**Sub. H.B. 335, DISCONNECTING TERRITORY FROM A MUNICIPALITY,** read the third time by short title and placed on its final passage.

Representative Frank proposed the following amendment:

1. Page 6, Lines 168 through 169

168 (5) (a) The legislative body of a municipality that has a common boundary with another

169 municipality located within the same county may request the legislative body of the other municipality to adjust the

2. Page 6, Lines 179 through 180:

179 (5)(c), a requesting municipality may file a petition requesting the boundary commission of the county in which the requesting municipality and the other municipality are located to

180 adjust the common boundary.

Representative Frank’s motion to amend passed on a voice vote.

**Sub. H.B. 335**, as amended, then passed on the following roll call:

**Yeas, 63; Nays, 8; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bowman	Buttars
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lockhart	Mascaro	Mathis
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Ray
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Becker	Bourdeaux	Dougall	Lawrence
Litvack	McGee	Romero	Wiley

**Absent or not voting were:** Representatives

Biskupski	Goodfellow	Oda	Painter
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**Sub. H.B. 335**, as amended, transmitted to the Senate for its consideration.

**INTRODUCTION OF BILL**

**H.B. 382, Supplemental Minimum School Program Finance Act** (G. Snow), read the first time by short title and referred to the Rules Committee.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: March 1, 2005

The President of the Senate has appointed a Conference Committee consisting of Senators L. Hillyard, J. Hickman, and R. Allen to meet with a like



committee from the House of Representatives to consider or amend **S.B. 1**, SUPPLEMENTAL APPROPRIATIONS ACT, by Senator L. Hillyard.

Annette B. Moore  
Secretary of the Senate

Communication filed. The Conference Committee may now meet.

\* \* \*

Mr. Speaker: March 1, 2005

The Senate concurred in the House amendments and passed **S.B. 15**, CHILDREN’S JUSTICE CENTER AMENDMENTS, by Senator D. C. Buttars, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **1st Sub. S.B. 86**, 2004 GENERAL OBLIGATION BOND AMENDMENTS, by Senator P. Knudson, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 107**, LICENSURE AND REGULATION OF PROGRAMS AND FACILITIES, by Senator T. Hatch, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 114**, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS, by Senator M. Waddoups, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 239**, PUBLIC LANDS POLICY COORDINATION, by Senator T. Hatch, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **1st Sub. S.B. 57**, FUNDING FOR BUSINESS DEVELOPMENT IN DISADVANTAGED RURAL COMMUNITIES, by Senator P. Knudson, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 15**, **Sub. S.B. 86**, **S.B. 107**, **S.B. 114**, **S.B. 239**, and **Sub. S.B. 57** were signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

Mr. Speaker: March 1, 2005

The Senate passed, **1st Sub. H.B. 62**, AMENDMENTS TO INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED, by

Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 236**, HEALTH INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 309**, MUNICIPAL BUDGET AMENDMENTS, by Representative M. Walker, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 349**, MONEY MANAGEMENT ACT AMENDMENTS, by Representative D. Clark, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 80**, SERVICES FOR PEOPLE WITH DISABILITIES, by Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. H.B. 62**, **H.B. 236**, **H.B. 309**, **H.B. 349**, and **H.B. 80** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: March 1, 2005

The Senate passed, as amended, **H.B. 79**, PROVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, by Representative R. Lockhart, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 223**, AMENDMENTS TO DRIVER LICENSE AND IDENTIFICATION CARDS, by Representative C. Oda, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 79** and **H.B. 223**, placed on the calendar for concurrence.

### RULES COMMITTEE REPORTS

Mr. Speaker: March 1, 2005

The House Rules Committee recommends, under suspension of the rules and with written request of the sponsor, that **S.B. 141**, Military Installation

Partnerships (Sen. S. Killpack) be read for the second time and placed on the Third Reading Calendar for Senate bills with the following amendments:

1. Page 1, Lines 23 through 25:

23     ▶     \$5,000,000 for the fiscal year ending June 30,  
2005      ~~{ -; and - }~~

24           { ▶ \$10,000,000 for the fiscal year beginning July 1,  
2005. }

25     Other Special Clauses:

2. Page 3, Lines 71 through 83:

71       (4)  ~~{ -(a) }~~  For the fiscal year ending June 30, 2005, the  
executive director may disperse an

72     amount not to exceed \$5,000,000 for projects referred to under this  
section.

73            ~~{ -(b) For the fiscal year beginning July 1, 2005, only, the~~  
~~executive director may disperse }~~

74      ~~{ the following amounts for the projects referred to under this~~  
~~section: }~~

75       :  ~~{ -(i) for the period through December 31, 2005, an amount~~  
~~not to exceed \$5,000,000 }~~

76      ~~{ - and - }~~

77       (  ~~{ -ii) for the period January 1, through June 30, 2006, the~~  
~~remaining balance. }~~

78       Section 2. Appropriation.

79       There is appropriated from the General Fund  ~~{ -; }~~

80        ~~{ -(1) - }~~  for the fiscal year ending June 30, 2005,  
\$5,000,000 to the Department of

81     Community and Economic Development for the program  
established in Section 9-2-2301  ~~{ -; and }~~

82            ~~{ -(2) for the fiscal year beginning July 1, 2005, \$10,000,000~~  
~~to the Department of }~~

83      ~~{ - Community and Economic Development for the program~~  
~~established in Section 9-2-2301.- }~~

The House Rules Committee recommends, under suspension of the rules and with written request of the sponsor, that **1st Sub. S.B. 13**, Individual Income Tax Subtraction for Certain Military Income and Tuition Waiver for Qualifying Military Service Members (Sen. H. Stephenson), be replaced with **2nd Sub. S.B. 13**, Individual Income Tax Subtraction for Certain Military Income, and further recommends it be read for the first and second time and placed on the Third Reading Calendar for Senate bills; and

The Rules Committee recommends that, under suspension of the rules, the following bills and resolutions be considered read for the second time and placed on the Third Reading Calendar for Senate bills:

<b>S.B. 29</b>	Licensing of Crane Operators (Sen. G. Davis)
<b>S.B. 206</b>	Nonparticipating Tobacco Manufacturer Amendments (Sen. S. Killpack)
<b>S.J.R. 16</b>	Resolution Urging Comprehensive Cancer Control Plan for the State (Sen. K. Hale)
<b>S.B. 223</b>	Oversight and Enforcement of Work Done on Mobile Homes (Sen. E. Mayne)
<b>S.B. 49</b>	Motor Vehicle Liability Coverage Amendments (Sen. D. Eastman)
<b>1st Sub. S.B. 137</b>	Tourism, Recreation, Cultural, and Convention Facilities Tax Amendments (Sen. H. Stephenson)
<b>S.C.R. 6</b>	Resolution Supporting the Golden Rule Project (Sen. F. Fife)
<b>1st Sub. S.B. 64</b>	Real Estate Transactions and Securities (Sen. L. A. Mansell)
<b>S.B. 173</b>	Brownfields Revision (Sen. L. A. Mansell)
<b>S.B. 132</b>	Health Care Consumer's Report (Sen. A. Christensen)
<b>S.B. 96</b>	Commerce Service Fund Amendments (Sen. G. Bell)
<b>S.B. 142</b>	Pharmacy Practice Act Amendments (Sen. P. Knudson)
<b>1st Sub. S.B. 178</b>	Charter School Amendments (Sen. H. Stephenson)
<b>2nd Sub. S.B. 184</b>	Redevelopment Agency Amendments (Sen. C. Bramble)
<b>S.B. 52</b>	Price Controls During Emergencies Act (Sen. P. Arent)
<b>1st Sub. S.B. 211</b>	Funding for Convention Facilities (Sen. M. Waddoups)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Hardy, the reports of the Rules Committee were adopted.

## RULES COMMITTEE REPORT

Mr. Speaker:

March 1, 2005

The House Rules Committee recommends, under suspension of the rules and with written request of the sponsor, that **S.B. 139**, Minimum Wage Provisions (Sen. H. Stephenson) be replaced with **Substitute S.B. 139**, Wage Provisions (Sen. H. Stephenson) and further recommends it be read for the second time and placed on the Third Reading Calendar for Senate bills.

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

## CONCURRENCE CALENDAR

On motion of Representative Gibson, the House voted to concur in the Senate amendments to **2nd Sub. H.B. 93**, EMISSION INSPECTION AMENDMENTS.

**2nd Sub. H.B. 93**, as amended by the Senate, then passed on the following roll call:

**Yeas, 63; Nays, 9; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bourdeaux	Bowman
Buxton	D. Clark	S. Clark	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	Menlove
Morgan	Morley	Moss	Murray
Noel	Oda	Painter	Ray
Romero	Shurtliff	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Buttars	Christensen	Cosgrove	Ferrin
Ferry	Hogue	McGee	G. Snow
Ure			

**Absent or not voting were:** Representatives

Becker                      Biskupski                      Newbold

**2nd Sub. H.B. 93**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative D. Clark, the House voted to concur in the Senate amendments to **H.B. 109**, INFORMATION TECHNOLOGY GOVERNANCE AMENDMENTS.

**H.B. 109**, as amended by the Senate, then passed on the following roll call:

**Yeas, 50; Nays, 20; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Buttars	Buxton
Christensen	D. Clark	S. Clark	Daw
Dayton	Dee	Donnelson	Dougall
Dunnigan	Fisher	Frank	Gibson
Goodfellow	Hardy	Harper	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Last	Lawrence	Lockhart
Mascaro	Mathis	Morley	Murray
Noel	Oda	Painter	Ray
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Becker	Bourdeaux	Bowman	Cosgrove
D. Cox	Duckworth	Fowlke	Gowans
Hansen	Hendrickson	Jones	King
Kiser	Litvack	McGee	Menlove
Morgan	Romero	Wheatley	Wiley

**Absent or not voting were:** Representatives

Biskupski                      Ferrin                      Ferry                      Moss  
Newbold

**H.B. 109**, as amended by the Senate, transmitted to the Senate for signature of the president.

### MISCELLANEOUS BUSINESS

On motion of Representative D. Clark, the House voted to consider **H.B. 109** under suspension of the rules. **H.B. 109** was revoted for final passage under suspension of the rules.

### CONCURRENCE CALENDAR

**H.B. 109**, as amended by the Senate, and under suspension of the rules, then passed on the following roll call:

**Yeas, 50; Nays, 17; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Bigelow	Buttars	Christensen	D. Clark
S. Clark	Daw	Dayton	Dee
Donnelson	Dougall	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hardy	Harper
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Lockhart	Mascaro
Mathis	Menlove	Morley	Murray
Noel	Oda	Painter	Ray
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Becker	Bourdeaux	Cosgrove	D. Cox
Duckworth	Gowans	Hansen	Hendrickson
Jones	King	Kiser	Litvack
McGee	Morgan	Moss	Romero
Wheatley			

**Absent or not voting were:** Representatives

Alexander	Biskupski	Bowman	Buxton
Last	Lawrence	Newbold	Wiley

**H.B. 109**, as amended by the Senate, transmitted to the Senate for signature of the president.

### MISCELLANEOUS BUSINESS

On motion of Representative D. Clark, under suspension of the rules, the House voted to consider **H.B. 157**, **H.B. 165**, **H.B. 216**, and **Sub. H.B. 234**, under suspension of the rules because they are fiscal note bills.

### CONCURRENCE CALENDAR

On motion of Representative Ure, the House voted to concur in the Senate amendments to **H.B. 157**, WATER ENFORCEMENT PROCEDURES AND PENALTIES.

**H.B. 157**, as amended by the Senate, and under suspension of the rules, then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agaard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Dayton	Gowans	E. Hutchings	Newbold
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**H.B. 157**, as amended by the Senate, transmitted to the Senate for signature of the president.



\* \* \*

On motion of Representative Jones, the House voted to concur in the Senate amendments to **H.B. 165**, UTAH COMMISSION ON AGING.

**H.B. 165**, as amended by the Senate, and under suspension of the rules, then passed on the following roll call:

**Yeas, 46; Nays, 26; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buxton	D. Clark	S. Clark	Cosgrove
Dee	Duckworth	Dunnigan	Fisher
Fowlke	Goodfellow	Hansen	Hardy
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Last	Lawrence	Litvack	Mascaro
McGee	Menlove	Morgan	Moss
Murray	Noel	Painter	Romero
Shurtliff	Ure	Urquhart	Wallace
Wheatley	Wiley		

**Voting in the negative were:** Representatives

Alexander	Barrus	Buttars	Christensen
D. Cox	Daw	Dayton	Donnelson
Dougall	Ferrin	Ferry	Frank
Gibson	Harper	Hughes	Kiser
Lockhart	Mathis	Morley	Oda
G. Snow	Tilton	Walker	Wheeler
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Gowans	Newbold	Ray
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**H.B. 165**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Holdaway, the House voted to concur in the Senate amendments to **H.B. 216**, GLOBAL POSITIONING REFERENCE NETWORK.

**H.B. 216**, as amended by the Senate, and under suspension of the rules, then passed on the following roll call:

**Yeas, 68; Nays, 1; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Moss
Murray	Noel	Oda	Painter
Romero	Shurtliff	G. Snow	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Voting in the negative was:** Representative

Tilton

**Absent or not voting were:** Representatives

Aagard	Barrus	Gowans	Morley
Newbold	Ray		

**H.B. 216**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Goodfellow, the House voted to concur in the Senate amendments to **Sub. H.B. 234**, TELEPHONE SURCHARGE FOR EDUCATION AND TRAINING PROGRAMS AT PRISON.

**Sub. H.B. 234**, as amended by the Senate, and under suspension of the rules, then passed on the following roll call:

**Yeas, 63; Nays, 9; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferry
Fisher	Fowlke	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	Jones	King	Kiser
Lawrence	Litvack	Lockhart	Mascaro
McGee	Menlove	Morgan	Moss
Murray	Noel	Oda	Painter
Ray	Romero	Shurtliff	Tilton
Ure	Urquhart	Walker	Wheatley
Wheeler	Wiley	Curtis	

**Voting in the negative were:** Representatives

Buttars	Frank	Hughes	B. Johnson
Last	Mathis	Morley	G. Snow
Wallace			

**Absent or not voting were:** Representatives

Ferrin	Newbold	Wyatt
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**Sub. H.B. 234**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Johnson, the House voted to concur in the Senate amendments to **2nd Sub. H.B. 188**, PUBLIC EDUCATION JOB ENHANCEMENT PROGRAM.

On motion of Representative Johnson, under suspension of the rules, the House voted to consider **2nd Sub. H.B. 188** read the first, second, and third times by short title.

**2nd Sub. H.B. 188**, as amended by the Senate, then passed on the following roll call:

**Yeas, 56; Nays, 14; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferry	Fowlke	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Litvack	Mascaro	McGee	Menlove
Morgan	Moss	Murray	Noel
Oda	Shurtliff	G. Snow	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Voting in the negative were:** Representatives

D. Cox	Daw	Dayton	Fisher
Frank	Lockhart	Mathis	Morley
Painter	Romero	Tilton	Ure
Walker	Wallace		

**Absent or not voting were:** Representatives

Ferrin	Lawrence	Newbold	Ray
Urquhart			

**2nd Sub. H.B. 188**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Morley, the House voted to concur in the Senate amendments to **Sub. H.B. 105**, CONSTRUCTION FILING AMENDMENTS.

**Sub. H.B. 105**, as amended by the Senate, then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen

D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Alexander Ferrin

**Sub. H.B. 105**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Dunnigan, the House voted to concur in the Senate amendments to **Sub. H.B. 200**, INSURANCE LAW REVISIONS.

**Sub. H.B. 200**, as amended by the Senate, then passed on the following roll call:

**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue

Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting was:** Representative  
Bowman

**Sub. H.B. 200**, as amended by the Senate, transmitted to the Senate for signature of the president.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to move to the Senate Third Reading Calendar.

### UNFINISHED BUSINESS

On motion of Representative Litvack, the House voted to uncircle **Sub. S.B. 177**.

**Sub. S.B. 177**, INCREASE STATUTE OF LIMITATIONS ON RAPE, was before the House on its final passage.

Representative Litvack proposed the following amendment:

1. Page 2, Lines 30 through 37
  - 30 (1) Except as otherwise provided, a prosecution for:
  - 31 (a) a felony or negligent homicide shall be commenced within
  - 32 four years after it is
  - 32 committed[;], except that prosecution for the offenses under
  - 32 Subsection (2) shall be
  - 33 commenced {~~;~~
  - 34 ~~(i) -}~~ within eight years after the offense is committed, if
  - 34 within four years after its

35 commission the offense is reported to a law enforcement agency. { - ; or

36 (ii) at a later date if DNA evidence allows prosecution to be commenced under

37 Subsection (3) } ;

2. Page 2, Lines 47 through 49:

47 [~~2~~] (3) (a) { - A - } Notwithstanding Subsection (1),  
prosecution for the offenses listed in Subsections  
76-3-203.5(1)(c)(i)(A)

48 through (P) may be commenced at any time if the identity of the  
person who committed the

49 crime is unknown but DNA evidence is collected that would  
identify the person at a later date.

Representative Litvack's motion to amend passed on a voice vote.

**Sub. S.B. 177**, as amended, then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Dunnigan                      Kiser                      Urquhart

**Sub. S.B. 177**, as amended, returned to the Senate for further consideration.

### THIRD READING CALENDAR

**Sub. S.B. 65**, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, read the third time by short title and placed on its final passage.

**Sub. S.B. 65** then passed on the following roll call:

**Yeas, 47; Nays, 21; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Biskupski	Bourdeaux	Bowman	Buxton
D. Clark	S. Clark	Cosgrove	D. Cox
Dee	Duckworth	Ferrin	Ferry
Fisher	Fowlke	Gibson	Goodfellow
Gowans	Hansen	Hardy	Hendrickson
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	McGee
Morgan	Moss	Murray	Oda
Painter	Ray	Romero	Shurtliff
Ure	Wheatley	Wiley	

**Voting in the negative were:** Representatives

Alexander	Bigelow	Buttars	Christensen
Daw	Dayton	Donnelson	Dunnigan
Hogue	Lockhart	Mathis	Menlove
Morley	Noel	G. Snow	Tilton
Walker	Wallace	Wheeler	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Becker	Dougall	Frank	Harper
Holdaway	Newbold	Urquhart	

**Sub. S.B. 65** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.



\* \* \*

**Sub. S.B. 215, FINANCIAL INSTITUTIONS AS LIMITED LIABILITY COMPANIES**, read the third time by short title and placed on its final passage.

Representative Romero declared a conflict of interest because one of his law partners worked on this bill.

**Sub. S.B. 215** then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Becker	Holdaway	Newbold	Tilton
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**Sub. S.B. 215** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.J.R. 6, SPACE EXPLORATION RESOLUTION**, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **S.J.R. 6**.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

### AFTERNOON SESSION

The House was called to order by Speaker Curtis at 2:20 p.m.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 1, 2005

The Senate, upon reconsideration, passed as substituted, **2nd Sub. S.B. 231**, COMPENSATION OF LIEUTENANT GOVERNOR AND OTHER STATE OFFICERS, by Senator M. Madsen, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **2nd Sub. S.B. 231**, read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: March 1, 2005

The Senate passed, as amended, **1st Sub. H.B. 42**, MEDICAL RECOMMENDATIONS FOR CHILDREN, by Representative M. Morley, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 280**, JOINT CUSTODY AMENDMENTS, by Representative L. Christensen, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. H.B. 42** and **H.B. 280**, placed on the calendar for concurrence.

\* \* \*

Mr. Speaker: March 1, 2005

The Senate passed, **H.B. 206**, CHARTER SCHOOL REPORTING, by Representative C. Moss, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 301**, SUPPLEMENTAL APPROPRIATIONS III, by Representative R. Bigelow, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 206** and **H.B. 301** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### CONCURRENCE CALENDAR

On motion of Representative McGee, the House voted to concur in the Senate amendments to **2nd Sub. H.B. 49**, BICYCLE SAFETY PROVISIONS.

**2nd Sub. H.B. 49**, as amended by the Senate, then passed on the following roll call:

**Yeas, 42; Nays, 26; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	Cosgrove
Daw	Dee	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Goodfellow
Gowans	Hardy	Harper	Hendrickson
Holdaway	Hughes	Hunsaker	E. Hutchings
Jones	Kiser	Last	Lawrence
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Ray	Romero
Shurtliff	Ure	Urquhart	Wheatley
Wiley	Wyatt		

**Voting in the negative were:** Representatives

S. Allen	Barrus	Buttars	Christensen
S. Clark	Dayton	Donnelson	Dougall
Dunnigan	Frank	Gibson	Hansen
Hogue	B. Johnson	Lockhart	Morley
Murray	Newbold	Oda	Painter
G. Snow	Tilton	Walker	Wallace
Wheeler	Curtis		

**Absent or not voting were:** Representatives

Adams	Alexander	D. Clark	D. Cox
King	Litvack	Noel	

**2nd Sub. H.B. 49**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Lockhart, the House voted to concur in the Senate amendments to **H.B. 79**, PROVISION OF SERVICES FOR PEOPLE WITH DISABILITIES.

**H.B. 79**, as amended by the Senate, then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	Kiser	Last	Lawrence
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Alexander	D. Clark	King	Litvack
Noel	Ure		

**H.B. 79**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Oda, the House voted to concur in the Senate amendments to **H.B. 223**, AMENDMENTS TO DRIVER LICENSE AND IDENTIFICATION CARDS.

**H.B. 223**, as amended by the Senate, then passed on the following roll call:

**Yeas, 62; Nays, 11; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bowman	Buttars
Buxton	Christensen	S. Clark	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	King	Kiser	Last
Lawrence	Mascaro	Mathis	Menlove
Morgan	Morley	Murray	Newbold
Noel	Oda	Painter	Ray
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Cosgrove
Jones	Litvack	McGee	Moss
Romero	Wheatley	Wiley	

**Absent or not voting were:** Representatives

D. Clark	Lockhart
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**H.B. 223**, as amended by the Senate, transmitted to the Senate for signature of the president.

### MISCELLANEOUS BUSINESS

On substitute motion of Representative Lockhart, under suspension of the rules, the House voted to lift **H.B. 288** and **H.B. 382** from the Rules Committee, consider them read the second time by short title and placed at the top of the Third Reading Calendar.

\* \* \*

On motion of Representative Snow, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

\* \* \*

On motion of Representative Lockhart, under suspension of the rules, the House voted to lift **H.B. 382** to the top of the Third Reading Calendar.

### THIRD READING CALENDAR

**H.B. 382**, SUPPLEMENTAL MINIMUM SCHOOL PROGRAM FINANCE ACT, read the third time by short title and placed on its final passage.

Representative Allen proposed the following amendment:

1. Page 6, Line 174:  
After "six" insert "or preschool handicapped"
2. Page 6, Line 178:  
After "six" insert "or preschool handicapped"

Representative Allen's motion to amend passed on a voice vote.

**H.B. 382**, as amended, then passed on the following roll call:

**Yeas, 70; Nays, 1; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative was:** Representative Holdaway

**Absent or not voting were:** Representatives Alexander Buxton Dee Murray

**H.B. 382**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 288**, EXECUTIVE COMPENSATION AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **H.B. 288**.

**MISCELLANEOUS BUSINESS**

On motion of Representative Ferry, the House voted to move to the Senate Third Reading Calendar.

**UNFINISHED BUSINESS**

On motion of Representative Lockhart, the House voted to uncircle **S.B. 227**.

**S.B. 227**, PUBLIC SAFETY DRIVING PRIVILEGE AND IDENTIFICATION CARD AMENDMENTS, was before the House on its final passage.

Representative Ure proposed the following amendment:

- 1. Page 1, Line 12
  - 12 This bill:
    - ▶ requires the Driver License Division to make rules for acceptable documentation of an applicant’s identity, Utah residency, Utah residence address, proof of legal presence, and proof of citizenship;
    - ▶ prohibits the Driver License Division from issuing a driver license, driving privilege card, or identification card to a person who is not a Utah resident;
- 2. Page 2, Lines 44 through 46
  - Senate Committee Amendments 2–16–2005:
  - 44 AMENDS:
    - 53–3–104, as last amended by Chapter 85, Laws of Utah 2001

45 53-3-205, as last amended by Chapter 222, Laws of Utah 2004  
53-3-204, as last amended by Chapter 30, Laws of Utah 2003

46 53-3-207, as last amended by Chapter 144, Laws of Utah 2004

3. Page 2, Line 50

Senate Committee Amendments 2-16-2005:

50 Be it enacted by the Legislature of the state of Utah:

Section 1. Section 53-3-104 is amended to read:

53-3-104. Division duties.

The division shall:

(1) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, make rules:

(a) for examining applicants for a license, as necessary for the safety and welfare of the traveling public;

(b) for acceptable documentation of an applicant's identity, Utah resident status, Utah residence address, proof of legal presence, proof of citizenship, and other proof or documentation required under this chapter;

{-(b)-} (c) regarding the restrictions to be imposed on a person driving a motor vehicle with a temporary learner permit; and  
 {-(e)-} (d) for exemptions from licensing requirements as authorized in this chapter;

(2) examine each applicant according to the class of license applied for;

(3) license motor vehicle drivers;

(4) file every application for a license received by it and shall maintain indices containing:

(a) all applications denied and the reason each was denied;

(b) all applications granted; and

(c) the name of every licensee whose license has been suspended, disqualified, or revoked by the division and the reasons for the action;

(5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this chapter;

(6) file all accident reports and abstracts of court records of convictions received by it under state law;

(7) maintain a record of each licensee showing his convictions and the traffic accidents in which he has been involved where a conviction has resulted;

(8) consider the record of a licensee upon an application for



renewal of a license and at other appropriate times;

(9) search the license files, compile, and furnish a report on the driving record of any person licensed in the state in accordance with Section 53-3-109;

(10) develop and implement a record system as required by Section 41-6-48.5;

(11) in accordance with Section 53A-13-208, establish:

(a) procedures and standards to certify teachers of driver education classes to administer knowledge and skills tests;

(b) minimal standards for the tests; and

(c) procedures to enable school districts to administer or process any tests for students to receive a class D operator's license;

(12) in accordance with Section 53-3-510, establish:

(a) procedures and standards to certify licensed instructors of commercial driver training school courses to administer the skills test;

(b) minimal standards for the test; and

(c) procedures to enable licensed commercial driver training schools to administer or process skills tests for students to receive a class D operator's license; and

(13) provide administrative support to the Driver License Medical Advisory Board created in Section 53-3-303.

4. Page 7, Line 184:

184 (c) injury.

Section 3. Section 53-3-204 is amended to read:

53-3-204. Persons who may not be licensed.

(1) (a) The division may not license a person who:

(i) is younger than 16 years of age;

(ii) has not completed a course in driver training approved by the commissioner; or

(iii) if the person is a minor, has not completed the driving requirement under Section 53-3-211 ~~{-}~~ ; or

(iv) is not a resident of the state of Utah.

(b) ~~{-Subsection-}~~ Subsections (1)(a) (i), (ii), and (iii) ~~{-does-}~~ do not apply to a person:

(i) who has been licensed before July 1, 1967;

(ii) who is 16 years of age or older making application for a license who has been licensed in another state or country; or

(iii) who is applying for a permit under Section 53-3-210 or

53A-13-208.

(2) The division may not issue a license certificate to a person:

(a) whose license has been suspended, denied, cancelled, or disqualified during the period of suspension, denial, cancellation, or disqualification;

(b) whose privilege has been revoked, except as provided in Section 53-3-225;

(c) who has previously been adjudged mentally incompetent and who has not at the time of application been restored to competency as provided by law;

(d) who is required by this chapter to take an examination unless the person successfully passes the examination; or

(e) whose driving privileges have been denied or suspended under:

(i) Section 78-3a-506 by an order of the juvenile court; or

(ii) Section 53-3-231.

(3) The division may grant a class D or M license to a person whose commercial license is disqualified under Part 4 of this chapter if the person is not otherwise sanctioned under this chapter.

5. Page 10, Lines 277 through 278:

277 (1) To apply for an identification card, the applicant shall ;

(a) be a Utah resident;

(b) have a Utah residence

278 address ; and

(c) and appear in person at any license examining station.

Renumber remaining sections accordingly.

Representative Romero proposed the following substitute motion to amend:

Include Representative Ure's amendment plus the following:

1. Page 9, Line 273

Senate Committee Amendments 2-16-2005

273 chapter.

(12) Nothing in this section shall be construed to permit any law enforcement agency of this state to enforce federal legal presence provisions to any extent that is not elsewhere provided by law.

The motion was divided. Representative Ure's motion to amend passed on a voice vote.

Representative Romero’s motion to amend failed on the following roll call:

**Yeas, 30; Nays, 38; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Becker	Biskupski	Bourdeaux	Bowman
D. Clark	S. Clark	Cosgrove	Daw
Duckworth	Fowlke	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	E. Hutchings
Jones	King	Lawrence	Litvack
Mascaro	McGee	Menlove	Morgan
Moss	Romero	Shurtliff	Ure
Wheatley	Wiley		

**Voting in the negative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Bigelow	Buttars	Buxton
Christensen	D. Cox	Dee	Donnelson
Dunnigan	Ferrin	Ferry	Fisher
Frank	Gibson	Harper	Hogue
Hughes	Hunsaker	B. Johnson	Kiser
Last	Lockhart	Mathis	Murray
Noel	Oda	Painter	Ray
G. Snow	Tilton	Walker	Wallace
Wheeler	Wyatt		

**Absent or not voting were:** Representatives

Dayton	Dougall	Holdaway	Morley
Newbold	Urquhart	Curtis	

###

Representative Goodfellow proposed the following amendment:

1. Page 1, Line 26 through Page 2, Line 28

26       ▶       {~~repeals, as a substitute for a Social Security number, the use of a temporary~~

27   ~~identification number (ITIN) issued by the Internal Revenue Service for purposes of~~

28   ~~obtaining an identification card issued by the Driver License Division;—}~~   requires the Driver License Division to distinguish an

identification card that is issued to a person who did not use a Social Security number to obtain the identification card;

2. Page 2, Lines 35 through 37  
Senate Committee Amendments 2-16-2005:
- 35 year; and
- 36 {~~—~~~~—~~provides that an identification card that was obtained  
without using a Social
- 37 ~~Security number expires on July 1, 2005; and—}~~
3. Page 2, Lines 41 through 42  
Senate Committee Amendments 2-16-2005:
- 41 Other Special Clauses:
- 42 ~~§~~→ [ ~~This bill takes effect on July 1, 2005~~] This bill provides  
an immediate effective date. ←~~§~~ .  
This bill provides a coordination clause.
4. Page 2, Lines 47 through 48  
Senate Committee Amendments 2-16-2005:
- 47 53-3-804, as last amended by Chapter 30, Laws of Utah 2003  
53-3-806, as last amended by Chapters 30 and 309, Laws of  
Utah 2003
- 48 {~~53-3-807, as last amended by Chapter 30, Laws of Utah~~  
~~2003—}~~
5. Page 10, Lines 281 through 286:
- 281 (b) date of birth as set forth in a certified copy of the applicant's  
birth certificate, or
- 282 other satisfactory evidence of birth, which shall be attached to the  
application;
- 283 (c) {~~—~~} (i) {~~—~~} Social Security number;  
{~~—~~} or {~~—~~}
- 284 {~~—~~} (ii) temporary identification number (ITIN) issued  
by the Internal Revenue Service for
- 285 a person who does not qualify for a Social Security  
number; {~~—~~}
- 286 (d) place of birth;

## 6. Page 10, Line 299:

299 information required under Subsection (2)(g).

Section 4. Section 53-3-806 is amended to read:

53-3-806. Portrait-style format -- Minor's card distinguishable.

(1) The division shall use a portrait-style format for all identification cards, similar to the format used for license certificates issued to a person younger than 21 years of age under Section 53-3-207.

(2) The identification card issued to a person younger than 21 years of age shall be distinguished by use of plainly printed information or by the use of a color or other means not used for the identification card issued to a person 21 years of age or older.

(3) The division shall distinguish an identification card issued to any person:

(a) younger than 21 years of age by plainly printing the date the identification card holder is 21 years of age, which is the legal age for purchasing an alcoholic beverage or product under Section 32A-12-203; and

(b) younger than 19 years of age by plainly printing the date the identification card holder is 19 years of age, which is the legal age for purchasing tobacco products under Section 76-10-104.

(4) (a) The division shall distinguish an identification card obtained without using a Social Security number as required under Subsection 53-3-804(2).

(b) The distinction under Subsection (4)(a) may be done with the use of a format, color, font, or other means.

(5) A governmental entity may not accept an identification card distinguished under Subsection (4) as proof of personal identification.

## 7. Page 10, Line 300 through Page 11, Line 332:

Delete lines 300-332

Re-number remaining sections accordingly.

## 8. Page 11, Line 334c

Senate Committee Amendments 2-16-2005:

334c signature, or in the case of a veto, the date of veto override. ➔ §  
Section 6. Coordinating S.B. 227 with H.B. 223.

Notwithstanding the coordination clause in H.B. 223, Amendments to Driver License and Identification Cards, it is the intent of the

Legislature, that Subsection (1) of the coordination clause in H.B. 223 be deleted and renumber the remaining subsections accordingly.

Representative Goodfellow's motion to amend failed on the following roll call:

**Yeas, 22; Nays, 48; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Becker	Biskupski	Bourdeaux	Cosgrove
Duckworth	Fowlke	Goodfellow	Gowans
Hansen	Hendrickson	Jones	King
Litvack	Mascaro	McGee	Menlove
Morgan	Moss	Romero	Shurtliff
Wheatley	Wiley		

**Voting in the negative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bowman	Buttars
Buxton	Christensen	D. Clark	S. Clark
D. Cox	Daw	Dee	Donnelson
Dougall	Dunnigan	Ferrin	Ferry
Fisher	Frank	Gibson	Hardy
Harper	Hogue	Hughes	Hunsaker
E. Hutchings	Kiser	Last	Lawrence
Lockhart	Mathis	Morley	Murray
Noel	Oda	Painter	Ray
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheeler	Wyatt

**Absent or not voting were:** Representatives

Dayton	Holdaway	B. Johnson	Newbold
Curtis			

###

Representative Litvack proposed the following amendment:

1. Page 1, Lines 18 through 23

18 • distinguish a driving privilege card from a license certificate by {→

19 • ~~use a format, color, font, or other means to clearly distinguish the driving~~

20 ~~privilege card from other driver licenses; and~~

21 ~~• clearly display on the front of driving privilege card a phrase substantially~~

22 ~~similar to “FOR DRIVING PRIVILEGES ONLY—NOT VALID FOR~~

23 ~~IDENTIFICATION” } indicating on the card whether a Social Security number has been provided ;~~

- 2. Page 9, Lines 256 through 259  
Senate Committee Amendments 2–16–2005:

256 ~~(b) The division shall distinguish a driving privilege card from a license certificate by {–:~~

257 ~~(i) use of a format, color, font, or other means; and~~

258 ~~(ii) clearly displaying on the front of the driving privilege card a phrase substantially~~

259 ~~similar to “FOR DRIVING PRIVILEGES ONLY—NOT VALID FOR IDENTIFICATION” } indicating on the card whether a Social Security number has been provided .~~

Representative Litvack’s motion to amend failed on a voice vote.

**S.B. 227**, as amended, then passed on the following roll call:

**Yeas, 53; Nays, 18; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bowman	Buttars
Buxton	Christensen	D. Clark	S. Clark
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Hardy	Harper	Hogue
Hughes	E. Hutchings	B. Johnson	Kiser
Last	Lawrence	Lockhart	Mathis
Menlove	Morgan	Morley	Murray
Newbold	Noel	Oda	Painter
Ray	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wyatt			

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Cosgrove
Duckworth	Goodfellow	Gowans	Hansen
Hendrickson	Jones	King	Litvack
McGee	Moss	Romero	Shurtliff
Wheatley	Wiley		

**Absent or not voting were:** Representatives

Holdaway	Hunsaker	Mascaro	Curtis
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**S.B. 227**, as amended, returned to the Senate for further consideration.

**UNFINISHED BUSINESS**

On motion of Representative Ferry, the House voted to uncircle **S.J.R. 6**.

**S.J.R. 6**, SPACE EXPLORATION RESOLUTION, was before the House on its final passage.

**S.J.R. 6** then passed on the following roll call:

**Yeas, 64; Nays, 1; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Bourdeaux
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Donnelson	Dougall	Duckworth
Dunnigan	Ferry	Fisher	Fowlke
Frank	Goodfellow	Gowans	Hansen
Hardy	Harper	Hogue	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
Menlove	Morgan	Morley	Murray
Newbold	Noel	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheeler	Wiley	Wyatt	Curtis

**Voting in the negative was:** Representative Ferrin



**Absent or not voting were:** Representatives

Biskupski	Bowman	Dee	Gibson
Hendrickson	Holdaway	McGee	Moss
Oda	Wheatley		

**S.J.R. 6** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

**UNFINISHED BUSINESS**

On motion of Representative Alexander, the House voted to uncircle **H.B. 288**.

**H.B. 288**, EXECUTIVE COMPENSATION AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Alexander proposed the following amendment:

1. Page 7, Lines 183–187:  
Delete lines 183 through 187.

Representative Alexander's motion to amend passed on a voice vote.

**H.B. 288**, as amended, then passed on the following roll call:

**Yeas, 47; Nays, 25; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	D. Cox	Daw	Dayton
Donnelson	Dougall	Ferrin	Ferry
Frank	Gibson	Hardy	Harper
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Last	Lawrence
Lockhart	Mascaro	Morgan	Murray
Noel	Oda	Painter	Romero
G. Snow	Tilton	Ure	Urquhart
Wallace	Wheeler	Curtis	

**Voting in the negative were:** Representatives

Becker	Biskupski	Cosgrove	Duckworth
Dunnigan	Fisher	Fowlke	Goodfellow
Gowans	Hansen	Hendrickson	Jones
King	Kiser	Litvack	Mathis
McGee	Menlove	Moss	Ray
Shurtliff	Walker	Wheatley	Wiley
Wyatt			

**Absent or not voting were:** Representatives

Dee	Morley	Newbold
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**H.B. 288**, as amended, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Lockhart, the House voted to lift the following House Bills on the House Third Reading Calendar and return them to the Rules Committee: **Sub. H.B. 302, H.B. 307, H.B. 131, 2nd Sub. H.B. 153, H.B. 73, H.B. 274, H.B. 199, H.B. 340, H.B. 252, Sub. H.B. 232, Sub. H.B. 239, Sub. H.B. 304, 2nd Sub. H.B. 152, H.B. 141, H.B. 262, H.B. 169, and Sub. H.B. 92.**

\* \* \*

On motion of Representative Alexander, the House voted to move to the Senate Third Reading Calendar.

\* \* \*

On motion of Representative Alexander, the House voted to saunter.

On motion of Representative Ferry, the House voted to cease to saunter.

**THIRD READING CALENDAR**

**2nd Sub. S.B. 110, MEDICAL DEVICE NOTIFICATION AND LIABILITY**, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **2nd Sub. S.B. 110**.

\* \* \*

**S.B. 194, SALES AND USE TAX EXEMPTION FOR ITEMS RELATING TO DIRECT MAIL**, read the third time by short title and placed on its final passage.

**S.B. 194** then passed on the following roll call:

**Yeas, 56; Nays, 0; Absent or not voting, 19.**

**Voting in the affirmative were:** Representatives

Adams	Barrus	Becker	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
Cosgrove	D. Cox	Daw	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Frank	Gibson
Goodfellow	Gowans	Hardy	Harper
Hendrickson	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Lawrence	Litvack	Lockhart
Mascaro	Mathis	Morgan	Morley
Murray	Newbold	Noel	Oda
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wheatley	Wheeler	Wyatt	Curtis

**Absent or not voting were:** Representatives

Aagard	Alexander	S. Allen	Bigelow
Biskupski	Buxton	S. Clark	Dayton
Dee	Fowlke	Hansen	Hogue
Last	McGee	Menlove	Moss
Painter	Wallace	Wiley	

**S.B. 194** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### UNFINISHED BUSINESS

On motion of Representative Urquhart, the House voted to uncircle **2nd Sub. S.B. 110**.

**2nd Sub. S.B. 110**, MEDICAL DEVISE NOTIFICATION AND LIABILITY, was before the House on its final passage.

**2nd Sub. S.B. 110** then passed on the following roll call:

**Yeas, 64; Nays, 7; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Bigelow	Biskupski	Bowman	Buttars

Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Hardy
Harper	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Romero	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt

**Voting in the negative were:** Representatives

Becker	Bourdeaux	Gowans	Hansen
Hendrickson	Litvack	Ray	

**Absent or not voting were:** Representatives

Adams	Dee	Ure	Curtis
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**2nd Sub. S.B. 110** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**THIRD READING CALENDAR**

**S.J.R. 17, RESOLUTION RECOGNIZING HUNTSMAN CANCER INSTITUTE**, read the third time by short title and placed on its final passage.

**S.J.R. 17** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	D. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow

Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Buxton	Christensen	S. Clark	Hughes
Hunsaker	Litvack	Ray	Ure

**S.J.R. 17** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**5th Sub. S.B. 61**, PRIVATELY OWNED HEALTH CARE ORGANIZATION TASK FORCE, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House considered **5th Sub. S.B. 61** under suspension of the rules.

Representative Alexander proposed the following amendment:

1. Page 2, Line 43:  
Delete "\$400,000" and insert "\$300,000"
2. Page 4, Line 112:  
Delete "\$400,000" and insert "\$300,000"
3. Page 4, Lines 89 through 95  
89 {- and-}  
90 (i) the impact of proliferation of medical technology and facilities ;  
(j) patient choice of, and access to, health care providers including:  
(i) the impact of any willing provider laws as applied to health maintenance organizations and preferred provider organizations; and

(ii) the use of medical non-compete provisions; and  
(k) the effect of Subsections (1)(a) through (g) on:  
(i) the state’s Medicaid program;  
(ii) other government delivered health care services;  
(iii) patients of the government programs described in this  
Subsection (k), and  
(iv) the health care delivery systems of the government programs  
described in this subsection (k).

- 91 (2) Notwithstanding the provisions of Section 52-4-5, the task  
force may close a  
92 meeting to review or discuss a record which { -is } :  
93 (a) is a trade secret; or  
94 (b) contains commercial information; and  
95 (c) is classified as a protected record under Section 63-2-304.

Representative Alexander’s motion to amend passed on a voice vote.

Representative S. Clark declared a conflict of interest because he works on one of IHC’s boards.

**5th Sub. S.B. 61**, as amended, then passed on the following roll call:

**Yeas, 63; Nays, 9; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Buttars
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	Daw	Dee	Donnelson
Dougall	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Hardy	Harper	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wheatley	Wheeler	Wyatt	

**Voting in the negative were:** Representatives

Agard	Bourdeaux	D. Cox	Duckworth
Gowans	Hansen	Hendrickson	Wallace
Wiley			

**Absent or not voting were:** Representatives

Bowman	Dayton	Curtis
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**5th Sub. S.B. 61**, as amended, returned to the Senate for further consideration.

**UNFINISHED BUSINESS**

On motion of Representative Adams, the House voted to uncircle **Sub. S.B. 60**.

**Sub. S.B. 60**, LOCAL LAND USE DEVELOPMENT AND MANAGEMENT AMENDMENTS, was before the House on its final passage.

On motion of Representative Adams, the House voted to delete **Sub. S.B. 60** in title and body and insert **2nd Sub. S.B. 60** in lieu thereof.

Representative Christensen proposed the following amendment:

1. Page 16, Line 485:

485 {–restrictive covenants,–} easements, and development agreements governing uses, density, open

2. Page 16, Line 488:

488 requirements, public facilities, {–and height and location of }  
vegetation, [~~and~~] trees, and

3. Page 60, Lines 1826 through 1827:

1826 (b) An owner's failure to record a plat within the time period designated by ordinance

1827 {– renders–} may render the plat voidable, unless the failure is for good cause or for reasons beyond the owner's reasonable control .

4. Page 71, Line 2168:

2168 shall have ten but not more than 30 calendar days to appeal.

5. Page 73, Lines 2242 through 2247:

2242 ~~(8)(a) {-(i) }~~ If there is a record, the district court's review is limited to the record provided

2243 by the land use authority or appeal authority, as the case may be,

2244 ~~{-(ii) The court may not accept or consider any evidence outside the record of the land~~

2245 use authority or appeal authority, as the case may be, unless that evidence was offered to the

2246 land use authority or appeal authority, respectively, and the court determines that it was

2247 improperly excluded. }

6. Page 84, Line 2598:

2598 ~~{- restrictive covenants,-}~~ easements, and development agreements governing uses, density, open

7. Page 85, Line 2601:

2601 requirements, public facilities, { -and height and location of } vegetation, [and] trees, and

8. Page 136, Lines 4207 through 4208:

4207 (b) An owner's failure to record a plat within the time period designated by ordinance

4208 ~~{-renders }~~ may render the plat voidable unless the failure is for good cause or for reasons beyond the owner's reasonable control .

9. Page 147, Line 4546:

4546 shall have ten but not more than 30 calendar days to appeal.

10. Page 150, Lines 4620 through 4625:

4620 ~~(8)(a) {-(i) }~~ If there is a record, the district court's review is limited to the record provided

4621 by the land use authority or appeal authority, as the case may be,

4622 (ii) The court may not accept or consider any evidence outside the record of the land



4623 use authority or appeal authority, as the case may be, unless that evidence was offered to the

4624 land use authority or appeal authority, respectively, and the court determines that it was

4625 improperly excluded.

The motion was divided.

Items 1, 2, 6, and 7 failed on the following roll call:

**Yeas, 25; Nays, 44; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	Buttars	Christensen
D. Clark	S. Clark	D. Cox	Daw
Dayton	Donnelson	Duckworth	Ferrin
Frank	Harper	Hogue	Hughes
E. Hutchings	B. Johnson	Kiser	Lockhart
Mascaro	Morley	Tilton	Ure
Wheeler			

**Voting in the negative were:** Representatives

Adams	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Cosgrove	Dee	Dunnigan	Fisher
Fowlke	Gibson	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Holdaway
Hunsaker	Jones	King	Last
Lawrence	Litvack	McGee	Menlove
Morgan	Moss	Murray	Newbold
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Walker	Wallace
Wheatley	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Buxton	Dougall	Ferry	Mathis
Noel	Urquhart		

Items 3 and 8 failed on the following roll call:

**Yeas, 15; Nays, 46; Absent or not voting, 14.**

**Voting in the affirmative were:** Representatives

Alexander	Christensen	S. Clark	D. Cox
Daw	Dayton	Donnelson	Duckworth
Hogue	Hughes	Kiser	Lawrence
Tilton	Wheatley	Wheeler	

**Voting in the negative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	D. Clark	Cosgrove
Dee	Dunnigan	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Holdaway	Hunsaker	Jones	King
Last	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Moss
Murray	Newbold	Oda	Ray
Romero	Shurtliff	Wallace	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Bigelow	Dougall	Ferrin	Ferry
E. Hutchings	B. Johnson	Lockhart	Morley
Noel	Painter	G. Snow	Ure
Urquhart	Walker		

Items 4 and 9 failed on a voice vote.

Items 5 and 10 failed on the following roll call:

**Yeas, 23; Nays, 43; Absent or not voting, 9.****Voting in the affirmative were:** Representatives

Alexander	S. Allen	Buttars	Christensen
D. Clark	S. Clark	D. Cox	Daw
Dayton	Donnelson	Duckworth	Dunnigan
Frank	Hogue	Holdaway	Hughes
E. Hutchings	B. Johnson	Kiser	Morley
Tilton	Wheatley	Wheeler	

**Voting in the negative were:** Representatives

Aagard	Adams	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Bowman

Cosgrove	Dee	Fisher	Fowlke
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hunsaker
Jones	King	Last	Lawrence
Litvack	Mascaro	McGee	Menlove
Morgan	Moss	Murray	Newbold
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Walker	Wallace
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Buxton	Dougall	Ferrin	Ferry
Lockhart	Mathis	Noel	Ure
Urquhart			

###

Representative Dee proposed the following amendment:

1. Page 22, Line 649

649 one of the resulting separate {~~unsubdivided~~} parcels to a contiguous parcel of unsubdivided

2. Page 90, Lines 2767 through 2770:

2767 [(A)] (i) a bona fide division or partition of agricultural land for {[-]} agricultural purposes; {[-]}

2768 {- [(B)] the purpose of joining one of the resulting separate unsubdivided parcels to a contiguous

2769 parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel

2770 remaining from the division or partition violates an applicable land use ordinance;-}

3. Page 90, Line 2775:

2775 land use ordinances; {~~or~~}

4. Page 149, Line 4610:

4610 (5) If the county has complied with Section  
 {~~10-9a-205~~} 17-27a-205, a challenge to the enactment of

5. Page 149, Line 4613:

4613 (6) The petition is barred unless it is filed within 30 days after the land use authority or appeal authority's

Representative Dee's motion to amend passed on a voice vote.

**2nd Sub. S.B. 60**, as amended, then passed on the following roll call:

**Yeas, 59; Nays, 15; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Dunnigan	Ferrin	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hansen	Hardy	Harper	Hendrickson
Holdaway	Hughes	Hunsaker	E. Hutchings
Jones	King	Last	Lawrence
Litvack	Mascaro	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Ure
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Alexander	Buttars	Dayton	Donnelson
Dougall	Duckworth	Gowans	Hogue
B. Johnson	Kiser	Lockhart	Mathis
Noel	Tilton	Urquhart	

**Absent or not voting was:** Representative  
Ferry

**2nd Sub. S.B. 60**, as amended, returned to the Senate for further consideration.

### **THIRD READING CALENDAR**

**S.B. 153, TAX REFORM TASK FORCE**, read the third time by short title and placed on its final passage.

On motion of Representative Harper, the House voted to consider **S.B. 153** under suspension of the rules.

**S.B. 153** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

S. Allen	Biskupski	Dayton	Ferry
Lockhart	Mascaro	Morley	

**S.B. 153** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**2nd Sub. S.B. 13, INDIVIDUAL INCOME TAX SUBTRACTION FOR CERTAIN MILITARY INCOME**, read the third time by short title and placed on its final passage.

On motion of Representative Bigelow, the House voted to consider **2nd Sub. S.B. 13** under suspension of the rules.

Representative Bigelow proposed the following amendment:

1. Page 1, Lines 18 through 20

18 Other Special Clauses:

19 This bill has retrospective operation for the taxable  
{-years-} year beginning on or after January 1,  
20 2005 , but beginning on or before December 31, 2005 .

2. Page 12, Lines 355 through 358:

355 corporation; and

356 (n) [~~(i) except as provided in Subsection (2)(n)(ii),~~] for  
{-[-]} the {-[-]} taxable {-[-]} year {-[-]}  
{-years }

357 beginning on or after January 1, [~~2004~~ 2005 {-[-]} ], but  
beginning on or before December 31, {-[-]} [~~2004,~~ 2005.

358 the first \$2,200 of income a [~~resident or nonresident individual~~]  
qualifying military service

3. Page 16, Lines 479 through 481:

479 Section 3. Retrospective operation.

480 This bill has retrospective operation for the taxable  
{-years } year beginning on or after January 1,

481 2005 , but beginning on or before December 31, 2005 .

Representative Bigelow’s motion to amend passed on a voice vote.

**2nd Sub. S.B. 13**, as amended, then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue

Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Painter	Ray	Romero
G. Snow	Tilton	Walker	Wallace
Wheatley	Wheeler	Wyatt	

**Absent or not voting were:** Representatives

Dayton	Last	Oda	Shurtliff
Ure	Urquhart	Wiley	Curtis

**2nd Sub. S.B. 13**, as amended, returned to the Senate for further consideration.

\* \* \*

**S.B. 141**, MILITARY INSTALLATION PARTNERSHIPS, read the third time by short title and placed on its final passage.

On motion of Representative Dee, the House voted to consider **S.B. 141** under suspension of the rules.

**S.B. 141**, as amended, then passed on the following roll call:

**Yeas, 66; Nays, 5; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hansen	Hardy
Harper	Hendrickson	Hogue	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff

G. Snow	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Alexander	Ferrin	Gowans	Morley
Tilton			

**Absent or not voting were:** Representatives

Bigelow	Buttars	Dayton	Holdaway
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**S.B. 141**, as amended, returned to the Senate for further consideration.

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**S.B. 29**, LICENSING OF CRANE OPERATORS, read the third time by short title and placed on its final passage.

On motion of Representative Ure, the House voted to circle **S.B. 29**.

\* \* \*

**S.B. 206**, NONPARTICIPATING TOBACCO MANUFACTURER AMENDMENTS, read the third time by short title and placed on its final passage.

**S.B. 206**, as amended, then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dee	Donnelson
Dougall	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel



Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Dayton	Duckworth	Holdaway	Oda
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**S.B. 206**, as amended, returned to the Senate for further consideration.

**UNFINISHED BUSINESS**

On motion of Representative Ure, the House voted to uncircle **S.B. 29**.

**S.B. 29**, LICENSING OF CRANE OPERATORS, was before the House on its final passage.

Representative Ure proposed the following amendment:

- Page 4, Line 97:  
Delete "ten" and insert "thirty"
- Page 1, Lines 25 through 26  
25 58-55-303, as last amended by Chapter 198, Laws of Utah 2001  
26 58-55-305, as last amended by Chapters 39 and 191, Laws of Utah 2004  
58-55-501 (Effective 07/01/05), as last amended by Chapter 45, Laws of Utah 2004
- Page 19, Line 583:  
583 by an entity referred to in Subsection 58-55-302(3)(j)(ii).  
Section 5. Section 58-55-305 is amended to read:  
58-55-305. Exemptions from licensure.  
(1) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in acts or practices included within the practice of construction trades, subject to the stated circumstances and limitations, without being licensed under this chapter:  
(a) an authorized representative of the United States government or an authorized employee of the state or any of its political subdivisions when working on construction work of the state or the subdivision, and when acting within the terms of the person's trust,

office, or employment;

(b) a person engaged in construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation districts, and drainage districts or construction and repair relating to farming, dairying, agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and gravel excavations, well drilling, as defined in Subsection 73-3-24(3), hauling to and from construction sites, and lumbering;

(c) public utilities operating under the rules of the Public Service Commission on construction work incidental to their own business;

(d) sole owners of property engaged in building:

(i) no more than one residential structure per year and no more than three residential structures per five years on their property for their own noncommercial, nonpublic use; except, a person other than the property owner or individuals described in Subsection (1)(e), who engages in building the structure must be licensed under this chapter if the person is otherwise required to be licensed under this chapter; or

(ii) structures on their property for their own noncommercial, nonpublic use which are incidental to a residential structure on the property, including sheds, carports, or detached garages;

(e) (i) a person engaged in construction or renovation of a residential building for noncommercial, nonpublic use if that person:

(A) works without compensation other than token compensation that is not considered salary or wages; and

(B) works under the direction of the property owner who engages in building the structure;

(ii) for purposes of this Subsection (1)(e), "token compensation" means compensation paid by a sole owner of property exempted from licensure under Subsection (1)(d) to a person exempted from licensure under this Subsection (1)(e), that is:

(A) minimal in value when compared with the fair market value of the services provided by the person;

(B) not related to the fair market value of the services provided by the person; and

(C) is incidental to providing of services by the person including paying for or providing meals or refreshment while services are being provided, or paying reasonable transportation costs incurred by the person in travel to the site of construction;

(f) a person engaged in the sale or merchandising of personal

property that by its design or manufacture may be attached, installed, or otherwise affixed to real property who has contracted with a person, firm, or corporation licensed under this chapter to install, affix, or attach that property;

(g) a contractor submitting a bid on a federal aid highway project, if, before undertaking construction under that bid, the contractor is licensed under this chapter;

(h) (i) a person engaged in the alteration, repair, remodeling, or addition to or improvement of a building with a contracted or agreed value of less than \$1,000, including both labor and materials, and including all changes or additions to the contracted or agreed upon work;

(ii) notwithstanding Subsection (1)(h)(i):

(A) work in the plumbing and electrical trades must be performed by a licensed electrician or plumber except as otherwise provided in this section; and

(B) installation, repair, or replacement of a residential or commercial gas appliance or a combustion system must be performed by a person who has received certification under Subsection 58-55-308(2) except as otherwise provided in Subsection 58-55-308(2)(d) or 58-55-308(3);

(i) a person practicing a specialty contractor classification or construction trade which is not classified by rule by the director as significantly impacting the public's health, safety, and welfare;

(j) owners and lessees of property and persons regularly employed for wages by owners or lessees of property or their agents for the purpose of maintaining the property, are exempt from this chapter when doing work upon the property;

(k) (i) a person engaged in minor plumbing work incidental to the replacement or repair of a fixture or an appliance in a residential or small commercial building, or structure used for agricultural use, as defined in Section 58-56-4, provided that no modification is made to:

(A) existing culinary water, soil, waste, or vent piping; or

(B) a gas appliance or combustion system;

(ii) except as provided in Subsection (1)(e), installation for the first time of a fixture or an appliance is not included in the exemption provided under Subsection (1)(k)(i);

(l) a person who ordinarily would be subject to the plumber licensure requirements under this chapter when installing or repairing a water conditioner or other water treatment apparatus if the conditioner or apparatus:

(i) meets the appropriate state construction codes or local plumbing standards; and

(ii) is installed or repaired under the direction of a person authorized to do the work under an appropriate specialty contractor license;

(m) a person who ordinarily would be subject to the electrician licensure requirements under this chapter when employed by or under contract with:

(i) railroad corporations, telephone corporations or their corporate affiliates, elevator contractors or constructors, or street railway systems; or

(ii) public service corporations, rural electrification associations, or municipal utilities who generate, distribute, or sell electrical energy for light, heat, or power;

(n) a person involved in minor electrical work incidental to a mechanical or service installation;

(o) a student participating in construction trade education and training programs approved by the commission with the concurrence of the director under the condition that:

(i) all work intended as a part of a finished product on which there would normally be an inspection by a building inspector is, in fact, inspected and found acceptable by a licensed building inspector; and

(ii) a licensed contractor obtains the necessary building permits;  
{-and-}

(p) a delivery person when replacing any of the following existing equipment with a new gas appliance, provided there is an existing gas shutoff valve at the appliance:

(i) gas range;

(ii) gas dryer;

(iii) outdoor gas barbeque; or

(iv) outdoor gas patio heater {-} : and

(q) a person engaged in construction or operation incidental to petroleum refining, only with respect to the crane operator licensure requirements under Section 58-55-301.

(2) (a) A compliance agency as defined in Subsection 58-56-3(4) that issues a building permit to any person requesting a permit as a sole owner of property referred to in Subsection (1)(d) shall notify the division, in writing or through electronic transmission, of the issuance of the permit.

(b) The division shall evaluate the effectiveness of the

notification requirement under Subsection (2)(a) and report its findings, including any recommendations for modification to or termination of the requirement, to the Legislature’s Business and Labor Interim Committee prior to the 2008 General Session.

Renumber remaining sections accordingly.

Representative Morley proposed the following substitute motion to amend:

- 1. Page 4, Line 97:  
Delete “ten” and insert “100”

Representative Morley’s motion to amend passed on the following roll call:

**Yeas, 34; Nays, 32; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Buttars	Buxton	Christensen	D. Clark
D. Cox	Daw	Donnelson	Dougall
Ferrin	Ferry	Fisher	Fowlke
Frank	Hughes	Hunsaker	B. Johnson
Kiser	Last	Lockhart	Morley
Murray	Noel	Ray	G. Snow
Tilton	Urquhart	Walker	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

S. Allen	Bigelow	Biskupski	Bourdeaux
Bowman	S. Clark	Cosgrove	Duckworth
Dunnigan	Gibson	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Hogue
Jones	King	Lawrence	Litvack
Mascaro	Mathis	McGee	Morgan
Moss	Painter	Romero	Shurtliff
Ure	Wallace	Wheatley	Wiley

**Absent or not voting were:** Representatives

Becker	Dayton	Dee	Harper
Holdaway	E. Hutchings	Menlove	Newbold
Oda			

###

Representative S. Clark proposed the following amendment:

- 1. Page 17, Line 493:  
After “operator” insert “or equivalent certification by the operator’s own employer or crane owner”

Representative S. Clark’s motion to amend passed on a voice vote.

###

Representative Frank proposed the following amendment:

- 1. Page 17, Line 498:  
After “certification” insert “by” and delete “from the National Commission for the Certification of Crane Operators or”
- 2. Page 17, Line 499:  
Delete “other” and after “offer” delete “an equivalent” and insert “a”

Representative Frank’s motion to amend failed on a voice vote.

**S.B. 29**, as amended, then failed to pass on the following roll call:

**Yeas, 35; Nays, 39; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Becker	Bigelow	Biskupski	Bowman
S. Clark	Cosgrove	D. Cox	Dee
Duckworth	Dunnigan	Gibson	Goodfellow
Gowans	Hansen	Hardy	Hendrickson
Hogue	Holdaway	Jones	King
Lawrence	Litvack	Mascaro	Mathis
McGee	Morgan	Moss	Painter
Ray	Romero	Shurtliff	Ure
Wallace	Wheatley	Wiley	

**Voting in the negative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Bourdeaux	Buttars	Buxton
Christensen	D. Clark	Daw	Dayton
Donnelson	Dougall	Ferrin	Ferry
Fisher	Fowlke	Frank	Harper
Hughes	Hunsaker	E. Hutchings	B. Johnson
Kiser	Last	Menlove	Morley
Murray	Newbold	Noel	Oda
G. Snow	Tilton	Urquhart	Walker
Wheeler	Wyatt	Curtis	

**Absent or not voting was:** Representative  
Lockhart

**S.B. 29**, as amended, returned to the Senate for filing.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until March 2, 2005, at 8:30 a.m.

# FORTY–FIFTH DAY

\* \* \*

## MORNING SESSION

The House was called to order by Speaker Curtis at 8:40 a.m.

Roll call showed all members present.

Prayer by Johnny Deeds, Speaker Curtis' intern.

Pledge of Allegiance by Karli Bell, Speaker Curtis' daughter.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

March 1, 2005

The President of the Senate has signed **2nd Sub. H.B. 49**, BICYCLE SAFETY PROVISIONS, by Representative R. McGee, et al, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 79**, PROVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, by Representative R. Lockhart, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **2nd Sub. H.B. 93**, EMISSION INSPECTION AMENDMENTS, by Representative K. Gibson, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **1st Sub. H.B. 105**, CONSTRUCTION FILING AMENDMENTS, by Representative M. Morley, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 109**, INFORMATION TECHNOLOGY GOVERNANCE AMENDMENTS, by Representative D. Clark, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 157**, WATER ENFORCEMENT PROCEDURES AND PENALTIES, by Representative D. Ure, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 165**, UTAH COMMISSION ON AGING, by Representative P. Jones, and it is transmitted for the signature of the Speaker; and



The President of the Senate has signed **2nd Sub. H.B. 188**, PUBLIC EDUCATION JOB ENHANCEMENT PROGRAM, by Representative B. Johnson, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **1st Sub. H.B. 200**, INSURANCE LAW REVISIONS, by Representative J. Dunnigan, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 216**, GLOBAL POSITIONING REFERENCE NETWORK, by Representative K. Holdaway, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 218**, SECOND DISTRICT JUVENILE JUDGE, by Representative J. S. Adams, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 223**, AMENDMENTS TO DRIVER LICENSE AND IDENTIFICATION CARDS, by Representative C. Oda, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **1st Sub. H.B. 234**, TELEPHONE SURCHARGE FOR EDUCATION AND TRAINING PROGRAMS AT PRISON, by Representative B. Goodfellow, et al, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **2nd Sub. H.B. 49, H.B. 79, 2nd Sub. H.B. 93, Sub. H.B. 105, H.B. 109, H.B. 157, H.B. 165, 2nd Sub. H.B. 188, Sub. H.B. 200, H.B. 216, H.B. 218, H.B. 223, and Sub. H.B. 234** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker:

March 1, 2005

The Senate substituted, amended, and passed, **Senate 1st Sub. H.B. 121**, PROPERTY EXEMPT FROM EXECUTION, by Representative J. Dunnigan, and it is transmitted for further consideration; and

The Senate substituted and passed, **Senate 1st Sub. H.B. 17**, MOTION PICTURE INCENTIVE FUND, by Representative S. Allen, et al, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 107**, AMENDMENTS TO TAXES, FEES, OR CHARGES, by Representative W. Harper, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. H.B. 121**, **Sub. H.B. 17**, and **H.B. 107**, placed on the calendar for concurrence.

\* \* \*

Mr. Speaker: March 1, 2005

The Senate has rejected **H.B. 246**, WASTE FEES AMENDMENTS, by Representative S. Urquhart, and it is transmitted for filing.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 246**, was filed.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

\* \* \*

On motion of Representative Holdaway, under suspension of the rules, the House voted to lift **H.R. 12** from the Rules Committee, consider it read the first, second, and third times by short title and placed at the top of the Third Reading Calendar.

**THIRD READING CALENDAR**

**H.R. 12**, RESOLUTION HONORING HOLLACE (HOLLY) PARKER, was before the House upon its final passage.

**H.R. 12** then passed on the following roll call:

**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton

Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting was:** Representative  
Dunnigan

**H.R. 12** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Lt. Governor.

### MISCELLANEOUS BUSINESS

On motion of Representative Bigelow, under suspension of the rules, to recall **H.B. 301** from the Office of Legislative Research and General Counsel.

\* \* \*

On motion of Representative Bigelow, the House voted to reconsider its action on **H.B. 301**.

### RECONSIDERATION OF H.B. 301

**H.B. 301**, SUPPLEMENTAL APPROPRIATIONS III, was before the House upon its final passage.

On motion of Representative Alexander, the House voted to circle **H.B. 301**.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to move to the Senate Third Reading Calendar.

### THIRD READING CALENDAR

**S.J.R. 16**, RESOLUTION URGING COMPREHENSIVE CANCER CONTROL PLAN FOR THE STATE, read the third time by short title and placed on its final passage.

**S.J.R. 16** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	Daw
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Bourdeaux	D. Cox	Dayton	Dee
Lockhart	Ure	Urquhart	Curtis

**S.J.R. 16** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 223**, OVERSIGHT AND ENFORCEMENT OF WORK DONE ON MOBILE HOMES, read the third time by short title and placed on its final passage.

**S.B. 223** then passed on the following roll call:

**Yeas, 60; Nays, 8; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Donnelson	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Ray
Romero	Shurtliff	G. Snow	Ure
Wallace	Wheatley	Wiley	Wyatt

**Voting in the negative were:** Representatives

Barrus	Dougall	Mathis	Morley
Painter	Tilton	Walker	Wheeler

**Absent or not voting were:** Representatives

Bourdeaux	Dayton	Dee	Frank
Lockhart	Urquhart	Curtis	

**S.B. 223** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 49, MOTOR VEHICLE LIABILITY COVERAGE AMENDMENTS**, read the third time by short title and placed on its final passage.

On motion of Representative Oda, the House voted to circle **S.B. 49**.

\* \* \*

**Sub. S.B. 137, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS**, read the third time by short title and placed on its final passage.

Representative Kiser proposed the following amendment:

1. Page 2, Lines 56a through 56c  
Senate 2nd Reading Amendments 2-24-2005
  - 56a (ii) combine the sale of:
  - 56b (A) ski lift tickets; and
  - 56c (B) accommodations and services described in Subsection 59-12-103(1)(i) ← § .
  
2. Page 2, Line 53  
Senate 2nd Reading Amendments 2-24-2005
  - 53 (b) A county of the first class shall expend at least {-\$500,000 } \$450,000 each year of the revenues

Representative Kiser's motion to amend passed on a voice vote.

###

Representative Ure proposed the following amendment:

1. Page 1, Lines 9 through 11
  - 9 General Description:
  - 10 This bill amends the Tourism, Recreation, Cultural, and Convention Facilities Tax part
  - 11 to address the transactions that are subject to taxation and the expenditure of revenues generated by a tax under that part.
  
2. Page 1, Lines 13 through 14:
  - 13 This bill:
    - ▶ amends the definition of "restaurant";
    - 14 ▶ requires a county of the first class to expend a certain amount of revenue from the
  
3. Page 1, Lines 24 through 25:
  - 24 AMENDS:
    - 59-12-602, as last amended by Chapter 248, Laws of Utah 1995
    - 25 59-12-603, as last amended by Chapters 156 and 255, Laws of Utah 2004

4. Page 2, Line 27

Senate Committee Amendments 2–21–2005:

27 Be it enacted by the Legislature of the state of Utah:

Section 1. Section 59–12–602 is amended to read:

59–12–602. Definitions.

As used in this part:

(1) “Convention facility” means any publicly owned or operated convention center, sports arena, or other facility at which conventions, conferences, and other gatherings are held and whose primary business or function is to host such conventions, conferences, and other gatherings.

(2) “Cultural facility” means any publicly owned or operated museum, theater, art center, music hall, or other cultural or arts facility.

(3) “Recreation facility” or “tourist facility” means any publicly owned or operated park, campground, marina, dock, golf course, water park, historic park, monument, planetarium, zoo, bicycle trails, and other recreation or tourism–related facility.

(4) (a) “Restaurant” includes any coffee shop, cafeteria, luncheonette, soda fountain, or fast–food service where food is prepared for immediate consumption.

(b) “Restaurant” does not include:

(i) any retail establishment whose primary business or function is the sale of fuel or food items for off–premise, but not immediate, consumption; ~~{–and–}~~

(ii) a theater that sells food items ~~{–, but not a dinner theater.–}~~ ; and

(iii) a dinner theater.

Renumber remaining sections accordingly.

Representative Ure’s motion to amend passed on a voice vote.

**Sub. S.B. 137**, as amended, then passed on the following roll call:

**Yeas, 53; Nays, 16; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Biskupski	Bowman	Buttars
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dee
Donnelson	Dougall	Ferrin	Ferry

Fowlke	Frank	Gibson	Hansen
Harper	Hogue	Holdaway	Hughes
Hunsaker	B. Johnson	Jones	Kiser
Last	Lawrence	Mascaro	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Ure	Urquhart	Walker	Wallace
Curtis			

**Voting in the negative were:** Representatives

Alexander	Bigelow	Bourdeaux	Duckworth
Dunnigan	Fisher	Goodfellow	Gowans
Hendrickson	King	Lockhart	Mathis
Morley	Wheeler	Wiley	Wyatt

**Absent or not voting were:** Representatives

Dayton	Hardy	E. Hutchings	Litvack
Tilton	Wheatley		

**Sub. S.B. 137**, as amended, returned to the Senate for further consideration.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 2, 2005

The Senate concurred in the House amendments and passed **2nd Sub. S.B. 60**, LOCAL LAND USE DEVELOPMENT AND MANAGEMENT AMENDMENTS, by Senator G. Bell, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **5th Sub. S.B. 61**, PRIVATELY OWNED HEALTH CARE ORGANIZATION TASK FORCE, by Senator M. Waddoups, et al, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 127**, TAX, FEE, OR CHARGE AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 172**, DIVISION OF REAL ESTATE AMENDMENTS, by Senator M. Waddoups, and it is transmitted for the signature of the Speaker; and



The Senate concurred in the House amendments and passed **1st Sub. S.B. 177**, INCREASE STATUTE OF LIMITATIONS ON RAPE, by Senator E. Mayne, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **1st Sub. S.B. 212**, CHILD CARE INVESTIGATIONS, by Senator P. Hellewell, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 227**, PUBLIC SAFETY DRIVING PRIVILEGE AND IDENTIFICATION CARD AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the Speaker; and

The Senate passed, **2nd Sub. H.B. 45**, PROPERTY AFFECTED BY ACCESS INTERRUPTION, by Representative G. Hughes, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 86**, UTAH COLLEGE OF APPLIED TECHNOLOGY AMENDMENTS, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 124**, ENROLLMENT GROWTH PROGRAM AMENDMENTS, by Representative B. Last, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 243**, REPEAL OF GERIATRIC CARE MANAGER, by Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 247**, CREDIT OR REFUND FOR TAX PAID ON CIGARETTE OR TOBACCO PRODUCT DESTROYED OR RETURNED TO THE MANUFACTURER, by Representative E. Hutchings, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 250**, CAPITOL COMPLEX SPACE, by Representative J. Alexander, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 255**, INVESTMENT OF HIGHER EDUCATION INSTITUTION ENDOWMENT FUNDS, by Representative D. Clark, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **2nd Sub. H.B. 264**, STATE LAND USE MANAGEMENT PLANS AMENDMENTS, by Representative M. Noel, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 297**, AGGRAVATED MURDER AMENDMENTS, by Representative S. Wyatt, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **2nd Sub. S.B. 60, 5th Sub. S.B. 61, S.B. 127, S.B. 172, Sub. S.B. 177, Sub. S.B. 212, and S.B. 227** were signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

Communications filed. **2nd Sub. H.B. 45, H.B. 86, H.B. 124, H.B. 243, Sub. H.B. 247, H.B. 250, H.B. 255, 2nd Sub. H.B. 264, and H.B. 297** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### THIRD READING CALENDAR

**S.C.R. 6**, RESOLUTION SUPPORTING THE GOLDEN RULE PROJECT, read the third time by short title and placed on its final passage.

**S.C.R. 6** then passed on the following roll call:

**Yeas, 66; Nays, 1; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee

Menlove	Morley	Moss	Murray
Newbold	Noel	Oda	Ray
Romero	Shurtliff	G. Snow	Tilton
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley		

**Voting in the negative was:** Representative  
Barrus

**Absent or not voting were:** Representatives

Donnelson	Hardy	E. Hutchings	Morgan
Painter	Ure	Wyatt	Curtis

**S.C.R. 6** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**Sub. S.B. 64**, REAL ESTATE TRANSACTIONS AND SECURITIES, read the third time by short title and placed on its final passage.

On motion of Representative Snow, the House voted to delete **Sub. S.B. 64** in title and body and insert **2nd Sub. S.B. 64** in lieu thereof.

**2nd Sub. S.B. 64** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter

Ray	Romero	Shurtliff	G. Snow
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	

**Absent or not voting were:** Representatives

Bowman	Hardy	B. Johnson	Jones
Mascaro	Tilton	Wyatt	Curtis

**2nd Sub. S.B. 64**, as substituted, returned to the Senate for further consideration.

\* \* \*

**S.B. 173, BROWNFIELDS REVISION**, read the third time by short title and placed on its final passage.

**S.B. 173** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Lockhart	Mathis	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley

**Absent or not voting were:** Representatives

Hardy	B. Johnson	Litvack	Mascaro
McGee	Wyatt	Curtis	

**S.B. 173** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 132, HEALTH CARE CONSUMER'S REPORT**, read the third time by short title and placed on its final passage.

**S.B. 132** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	Jones
King	Kiser	Last	Lawrence
Litvack	Mascaro	Mathis	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt

**Absent or not voting were:** Representatives

Ferrin	Hardy	B. Johnson	Lockhart
McGee	Morley	Curtis	

**S.B. 132** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 96, COMMERCE SERVICE FUND AMENDMENTS**, read the third time by short title and placed on its final passage.

**S.B. 96** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

**Absent or not voting were:** Representatives

Hardy	B. Johnson	Lockhart	McGee
Morley	Curtis		

**S.B. 96** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

On motion of Representative Ferry, the House voted to saunter.

On motion of Representative Ferry, the House voted to cease to saunter.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: March 2, 2005

The Senate passed, as amended, **H.B. 128, COMPENSATION OF EXECUTIVE OFFICERS**, by Representative L. Christensen, and it is transmitted for further consideration; and

The Senate passed, as amended, **1st Sub. H.B. 184**, CRIME VICTIMS – CHANGE OF LOCKS ON RENTAL PROPERTY, by Representative L. Shurtliff, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 275**, BUSINESS ENTITY AMENDMENTS, by Representative R. Romero, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 128**, **Sub. H.B. 184**, and **H.B. 275**, placed on the calendar for concurrence.

\* \* \*

Mr. Speaker: March 2, 2005

The Senate passed, **H.B. 230**, RECYCLING OF WASTE TIRES, by Representative D. Ure, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 266**, CHANGES TO QUALITY GROWTH COMMISSION, by Representative C. Buttars, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 230** and **H.B. 266** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

**THIRD READING CALENDAR**

**S.B. 142**, PHARMACY PRACTICE ACT AMENDMENTS, read the third time by short title and placed on its final passage.

**S.B. 142** then passed on the following roll call:

**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	S. Clark
Cosgrove	D. Cox	Daw	Dayton

Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

**Absent or not voting were:** Representatives

Alexander	Buxton	D. Clark	Hughes
Lockhart	Morley	Noel	Oda
Ure	Curtis		

**S.B. 142** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**Sub. S.B. 178**, CHARTER SCHOOL AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Ferrin, the House voted to delete **Sub. S.B. 178** in title and body and insert **2nd Sub. S.B. 178** in lieu thereof.

Representative Ferrin proposed the following amendment:

1. Page 6, Lines 169 through 170

169 (ii) The school may give preference to students who reside  
within   

(A) the school district in

170 which the school is located   

(B) the municipality in which the school is located; or

(C) a two-mile radius from the school .

Representative Ferrin's motion to amend passed on a voice vote.



###

Representative Mascaro proposed the following amendment:

- 1. Page 5, Lines 131–136:  
Delete lines 131 through 136.
- 2. Page 15, Line 442:  
Delete “shall” and reinstate “may”

Representative Lawrence proposed the following substitute motion to amend:

- 1. Page 5, Line 131:  
After “denied” insert “solely”

Representative Lawrence’s substitute motion to amend passed on the following roll call:

**Yeas, 36; Nays, 31; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bigelow	Buttars	D. Clark	S. Clark
D. Cox	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Ferry	Fisher
Frank	Gibson	Hardy	Hogue
Holdaway	Hunsaker	E. Hutchings	Last
Lawrence	Lockhart	Mathis	Menlove
Murray	Noel	Oda	G. Snow
Urquhart	Walker	Wallace	Wyatt

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Christensen
Cosgrove	Daw	Duckworth	Fowlke
Goodfellow	Gowans	Hansen	Hendrickson
Hughes	B. Johnson	Jones	King
Kiser	Litvack	Mascaro	McGee
Morgan	Moss	Newbold	Painter
Ray	Romero	Shurtliff	Tilton
Wheatley	Wheeler	Wiley	

**Absent or not voting were:** Representatives

Alexander	Bowman	Buxton	Dayton
Harper	Morley	Ure	Curtis

###

Representative Moss proposed the following amendment:

1. Page 9, Line 266:  
Delete line 266 and renumber accordingly.

Representative Moss's motion to amend failed on the following roll call:

**Yeas, 23; Nays, 41; Absent or not voting, 11.**

**Voting in the affirmative were:** Representatives

Biskupski	Bourdeaux	Cosgrove	Dayton
Duckworth	Fowlke	Goodfellow	Gowans
Hansen	Hardy	Hendrickson	Holdaway
B. Johnson	Jones	King	Lawrence
Litvack	Menlove	Moss	Romero
Shurtliff	Wheatley	Wiley	

**Voting in the negative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bigelow	Buttars	Christensen	D. Clark
S. Clark	D. Cox	Daw	Dee
Donnelson	Dougall	Ferrin	Ferry
Fisher	Frank	Gibson	Harper
Hogue	Hunsaker	Kiser	Last
Lockhart	Mascaro	Mathis	Morley
Murray	Newbold	Noel	Oda
Painter	Ray	G. Snow	Tilton
Urquhart	Walker	Wallace	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Alexander	Becker	Bowman	Buxton
Dunnigan	Hughes	E. Hutchings	McGee
Morgan	Ure	Wheeler	

###

Representative Mascaro proposed the following amendment:

2. Page 15, Line 442:  
Delete "shall" and reinstate "~~may~~"

Representative Mascaro’s motion to amend failed on a voice vote.

**2nd Sub. S.B. 178**, as amended, then passed on the following roll call:

**Yeas, 46; Nays, 26; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bigelow	Buttars	Buxton	D. Clark
S. Clark	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Dunnigan
Ferrin	Ferry	Fowlke	Frank
Gibson	Hardy	Harper	Hogue
Hughes	Hunsaker	E. Hutchings	B. Johnson
Kiser	Last	Lawrence	Lockhart
Mascaro	Mathis	Morgan	Morley
Murray	Newbold	Noel	Oda
G. Snow	Tilton	Urquhart	Walker
Wallace	Curtis		

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Bowman
Christensen	Cosgrove	Duckworth	Fisher
Goodfellow	Gowans	Hansen	Hendrickson
Holdaway	Jones	King	Litvack
McGee	Menlove	Moss	Painter
Ray	Romero	Shurtliff	Wheatley
Wheeler	Wiley		

**Absent or not voting were:** Representatives

Alexander	Ure	Wyatt
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**2nd Sub. S.B. 178**, as substituted and amended, returned to the Senate for further consideration.

\* \* \*

**2nd Sub. S.B. 184**, REDEVELOPMENT AGENCY AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Dougall proposed the following amendment:

1. Page 15, Line 457  
457 (c) the project area plan incorporated by reference; and
2. Page 18, Line 524:  
524 (2) {~~A~~} Except as provided in Subsection (4)(a), a project area plan may not be amended after the effective date of this Subsection

Representative Allen proposed the following substitute motion to amend:

Include Representative Dougall's amendment plus the following:

1. Page 12, Line 357 and 358:  
Delete "February 24" and reinstate "February 15" on both lines.

The motion was divided. Representative Dougall's motion to amend passed on a voice vote.

Representative Allen's substitute motion to amend passed on the following roll call:

**Yeas, 37; Nays, 33; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Bigelow	Biskupski
Bourdeaux	Cosgrove	D. Cox	Dayton
Donnelson	Dougall	Duckworth	Ferrin
Fowlke	Frank	Gibson	Gowans
Hansen	Hendrickson	Hunsaker	E. Hutchings
Jones	King	Litvack	Lockhart
Mathis	McGee	Menlove	Morgan
Morley	Murray	Romero	G. Snow
Tilton	Ure	Walker	Wheatley
Wheeler			

**Voting in the negative were:** Representatives

Adams	Barrus	Becker	Bowman
Buttars	Christensen	D. Clark	S. Clark
Daw	Dee	Dunnigan	Ferry
Fisher	Goodfellow	Hardy	Harper
Hogue	Holdaway	B. Johnson	Kiser
Last	Lawrence	Mascaro	Moss
Newbold	Noel	Oda	Painter
Ray	Shurtliff	Urquhart	Wallace
Wiley			

**Absent or not voting were:** Representatives

Alexander	Buxton	Hughes	Wyatt
Curtis			

Representative Harper declared a conflict of interest because he does business with a redevelopment agency.

**2nd Sub. S.B. 184**, as amended, then passed on the following roll call:

**Yeas, 56; Nays, 12; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Bigelow	Biskupski	Bowman	Buttars
Christensen	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Kiser	Lawrence
Lockhart	Mathis	McGee	Menlove
Morgan	Morley	Moss	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	Tilton	Ure
Walker	Wallace	Wheatley	Wheeler

**Voting in the negative were:** Representatives

Barrus	Becker	Bourdeaux	Buxton
D. Clark	Harper	King	Last
Litvack	Murray	Urquhart	Wiley

**Absent or not voting were:** Representatives

Ferry	Hendrickson	Jones	Mascaro
G. Snow	Wyatt	Curtis	

**2nd Sub. S.B. 184**, as amended, returned to the Senate for further consideration.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker:

March 2, 2005

The Senate passed, as amended, **2nd Sub. H.B. 256**, LOCAL GOVERNMENT AUTHORITY, by Representative A. Hardy, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 311**, CONTROLLED SUBSTANCE LAW AMENDMENTS, by Representative B. Dee, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 98**, OFFENSES COMMITTED AGAINST CORRECTIONAL AND PEACE OFFICERS, by Representative C. Oda, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **2nd Sub. H.B. 256**, **H.B. 311**, and **H.B. 98**, placed on the calendar for concurrence.

\* \* \*

Mr. Speaker: March 2, 2005

The Senate passed, **1st Sub. H.B. 103**, STUDENT HOUSING BUILT BY HIGHER EDUCATION INSTITUTIONS, by Representative S. Clark, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 138**, NONRESIDENT TUITION FOR HIGHER EDUCATION AMENDMENTS, by Representative M. S. Lawrence, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 273**, REAL ESTATE AND MECHANICS LIENS – SECURITY ALTERNATIVES, by Representative M. Morley, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 348**, EMPLOYMENT AGENCY REVISIONS, by Representative J. S. Adams, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. H.B. 103**, **H.B. 138**, **H.B. 273**, and **H.B. 348** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### THIRD READING CALENDAR

**S.B. 52**, PRICE CONTROLS DURING EMERGENCIES ACT, read the third time by short title and placed on its final passage.

**S.B. 52** then passed on the following roll call:

**Yeas, 42; Nays, 17; Absent or not voting, 16.**

**Voting in the affirmative were:** Representatives

S. Allen	Becker	Bigelow	Bourdeaux
Bowman	Buxton	Christensen	D. Clark
Cosgrove	Daw	Donnelson	Duckworth
Fisher	Goodfellow	Gowans	Hansen
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	King	Last
Lawrence	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Painter	Ray	Romero
Shurtliff	G. Snow	Wallace	Wheatley
Wheeler	Wiley		

**Voting in the negative were:** Representatives

Aagard	Alexander	Barrus	Buttars
D. Cox	Dayton	Dee	Ferrin
Ferry	Fowlke	Frank	Harper
Morley	Oda	Tilton	Urquhart
Walker			

**Absent or not voting were:** Representatives

Adams	Biskupski	S. Clark	Dougall
Dunnigan	Gibson	Hardy	Hendrickson
Jones	Kiser	Litvack	Lockhart
Mascaro	Ure	Wyatt	Curtis

**S.B. 52** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**Sub. S.B. 211, FUNDING FOR CONVENTION FACILITIES**, read the third time by short title and placed on its final passage.

On motion of Representative Bigelow, the House voted to circle **Sub. S.B. 211**.

\* \* \*

**Sub. S.B. 139, WAGE PROVISIONS**, read the third time by short title and placed on its final passage.

**Sub. S.B. 139** then passed on the following roll call:

**Yeas, 48; Nays, 21; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Buttars	Buxton
Christensen	D. Clark	S. Clark	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Ferrin	Ferry	Fisher
Fowlke	Frank	Hardy	Harper
Hogue	Hughes	Hunsaker	B. Johnson
Kiser	Last	Lawrence	Lockhart
Mascaro	Mathis	Menlove	Morley
Murray	Newbold	Oda	Painter
Ray	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Bowman
Cosgrove	Duckworth	Goodfellow	Gowans
Hansen	Hendrickson	Holdaway	E. Hutchings
Jones	King	Litvack	McGee
Moss	Romero	Shurtliff	Wheatley
Wiley			

**Absent or not voting were:** Representatives

Dunnigan	Gibson	Morgan	Noel
Wyatt	Curtis		

**Sub. S.B. 139** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

March 2, 2005

The Senate passed, as amended, **1st Sub. H.B. 113, GOVERNMENT BOUNDARY CHANGES**, by Representative K. Holdaway, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **Sub. H.B. 113**, placed on the calendar for concurrence.



\* \* \*

Mr. Speaker: March 2, 2005

The Senate passed, **H.B. 226**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT REQUIREMENTS REGARDING ANIMAL IDENTIFICATION PROGRAM, by Representative C. Buttars, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 226** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### RULES COMMITTEE REPORT

Mr. Speaker: March 2, 2005

The Rules Committee recommends that, under suspension of the rules, the following bills and resolutions be considered read for the second time and placed on the Third Reading Calendar for Senate bills:

- |                          |                                                                                                     |
|--------------------------|-----------------------------------------------------------------------------------------------------|
| <b>S.J.R. 19</b>         | Resolution Recognizing Granite School District's 100 Years (Sen. G. Davis)                          |
| <b>S.J.R. 20</b>         | Joint Resolution Recognizing Retiring President of Dixie State College (Sen. J. Hickman)            |
| <b>S.J.R. 14</b>         | Joint Resolution on Stroke Awareness (Sen. P. Knudson)                                              |
| <b>S.J.R. 15</b>         | Joint Resolution Urging Medicaid Reform (Sen. P. Knudson)                                           |
| <b>S.J.R. 18</b>         | Joint Resolution Approving Consolidation of West Valley and Sandy District Courts (Sen. P. Knudson) |
| <b>2nd Sub. S.B. 192</b> | High Technology Economic Development Appropriation (Sen. L. A. Mansell)                             |
| <b>2nd Sub. S.B. 199</b> | Office of Energy – Oversight (Sen. T. Hatch)                                                        |
| <b>S.B. 144</b>          | Motor Vehicle Stops At Port-of-entry (Sen. P. Knudson)                                              |
| <b>1st Sub. S.B. 25</b>  | Transportation Amendments and Highway Jurisdictional Transfer Task Force (Sen. C. Walker)           |
| <b>S.B. 51</b>           | New Motor Vehicle Franchise Act Amendments (Sen. D. Eastman)                                        |
| <b>S.B. 179</b>          | Protection of Government Records (Sen. G. Bell)                                                     |
| <b>S.B. 138</b>          | Judgment Interest Amendments (Sen. E. Mayne)                                                        |
| <b>S.B. 216</b>          | Amendments to Utah Emergency Medical Services Act (Sen. C. Bramble)                                 |
| <b>S.B. 19</b>           | Disease Testing of Individuals Exposed to Blood Borne Pathogens (Sen. P. Arent)                     |

- S.B. 77** Amendments to Indoor Clean Air Act  
(Sen. M. Waddoups)
- 1st Sub. S.B. 109** Safety Belt Enforcement (Sen. K. Hale)

The Rules Committee recommends that, under suspension of the rules, the following resolution be considered read for the second time and placed on the Third Reading Calendar:

- H.J.R. 20** Master Study Resolution (Rep. J. Alexander)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

### AFTERNOON SESSION

The House was called to order by Speaker Curtis at 2:00 p.m.

### COMMUNICATION FROM THE SENATE

Mr. Speaker: March 2, 2005  
The Senate passed, **H.B. 380**, AMENDMENTS TO LOCAL DISTRICTS, by Representative K. Morgan, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 380** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### CONCURRENCE CALENDAR

On motion of Representative Morley, the House voted to concur in the Senate amendments to **Sub. H.B. 42**, MEDICAL RECOMMENDATIONS FOR CHILDREN.

**Sub. H.B. 42**, as amended by the Senate, then passed on the following roll call:

**Yeas, 46; Nays, 21; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bigelow	Bowman	Buttars	Buxton
Christensen	S. Clark	D. Cox	Daw
Dayton	Donnelson	Dougall	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Hardy	Harper
Hogue	Hughes	Hunsaker	E. Hutchings
B. Johnson	Kiser	Last	Lockhart
Mascaro	Mathis	Morley	Murray
Newbold	Noel	Painter	Romero
G. Snow	Tilton	Ure	Walker
Wallace	Wheeler		

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Cosgrove
Dee	Duckworth	Goodfellow	Gowans
Hansen	Hendrickson	Holdaway	Jones
King	Lawrence	Litvack	Menlove
Moss	Shurtliff	Wheatley	Wiley
Curtis			

**Absent or not voting were:** Representatives

Alexander	D. Clark	McGee	Morgan
Oda	Ray	Urquhart	Wyatt

**Sub. H.B. 42**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Christensen, the House voted to concur in the Senate amendments to **H.B. 280**, JOINT CUSTODY AMENDMENTS.

**H.B. 280**, as amended by the Senate, then passed on the following roll call:

**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bigelow	Biskupski	Bowman	Buttars
Buxton	Christensen	D. Clark	S. Clark

Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hansen	Hardy	Harper	Hendrickson
Hogue	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Walker	Wheatley	Wheeler	Wiley
Curtis			

**Absent or not voting were:** Representatives

Alexander	Becker	Bourdeaux	Gowans
Holdaway	Kiser	Oda	Urquhart
Wallace	Wyatt		

**H.B. 280**, as amended by the Senate, transmitted to the Senate for signature of the president.

### MISCELLANEOUS BUSINESS

On motion of Representative Christensen, the House voted to print the following intent language for **H.B. 280** in the House Journal.

#### INTENT LANGUAGE FOR H.B. 280

The intent of H.B. 280 is that it be applied consistent with those existing court cases, which recognize that the changed circumstances that may support a motion to modify a prior custody order are those that affect the custodial relationship and cannot be self-generated by the petitioner to re-open the custody issue.

### CONCURRENCE CALENDAR

On motion of Representative Dunnigan, the House voted to concur in the Senate amendments to **Sub. H.B. 121**, PROPERTY EXEMPT FROM EXECUTION.

**Sub. H.B. 121**, as amended by the Senate, then passed on the following roll call:

**Yeas, 63; Nays, 4; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	Menlove
Morgan	Morley	Moss	Murray
Newbold	Oda	Painter	Ray
Shurtliff	G. Snow	Tilton	Walker
Wallace	Wheeler	Wiley	

**Voting in the negative were:** Representatives

McGee	Romero	Ure	Curtis
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**Absent or not voting were:** Representatives

Alexander	Buxton	Duckworth	Hughes
Noel	Urquhart	Wheatley	Wyatt

**Sub. H.B. 121**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Allen, the House voted to concur in the Senate amendments to **Sub. H.B. 17**, MOTION PICTURE INCENTIVE FUND.

**Sub. H.B. 17**, as amended by the Senate, then passed on the following roll call:

**Yeas, 60; Nays, 12; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	D. Clark

S. Clark	Cosgrove	D. Cox	Dee
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Ray	Romero	Shurtliff
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Curtis

**Voting in the negative were:** Representatives

Christensen	Daw	Dayton	Donnelson
Dougall	Frank	Hughes	Lockhart
Morley	Oda	Painter	Tilton

**Absent or not voting were:** Representatives

Alexander	G. Snow	Wyatt
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**Sub. H.B. 17**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Harper, the House voted to concur in the Senate amendments to **H.B. 107**, AMENDMENTS TO TAXES, FEES OR CHARGES.

**H.B. 107**, as amended by the Senate, then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bigelow	Biskupski	Bourdeaux	Buttars
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings

B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Curtis

**Absent or not voting were:** Representatives

Alexander	Becker	Bowman	Dee
Fowlke	Shurtliff	Wyatt	

**H.B. 107**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Shurtliff, the House voted to concur in the Senate amendments to **Sub. H.B. 184**, CRIME VICTIMS – CHANGE OF LOCKS ON RENTAL PROPERTY.

**Sub. H.B. 184**, as amended by the Senate, then passed on the following roll call:

**Yeas, 65; Nays, 3; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Last	Lawrence	Litvack
Lockhart	Mascaro	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Romero

Shurtliff	G. Snow	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley			

**Voting in the negative were:** Representatives

Morley	Tilton	Curtis
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**Absent or not voting were:** Representatives

Alexander	Buxton	Dayton	Kiser
Mathis	Ray	Wyatt	

**Sub. H.B. 184**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Romero, the House voted to concur in the Senate amendments to **H.B. 275**, BUSINESS ENTITY AMENDMENTS.

**H.B. 275**, as amended by the Senate, then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Curtis

**Absent or not voting were:** Representatives

Alexander	Ure	Wyatt
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**H.B. 275**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Christensen, the House voted to concur in the Senate amendments to **H.B. 128**, COMPENSATION OF EXECUTIVE OFFICERS.

**H.B. 128**, as amended by the Senate, then passed on the following roll call:

**Yeas, 41; Nays, 28; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Agard	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Ferry	Fisher
Hardy	Harper	Hogue	Hughes
Hunsaker	E. Hutchings	B. Johnson	Last
Litvack	Mascaro	Morgan	Newbold
Noel	Painter	Romero	G. Snow
Tilton	Wallace	Wheatley	Wheeler
Curtis			

**Voting in the negative were:** Representatives

S. Allen	Barrus	Becker	Bigelow
Duckworth	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hendrickson
Holdaway	Jones	King	Kiser
Lawrence	Mathis	McGee	Menlove
Morley	Moss	Murray	Oda
Ray	Shurtliff	Walker	Wiley

**Absent or not voting were:** Representatives

Adams	Alexander	Lockhart	Ure
Urquhart	Wyatt		

**H.B. 128**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Hardy, the House voted to concur in the Senate amendments to **2nd Sub. H.B. 256**, LOCAL GOVERNMENT AUTHORITY.

**2nd Sub. H.B. 256**, as amended by the Senate, then passed on the following roll call:

**Yeas, 51; Nays, 17; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Barrus	Bigelow
Bourdeaux	Bowman	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Fisher
Frank	Goodfellow	Hansen	Hardy
Hogue	Hunsaker	E. Hutchings	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	McGee
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Shurtliff	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	

**Voting in the negative were:** Representatives

Biskupski	Buttars	Christensen	Ferry
Fowlke	Gibson	Gowans	Harper
Holdaway	B. Johnson	Mathis	Menlove
Morley	Romero	G. Snow	Tilton
Curtis			

**Absent or not voting were:** Representatives

Adams	Alexander	Becker	Hendrickson
Hughes	Ure	Wyatt	

**2nd Sub. H.B. 256**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Dee, the House voted to concur in the Senate amendments to **H.B. 311, CONTROLLED SUBSTANCE LAW AMENDMENTS.**

**H.B. 311**, as amended by the Senate, then passed on the following roll call:

**Yeas, 58; Nays, 7; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Agard	S. Allen	Barrus	Bigelow
Bowman	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Dunnigan
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hardy
Harper	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Curtis		

**Voting in the negative were:** Representatives

Biskupski	Bourdeaux	Duckworth	Litvack
Morley	Romero	Wiley	

**Absent or not voting were:** Representatives

Adams	Alexander	Becker	Buttars
Buxton	Ferrin	Hansen	Hendrickson
Lockhart	Wyatt		

**H.B. 311**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Oda, the House voted to concur in the Senate amendments to **H.B. 98**, OFFENSES COMMITTEE AGAINST CORRECTIONAL AND PEACE OFFICERS.

**H.B. 98**, as amended by the Senate, then passed on the following roll call:

**Yeas, 66; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Agard	Alexander	S. Allen	Barrus
Bigelow	Biskupski	Bourdeaux	Buttars
Buxton	Christensen	D. Clark	S. Clark

Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hogue	Holdaway
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Walker	Wallace	Wheatley	Wheeler
Wiley	Curtis		

**Absent or not voting were:** Representatives

Adams	Becker	Bowman	Ferrin
Ferry	Hendrickson	Hughes	Urquhart
Wyatt			

**H.B. 98**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Holdaway, the House voted to concur in the Senate amendments to **Sub. H.B. 113**, GOVERNMENT BOUNDARY CHANGES.

**Sub. H.B. 113**, as amended by the Senate, then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy

Harper	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Last	Lawrence	Litvack	Lockhart
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Walker	Wallace	Wheatley
Wheeler	Wiley	Curtis	

**Absent or not voting were:** Representatives

Adams	Ferrin	Hendrickson	Hughes
Kiser	Mascaro	Urquhart	Wyatt

**Sub. H.B. 113**, as amended by the Senate, transmitted to the Senate for signature of the president.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, under suspension of the rules, the House voted to limit debate to 5 minutes for the sponsor and 2 minutes for each person debating the bill. For the next few commendation resolutions debate will be limited to 3 minutes total.

### THIRD READING CALENDAR

**S.J.R. 19**, RESOLUTION RECOGNIZING GRANITE SCHOOL DISTRICT'S 100 YEARS, read the third time by short title and placed on its final passage.

**S.J.R. 19** then passed on the following roll call:

**Yeas, 63; Nays, 0; Absent or not voting, 12.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hendrickson	Hogue	Holdaway
Hughes	E. Hutchings	B. Johnson	Jones

King	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Ray	Romero	G. Snow	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Curtis	

**Absent or not voting were:** Representatives

Adams	Buttars	Dee	Donnelson
Ferrin	Hardy	Hunsaker	Kiser
Painter	Shurtliff	Tilton	Wyatt

**S.J.R. 19** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.J.R. 20**, JOINT RESOLUTION RECOGNIZING RETIRING PRESIDENT OF DIXIE STATE COLLEGE, read the third time by short title and placed on its final passage.

**S.J.R. 20** then passed on the following roll call:

**Yeas, 71; Nays, 1; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero

Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Curtis	

**Voting in the negative was:** Representative  
Hughes

**Absent or not voting were:** Representatives  
Biskupski            Lawrence            Wyatt

**S.J.R. 20** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.J.R. 14, JOINT RESOLUTION ON STROKE AWARENESS**, read the third time by short title and placed on its final passage.

**S.J.R. 14** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Ure	Walker	Wallace
Wheatley	Wheeler	Wiley	

**Absent or not voting were:** Representatives

Adams	Biskupski	Buxton	Kiser
Tilton	Urquhart	Wyatt	Curtis

**S.J.R. 14** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.J.R. 15**, JOINT RESOLUTION URGING MEDICAID REFORM, read the third time by short title and placed on its final passage.

**S.J.R. 15** then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Bourdeaux
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Last	Lawrence
Litvack	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Ure	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Biskupski	Bowman	Kiser	Lockhart
Tilton	Urquhart		

**S.J.R. 15** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.



\* \* \*

**S.J.R. 18**, JOINT RESOLUTION APPROVING CONSOLIDATION OF WEST VALLEY AND SANDY DISTRICT COURTS, read the third time by short title and placed on its final passage.

**S.J.R. 18** then passed on the following roll call:

**Yeas, 66; Nays, 3; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Fisher	Frank
Gibson	Goodfellow	Gowans	Hansen
Harper	Hendrickson	Hogue	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Bigelow	Ferry	Holdaway
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**Absent or not voting were:** Representatives

Buxton	Duckworth	Fowlke	Hardy
Last	Tilton		

**S.J.R. 18** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**2nd Sub. S.B. 192**, HIGH TECHNOLOGY ECONOMIC DEVELOPMENT APPROPRIATION, read the third time by short title and placed on its final passage.

On motion of Representative D. Clark, the House voted to circle **2nd Sub. S.B. 192**.

\* \* \*

**2nd Sub. S.B. 199**, OFFICE OF ENERGY – OVERSIGHT, read the third time by short title and placed on its final passage.

Representative Allen proposed the following amendment:

1. Page 26, Lines 777 through 779

777 Section 12. Repealer.

778 This bill repeals:

779 Section 63–34–101, Utah Energy Office created — Utah Energy Office duties.

Section 13. Study regarding Governor’s Office of Economic Development’s role in the assumption of responsibility for state energy policy duties and programs.

(1) The Legislature’s Public Utilities and Technology Interim Committee shall monitor and study the implementation and consequences of the elimination of the Energy Office and the assumption of the Energy Office duties and responsibilities by the Governor’s Office of Economic Development.

(2) The Public Utilities and Technology Interim Committee shall conduct a study to determine what modifications, if any, may be needed to further enhance the state’s energy programs and policies.

(3) The Governor’s Office of Economic Development shall report to the Public Utilities and Technology Interim committee by September 30 to report on the Governor’s Office’s assumption of responsibility for energy policy duties and programs.

(4) The Public Utilities and Technology Interim Committee shall complete the study required by Subsection (1) and present its findings, including any proposed legislation, to the Legislative Management Committee by November 30, 2005.

Renumber remaining sections accordingly.

Representative Allen’s motion to amend passed on a voice vote.

**2nd Sub. S.B. 199**, as amended, then passed on the following roll call:

**Yeas, 67; Nays, 6; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Bourdeaux
Bowman	Buttars	Buxton	D. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Biskupski	Fowlke	Litvack	Morley
Tilton	Wiley		

**Absent or not voting were:** Representatives

Christensen	S. Clark
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**2nd Sub. S.B. 199**, as amended, returned to the Senate for further consideration.

\* \* \*

**S.B. 144**, MOTOR VEHICLE STOPS AT PORT-OF-ENTRY, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to delete **S.B. 144** in title and body and insert **Sub. S.B. 144** in lieu thereof.

**Sub. S.B. 144** then passed on the following roll call:

**Yeas, 66; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman

Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	Jones	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	Tilton	Ure	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Alexander	Bigelow	Hansen	Hughes
B. Johnson	King	Morley	G. Snow
Urquhart			

**Sub. S.B. 144**, as amended, returned to the Senate for further consideration.

\* \* \*

**Sub. S.B. 25**, TRANSPORTATION AMENDMENTS AND HIGHWAY JURISDICTIONAL TRANSFER TASK FORCE, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle **Sub. S.B. 25**.

\* \* \*

**S.B. 51**, NEW MOTOR VEHICLE FRANCHISE ACT AMENDMENTS, read the third time by short title and placed on its final passage.

**S.B. 51**, as amended, then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux

Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Moss
Murray	Newbold	Oda	Painter
Ray	Romero	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Alexander	Dayton	E. Hutchings	Morley
Noel	Shurtliff		

**S.B. 51**, as amended, returned to the Senate for further consideration.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 2, 2005

The Senate concurred in the House amendments and passed **2nd Sub. S.B. 64**, REAL ESTATE TRANSACTIONS AND SECURITIES, by Senator L. A. Mansell, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 206**, NONPARTICIPATING TOBACCO MANUFACTURER AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **2nd Sub. S.B. 64** and **S.B. 206** were signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

Mr. Speaker:

March 2, 2005

The Senate passed, **H.B. 22**, INTERCOUNTRY ADOPTION ACCREDITATION, by Representative R. McGee, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore

Secretary of the Senate

Communication filed. **H.B. 22** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

On motion of Representative Urquhart, the House voted to saunter.

On motion of Representative Urquhart, the House voted to cease to saunter.

### THIRD READING CALENDAR

**S.B. 179**, PROTECTION OF GOVERNMENT RECORDS, read the third time by short title and placed on its final passage.

**S.B. 179** then passed on the following roll call:

**Yeas, 63; Nays, 0; Absent or not voting, 12.**

**Voting in the affirmative were:** Representatives

Agard	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Duckworth	Dunnigan
Ferrin	Ferry	Fowlke	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morley	Moss
Murray	Newbold	Noel	Oda
Ray	Romero	Shurtliff	G. Snow
Ure	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Adams	Alexander	Christensen	Dougall
Fisher	Frank	Lockhart	Morgan
Painter	Tilton	Urquhart	Curtis

**S.B. 179** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 138, JUDGMENT INTEREST AMENDMENTS**, read the third time by short title and placed on its final passage.

**S.B. 138** then passed on the following roll call:

**Yeas, 61; Nays, 0; Absent or not voting, 14.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Barrus	Becker
Biskupski	Bourdeaux	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Donnelson	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Mascaro	Mathis	Menlove	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Ure	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

**Absent or not voting were:** Representatives

Adams	Alexander	Bigelow	Bowman
Buxton	Dee	Dougall	Harper
Lockhart	McGee	Morgan	Tilton
Urquhart	Curtis		

**S.B. 138** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 216**, AMENDMENTS TO UTAH EMERGENCY MEDICAL SERVICES ACT, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **S.B. 216**.

\* \* \*

**S.B. 19**, DISEASE TESTING OF INDIVIDUALS EXPOSED TO BLOOD BORNE PATHOGENS, read the third time by short title and placed on its final passage.

**S.B. 19** then passed on the following roll call:

**Yeas, 63; Nays, 2; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Becker
Biskupski	Bourdeaux	Bowman	Buttars
Buxton	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dee	Donnelson
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Mascaro	Mathis	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Ure	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Voting in the negative were:** Representatives

Barrus                      Dayton

**Absent or not voting were:** Representatives

Alexander	Bigelow	Christensen	Dougall
Harper	Lockhart	McGee	Tilton
Urquhart	Curtis		

**S.B. 19** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.



\* \* \*

**S.B. 77**, AMENDMENTS TO INDOOR CLEAN AIR ACT, read the third time by short title and placed on its final passage.

On motion of Representative Ray, the House voted to circle **S.B. 77**.

\* \* \*

On motion of Representative Ferry, the House voted to saunter.

On motion of Representative Ferry, the House voted to cease to saunter.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: March 2, 2005

The Senate refuses to concur with the House Amendments to **1st Sub. S.B. 137**, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS, by Senator H. Stephenson, and requests the House recede from its amendments.

Annette B. Moore  
Secretary of the Senate

Communication filed. On motion of Representative Kiser, the House voted to refuse to recede from its amendments to **Sub. S.B. 137**. The Speaker was authorized to appoint a conference committee. The Speaker appointed Representatives Kiser, Ure, and Morgan.

\* \* \*

Mr. Speaker: March 2, 2005

The Senate concurred in the House amendments and passed **2nd Sub. S.B. 13**, INDIVIDUAL INCOME TAX SUBTRACTION FOR CERTAIN MILITARY INCOME, by Senator H. Stephenson, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 41**, SCHOOL AND INSTITUTIONAL TRUST LANDS MANAGEMENT ACT REVISIONS, by Senator M. Dmitrich, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **2nd Sub. S.B. 13** and **S.B. 41** were signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

Mr. Speaker:

March 2, 2005

The Senate passed, **H.B. 136**, CHARTER SCHOOL ENROLLMENT, by Representative J. Ferrin, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 147**, PROPERTY TAX EXEMPTION FOR VETERANS, by Representative G. Hughes, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **1st Sub. H.B. 17**, MOTION PICTURE INCENTIVE FUND, by Representative S. Allen, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **1st Sub. H.B. 42**, MEDICAL RECOMMENDATIONS FOR CHILDREN, by Representative M. Morley, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 75**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT TASK FORCE, by Representative D. Aagard, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 107**, AMENDMENTS TO TAXES, FEES, OR CHARGES, by Representative W. Harper, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **1st Sub. H.B. 121**, PROPERTY EXEMPT FROM EXECUTION, by Representative J. Dunnigan, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **1st Sub. H.B. 184**, CRIME VICTIMS – CHANGE OF LOCKS ON RENTAL PROPERTY, by Representative L. Shurtliff, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 280**, JOINT CUSTODY AMENDMENTS, by Representative L. Christensen, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 299**, MOTOR VEHICLE BUSINESS LICENSING AMENDMENTS, by Representative P. Ray, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore

Secretary of the Senate

Communications filed. **H.B. 136**, **H.B. 147**, **Sub. H.B. 17**, **Sub. H.B. 42**, **H.B. 75**, **H.B. 107**, **Sub. H.B. 121**, **Sub. H.B. 184**, **H.B. 280**, and **H.B. 299**, were

signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### **CONFERENCE COMMITTEE REPORT**

Mr. Speaker: March 2, 2005

The Joint Conference Committee comprised of Senators Hillyard, Hickman, and Allen, and Representatives Bigelow, Alexander, and King, recommends **S.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT**, by Senator Lyle W. Hillyard, with the following amendments:

1. Include the House amendments on Page 4, Lines 125a–125q, of the Lilac copy dated 02–28–05.
2. Include the House amendments on Page 5, Lines 166–166d, of the Lilac copy dated 02–28–05.

Lyle W. Hillyard, Senate Chair

Ron Bigelow, House Chair

Report filed. On motion of Representative Bigelow, the House voted to adopt the Conference Committee Report.

**S.B. 1** then passed on the following roll call:

**Yeas, 48; Nays, 16; Absent or not voting, 11.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Bigelow	Bowman	Buttars	Buxton
D. Clark	S. Clark	D. Cox	Daw
Dayton	Dee	Dougall	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Hardy
Harper	Hogue	Holdaway	Hughes
Hunsaker	Last	Lawrence	Lockhart
Mascaro	Mathis	Menlove	Morley
Murray	Newbold	Oda	Painter
Ray	G. Snow	Ure	Urquhart
Wallace	Wheeler	Wyatt	Curtis

**Voting in the negative were:** Representatives

Biskupski	Cosgrove	Donnelson	Duckworth
Gowans	Hansen	Hendrickson	Jones
King	Litvack	McGee	Moss
Romero	Shurtliff	Wheatley	Wiley

**Absent or not voting were:** Representatives

Alexander	Becker	Bourdeaux	Christensen
E. Hutchings	B. Johnson	Kiser	Morgan
Noel	Tilton	Walker	

**S.B. 1** transmitted to the Senate for further consideration.

**THIRD READING CALENDAR**

**Sub. S.B. 109**, SAFETY BELT ENFORCEMENT, read the third time by short title and placed on its final passage.

Representative Noel proposed to delete **Sub. S.B. 109** in title and body and insert in lieu thereof **2nd Sub. S.B. 109**.

Representative Noel's motion to substitute passed on a voice vote.

###

Representative Barrus proposed the following amendment:

1. Page 1, Lines 13–15:  
Delete line 13, 14, and 15.
2. Pages 2–3, Lines 55–58:  
Reinstate lines 55, 56, 57, and 58.

Representative Barrus' motion to amend passed on the following roll call:

**Yeas, 46; Nays, 25; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Barrus	Bigelow
Buttars	Buxton	Christensen	D. Clark
S. Clark	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Gowans	Harper	Hogue

Holdaway	Hughes	E. Hutchings	B. Johnson
Kiser	Last	Lockhart	Mascaro
Mathis	Menlove	Morley	Newbold
Oda	Painter	G. Snow	Tilton
Ure	Urquhart	Walker	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Bowman	Cosgrove	Duckworth	Goodfellow
Hansen	Hardy	Hendrickson	Hunsaker
Jones	King	Lawrence	Litvack
McGee	Morgan	Moss	Murray
Noel	Romero	Wallace	Wheatley
Wiley			

**Absent or not voting were:** Representatives

Alexander	Dunnigan	Ray	Shurtliff
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**2nd Sub. S.B. 109**, as amended, then passed on the following roll call:

**Yeas, 40; Nays, 33; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bowman	Christensen
S. Clark	Cosgrove	D. Cox	Dee
Dougall	Duckworth	Dunnigan	Fowlke
Goodfellow	Hansen	Hardy	Hendrickson
Hughes	Hunsaker	E. Hutchings	Jones
King	Lawrence	Mascaro	McGee
Menlove	Morgan	Moss	Murray
Noel	Romero	Shurtliff	Tilton
Walker	Wallace	Wheatley	Wiley

**Voting in the negative were:** Representatives

Bourdeaux	Buttars	Buxton	D. Clark
Daw	Dayton	Donnelson	Ferrin
Ferry	Fisher	Frank	Gibson
Gowans	Harper	Hogue	Holdaway
B. Johnson	Kiser	Last	Litvack
Lockhart	Mathis	Morley	Newbold

Oda	Painter	Ray	G. Snow
Ure	Urquhart	Wheeler	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Adams                      Alexander

**2nd Sub. S.B. 109**, as amended, returned to the Senate for further consideration.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 2, 2005

The President of the Senate has signed **H.B. 98**, OFFENSES COMMITTED AGAINST CORRECTIONAL AND PEACE OFFICERS, by Representative C. Oda, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 311**, CONTROLLED SUBSTANCE LAW AMENDMENTS, by Representative B. Dee, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **1st Sub. H.B. 113**, GOVERNMENT BOUNDARY CHANGES, by Representative K. Holdaway, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 128**, COMPENSATION OF EXECUTIVE OFFICERS, by Representative L. Christensen, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **2nd Sub. H.B. 256**, LOCAL GOVERNMENT AUTHORITY, by Representative A. Hardy, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 275**, BUSINESS ENTITY AMENDMENTS, by Representative R. Romero, and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 87**, CLAIMS AGAINST A COUNTY, by Representative S. Clark, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 98**, **H.B. 311**, **Sub. H.B. 113**, **H.B. 128**, **2nd Sub. H.B. 256**, **H.B. 275**, and **Sub. H.B. 87** were signed by the Speaker in open

session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker:

March 2, 2005

The Senate refuses to concur with the House Amendments to **2nd Sub. S.B. 178**, CHARTER SCHOOL AMENDMENTS, by Senator H. Stephenson, and requests the House recede from its amendments.

Annette B. Moore  
Secretary of the Senate

Communication filed. Representative Ferrin moved that the House recede from its amendments to **2nd Sub. S.B. 178**. The motion passed on the following roll call:

**Yeas, 38; Nays, 37; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bowman	Buttars
D. Clark	S. Clark	D. Cox	Daw
Dayton	Donnelson	Dougall	Ferrin
Frank	Harper	Hogue	Hughes
E. Hutchings	B. Johnson	Kiser	Lockhart
Mathis	Morley	Newbold	Noel
Oda	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Buxton
Christensen	Cosgrove	Dee	Duckworth
Dunnigan	Ferry	Fisher	Fowlke
Gibson	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Holdaway	Hunsaker
Jones	King	Last	Lawrence
Litvack	Mascaro	McGee	Menlove
Morgan	Moss	Murray	Painter
Ray	Romero	Shurtliff	Wheatley
Wiley			

**Sub. S.B. 178** passed on the following roll call:

**Yeas, 38; Nays, 37; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Buttars	D. Clark	S. Clark	D. Cox
Daw	Dayton	Donnelson	Dougall
Ferrin	Ferry	Frank	Harper
Hogue	Hughes	Hunsaker	E. Hutchings
B. Johnson	Kiser	Lockhart	Mascaro
Mathis	Morley	Newbold	Noel
Oda	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

S. Allen	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	Christensen
Cosgrove	Dee	Duckworth	Dunnigan
Fisher	Fowlke	Gibson	Goodfellow
Gowans	Hansen	Hardy	Hendrickson
Holdaway	Jones	King	Last
Lawrence	Litvack	McGee	Menlove
Morgan	Moss	Murray	Painter
Ray	Romero	Shurtliff	Wheatley
Wiley			

**Sub. S.B. 178** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

Mr. Speaker:

March 2, 2005

The Senate passed, as amended, **H.B. 142**, ISSUES SUBMITTED TO VOTERS, by Representative G. Hughes, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 142**, placed on the calendar for concurrence.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the House Third Reading Calendar.



**THIRD READING CALENDAR**

**H.J.R. 20**, MASTER STUDY RESOLUTION, read the third time by short title and placed on its final passage.

Representative Ure proposed the following amendment:

1. Page 17, Line 520:  
After line 520, insert:  
“WPU Formula Related to Special Education – to study adjusting the WPU formula in relation to funding for special education.”

Representative Ure’s motion to amend passed on a voice vote.

###

Representative Shurtliff proposed the following amendment:

1. Page 17, After line 520:  
Insert a new item as follows: “Promotion of gaming on high school sports by newspaper publishing odds on ball games and playoffs.”

Representative Shurtliff’s motion to amend passed on a voice vote.

###

Representative Hansen proposed the following amendment:

1. Page 12, Line 366:  
After “Municipal” insert “Water and”
2. Page 12, Line 367:  
After ”from” insert “ water and”

Representative Hansen’s motion to amend passed on a voice vote.

###

Representative Hansen proposed the following amendment:

1. Page 17, After line 520:  
Insert a new item as follows: “Effects of Minority Reports on Legislation”

Representative Hansen’s motion to amend passed on a voice vote.

On motion of Representative Urquhart, the House voted to circle **H.J.R. 20**.

### UNFINISHED BUSINESS

On motion of Representative Bigelow, the House voted to uncircle **H.B. 301**.

**H.B. 301**, SUPPLEMENTAL APPROPRIATIONS III, was before the House upon reconsideration.

**H.B. 301**, as amended by the Senate, then passed on the following roll call:

**Yeas, 57; Nays, 9; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen	Barrus
Bigelow	Bourdeaux	Bowman	Buttars
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dee
Donnelson	Dougall	Dunnigan	Ferrin
Ferry	Fisher	Frank	Gibson
Goodfellow	Hardy	Harper	Holdaway
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	Menlove
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Becker	Biskupski	Duckworth	Gowans
Hansen	Hendrickson	McGee	Romero
Shurtliff			

**Absent or not voting were:** Representatives

Aagard	Dayton	Fowlke	Hogue
Hughes	Kiser	Morgan	Morley
Wiley			

**H.B. 301**, as amended by the Senate, transmitted to the Senate for its consideration.

## RULES COMMITTEE REPORT

Mr. Speaker:

March 2, 2005

The House Rules Committee recommends, under suspension of the rules and with written request of the sponsor, that **S.B. 7**, Funding for Tourism (Sen. S. Jenkins) be amended as follows, considered read for the first and second time and further recommends it be placed on the Third Reading Calendar:

1. Page 1, Lines 23 through 27:
  - 23 This bill appropriates:
  - 24       ▶       {~~-\$10,000,000 as an ongoing appropriation subject to~~  
~~future budget constraints and~~
  - 25 ~~with an automatic \$1,000,000 reduction in each fiscal year~~  
~~following-}   \$18,000,000 from the General Fund for   fiscal year~~
  - 26 2005-06   only to the Tourism Marketing Performance Fund .
  - 27 Other Special Clauses:
  
2. Page 7, Lines 207 through 211:
  - 207       (4) The fund shall be funded by:
  - 208       (a) {~~an annual appropriation~~ }   appropriations made  
to the fund by the Legislature   {~~as set forth in~~
  - 209 Subsection (7) } : and
  - 210       (b) increases in the sales and use tax revenues derived from the  
retail sales of
  - 211 tourist-oriented goods and services in accordance with this section.
  
3. Page 8, Lines 234 through 243
 

Senate 3rd Reading Amendments 2-23-2005:

  - 234       (7) (a) Monies deposited in the fund shall be as follows for each  
fiscal year.
  - 235       (b) {~~(i)~~ }   For the fiscal year beginning July 1, 2005, the  
budget base shall be a
  - 236 \$10,000,000 appropriation.
  - 237       {~~(ii)~~ }   (c)   For each succeeding fiscal year, the  
budget base shall be a reduction in the prior fiscal year's
  - 238 appropriation {~~as modified by Subsection~~ **Ŝ**→ [(6)] (7) ←**Ŝ**  
(c) } . plus the sales and use tax revenue

238a increases

239 identified in Subsection (8).

240 { ~~-(c) The \$10,000,000 appropriation portion of the budget base shall decrease by~~

241 \$1,000,000 in each fiscal year following fiscal year 2005-06. }

242 (d) Monies in the fund are nonlapsing.

243 (8) (a) In fiscal years 2006 through 2015, a portion of the state sales and use tax

4. Page 11, Lines 325 through 327  
Senate Committee Amendments 1-19-2005:

325 There is appropriated from the General Fund for fiscal year [2004-05] 2005-06 only .

325a { ~~-\$10,000,000~~ } \$18,000,000 to the

326 Tourism Marketing Performance Fund to help pay for the statewide advertising, marketing, and branding campaign for promotion of the state. .

327 Section 9. Effective date.

The Rules Committee recommends that, under suspension of the rules, the following bills and resolutions be considered read for the second time and placed on the Third Reading Calendar for Senate bills:

- S.B. 71** Security Personnel Licensing Amendments  
(Sen. G. Davis)
- S.C.R. 8** Concurrent Resolution Approving Class V Landfill  
(Sen. M. Dmitrich)
- S.B. 75** Public Safety Database Amendments (Sen. M. Waddoups)
- S.B. 146** Avoiding Apprehension Amendment (Sen. M. Waddoups)
- S.B. 207** Motor Vehicle Insurance Coverage Amendments  
(Sen. D. Eastman)
- 1st Sub. S.B. 8** Local Corridor Preservation Funding (Sen. S. Killpack)
- S.B. 157** Utah Consumer Credit Code Amendments  
(Sen. P. Knudson)
- S.B. 158** Dishonored Instrument Amendments (Sen. P. Knudson)
- 1st Sub. S.B. 80** Special Service Districts – Service Expansion  
(Sen. M. Dmitrich)
- S.B. 190** County Officer Amendments (Sen. C. Bramble)

- S.C.R. 2** Resolution Approving Class V Landfill (Sen. R. Allen)
- S.B. 148** Conservation Easement Endowment Restricted Account (Sen. B. Evans)
- 1st Sub. S.B. 31** Local Government Amendments (Sen. D. Thomas)

Rebecca Lockhart, Chair

Reports filed. On motion of Representative Lockhart, the reports of the Rules Committee were adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to recess until 7:30 p.m.

**EVENING SESSION**

The House was called to order by Speaker Curtis at 7:40 p.m.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: March 2, 2005

The President of the Senate has appointed a Conference Committee consisting of Senators H. Stephenson, C. Walker, and G. Davis to meet with a like committee from the House of Representatives to consider or amend **1st Sub. S.B. 137, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS**, by Senator H. Stephenson.

Annette B. Moore  
Secretary of the Senate

Communication filed. The Conference Committee may now meet.

\* \* \*

Mr. Speaker: March 2, 2005

The Senate concurred in the House amendments and passed **2nd Sub. S.B. 184, REDEVELOPMENT AGENCY AMENDMENTS**, by Senator C. Bramble, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **2nd Sub. S.B. 199, OFFICE OF ENERGY – OVERSIGHT**, by Senator T. Hatch, and it is transmitted for the signature of the Speaker; and

The Senate adopted the Joint Conference Committee Report dated March 2, 2005, and passed **S.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT**, by Senator L. Hillyard, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 51**, NEW MOTOR VEHICLE FRANCHISE ACT AMENDMENTS, by Senator D. Eastman, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **1st Sub. S.B. 139**, WAGE PROVISIONS, by Senator H. Stephenson, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **2nd Sub. S.B. 184**, **2nd Sub. S.B. 199**, **S.B. 1**, **S.B. 51**, and **Sub. S.B. 139** were signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

Mr. Speaker: March 2, 2005

The Senate passed, **1st Sub. H.B. 211**, INTEGRITY OF ELECTION RESULTS AMENDMENTS, by Representative J. Dougall, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **Sub. H.B. 211** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: March 2, 2005

The Senate passed, as amended, **H.B. 288**, EXECUTIVE COMPENSATION AMENDMENTS, by Representative J. Alexander, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 142**, ISSUES SUBMITTED TO VOTERS, by Representative G. Hughes, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 288** and **H.B. 142**, placed on the calendar for concurrence.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to move to the Senate Third Reading Calendar.

### UNFINISHED BUSINESS

On motion of Representative Lockhart, the House voted to uncircle **S.B. 216**.

**S.B. 216**, AMENDMENTS TO UTAH EMERGENCY MEDICAL SERVICES ACT, was before the House on its final passage.

**S.B. 216** then passed on the following roll call:

**Yeas, 66; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Ferrin	Ferry
Fisher	Fowlke	Gibson	Goodfellow
Gowans	Hansen	Hardy	Hendrickson
Hogue	Hughes	Hunsaker	B. Johnson
Jones	King	Kiser	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Adams	Dunnigan	Frank	Harper
Holdaway	E. Hutchings	Last	Moss
Urquhart			

**S.B. 216** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### MISCELLANEOUS BUSINESS

On motion of Representative Lockhart, the House voted to print the following intent language in the House Journal.

#### INTENT LANGUAGE TO S.B. 216

The role of local governments in the licensing of ground ambulance and paramedic providers that serve areas also served by the local government is important. The Legislature strongly encourages local government to establish cost, quality, and access goals for the ground ambulance and paramedic services that serve their areas. Utah Code Ann. Section 26–8a–408(7)

#### UNFINISHED BUSINESS

On motion of Representative Lockhart, the House voted to uncircle **Sub. S.B. 25**.

**Sub. S.B. 25**, TRANSPORTATION AMENDMENTS AND HIGHWAY JURISDICTIONAL TRANSFER TASK FORCE, was before the House on its final passage.

**Sub. S.B. 25** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow



Tilton	Ure	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Hansen	Urquhart
--------	----------

**Sub. S.B. 25** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

Representative Ray moved to uncircle **S.B. 77** and it failed to pass on the following roll call:

**Yeas, 34; Nays, 38; Absent or not voting, 3.****Voting in the affirmative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Buttars	D. Clark	S. Clark	Cosgrove
Daw	Dougall	Dunnigan	Fowlke
Frank	Gibson	Hardy	Harper
Hogue	Holdaway	Hunsaker	B. Johnson
Jones	Kiser	Lawrence	Litvack
Mascaro	McGee	Menlove	Morgan
Moss	Newbold	Ray	Romero
Wheatley	Curtis		

**Voting in the negative were:** Representatives

Aagard	Adams	Alexander	Barrus
Bigelow	Bowman	Buxton	Christensen
D. Cox	Dee	Donnelson	Duckworth
Ferrin	Ferry	Fisher	Goodfellow
Gowans	Hansen	Hendrickson	Hughes
King	Last	Lockhart	Mathis
Morley	Murray	Noel	Oda
Painter	Shurtliff	G. Snow	Tilton
Ure	Walker	Wallace	Wheeler
Wiley	Wyatt		

**Absent or not voting were:** Representatives

Dayton	E. Hutchings	Urquhart
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### THIRD READING CALENDAR

**S.B. 7, FUNDING FOR TOURISM**, under suspension of the rules, read the third time by short title and placed on its final passage.

On motion of Representative Hughes, the House voted to consider this bill under suspension of the rules.

**S.B. 7**, as amended, then passed on the following roll call:

**Yeas, 70; Nays, 3; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Dougall	Morley	Tilton
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**Absent or not voting were:** Representatives

Gowans	Lockhart
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**S.B. 7**, as amended, returned to the Senate for further consideration.

\* \* \*

**S.B. 71, SECURITY PERSONNEL LICENSING AMENDMENTS**, read the third time by short title and placed on its final passage.

**S.B. 71** then passed on the following roll call:

**Yeas, 41; Nays, 26; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Becker	Bourdeaux
Buttars	Buxton	Christensen	S. Clark
Cosgrove	D. Cox	Duckworth	Dunnigan
Ferry	Goodfellow	Gowans	Hansen
Hendrickson	Hogue	Hunsaker	E. Hutchings
Jones	King	Kiser	Last
Litvack	Lockhart	Mascaro	McGee
Morgan	Morley	Murray	Newbold
Noel	Romero	Shurtliff	Urquhart
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

**Voting in the negative were:** Representatives

Adams	Alexander	Barrus	Bigelow
Bowman	D. Clark	Donnelson	Fisher
Fowlke	Gibson	Hardy	Harper
Hughes	B. Johnson	Lawrence	Mathis
Menlove	Moss	Oda	Painter
Ray	G. Snow	Tilton	Ure
Walker	Curtis		

**Absent or not voting were:** Representatives

Biskupski	Daw	Dayton	Dee
Dougall	Ferrin	Frank	Holdaway

**S.B. 71** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### UNFINISHED BUSINESS

On motion of Representative Adams, the House voted to uncircle **Sub. S.B. 211**.

**Sub. S.B. 211**, FUNDING FOR CONVENTION FACILITIES, was before the House on its final passage.

Representative Adams proposed the following amendment:

1. Page 2, Lines 50 through 51  
Senate 3rd Reading Amendments 2-24-2005  
50 (4) [~~Revenues~~] (a) § → [~~A~~] Beginning on July 1, 2005, through  
June 30, { -2011 } 2015 . a ← §  
50a municipality may use revenues generated by the tax under this  
51 part [may be used]:
  
2. Page 3, Lines 68a through 68b  
Senate 3rd Reading Amendments 2-24-2005:  
68a § → (c) Beginning on July 1, { -2011 } 2015 . a  
municipality may use revenues generated by the tax under  
68b this part for general fund purposes. ← §
  
3. Page 8, Lines 224 through 233  
Senate 3rd Reading Amendments 2-24-2005:  
224 { ~~—— (d) § →~~ [~~The~~] For a county of the first class, the ← §  
revenues generated by the tax  
224a authorized by Subsection (1)(a) that are  
225 expended for a purpose described in Subsection (1)(b) § → (i) or  
(ii) ← § may only be expended for  
225a amounts the  
226 county legislative body is required to pay under a contract that is  
awarded:  
227 (i) on or after the day on which the county legislative body  
enacts a tax under this part;  
228 and  
229 (ii) following procurement procedures that:  
230 (A) the county uses for procuring services under a contract; and  
231 (B) are commenced on or after the day on which the county  
legislative body enacts a  
232 tax under this part.  
233 (e) } (d) The authority to impose a tax authorized by  
Subsection (1)(a) is in addition to any

Representative Adams' motion to amend passed on a voice vote.

###

Representative Dee proposed the following amendment:

1. Page 1, Lines 10 through 20  
Senate 2nd Reading Amendments 2-22-2005
  - 10 This bill:
  - 11 ► amends the purposes for which revenues generated by  
the municipality transient
  - 12 room tax may be used;
  - 13 {► ~~addresses the distribution of revenues from a tax on  
leases or rentals of certain~~
  - 14 ~~motor vehicles;-~~}
  - 15 ► authorizes a county legislative body §→ {-+} of a  
county of the first class {-+} ←§ to enact a tax on
  - 16 certain accommodations and services including:
    - 17 • providing definitions;
    - 18 • providing the {-rate-} rates of the tax;
    - 19 • providing that the tax may be used for certain purposes  
relating to convention
    - 20 facilities;
2. Page 2, Lines 31 through 33  
Senate 3rd Reading Amendments 2-24-2005:
  - 31 AMENDS:
  - 32 59-12-352, as last amended by Chapters 156 and 255, Laws of  
Utah 2004
  - 33 {~~-59-12-603, as last amended by Chapters 156 and 255,  
Laws of Utah 2004-~~}
3. Page 3, Line 69 through Page 7, Line 200  
Senate 3rd Reading Amendments 2-24-2005:  
Delete lines 69 through 200

4. Page 7, Line 211 through Page 8, Line 213  
Senate 2nd Reading Amendments 2-22-2005:

211 (1) (a) Beginning on July 1, 2005, through June 30, 2015, a county legislative body §→ {—} of

211a a {—} ←§

212 §→ {—} county of the first class {—} →§ may impose a tax : {—of 1% on charges for the accommodations and

213 services described in Subsection 59-12-103(1)(i). }

(i) at a rate of 1.25%;

(A) beginning on or after July 1, 2005, through June 30, 2011; and

(B) on charges for the accommodations and services described in

Subsection 59-12-103(1)(i); or

(ii) at a rate of 1%;

(A) beginning on or after July 1, 2011, through June 30, 2015; and

(B) on charges for the accommodations and services described in

Subsection 59-12-103(1)(i).

5. Page 8, Lines 218e through 219a  
Senate 3rd Reading Amendments 2-24-2005:

218e (C) that arise from the construction, expansion, or renovation of a convention facility. ←§

219 (c) Notwithstanding Subsection (1)(b), a county legislative body {—§→—of a county of the

219a first class →§ } may not expend in any

6. Page 8, Lines 223 through 224  
Senate 3rd Reading Amendments 2-24-2005:

223 (ii) relating to one convention facility.

224 (d) §→ {—} The {—} {—For a county of the first class, the } ←§

Renumber remaining sections accordingly.

Representative Dee's motion to amend passed on a voice vote.

Representative Litvack declared a conflict of interest because his wife works for Salt Lake County.

**Sub. S.B. 211**, as amended, then passed on the following roll call:

**Yeas, 59; Nays, 15; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	S. Clark
Cosgrove	D. Cox	Daw	Dee
Donnelson	Dougall	Duckworth	Fisher
Fowlke	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Moss
Murray	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Ure	Walker	Wallace	Wheatley
Wiley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Bigelow	D. Clark	Dayton	Dunnigan
Ferrin	Ferry	Frank	Last
Lawrence	Lockhart	Morley	Newbold
Tilton	Urquhart	Wheeler	

**Absent or not voting was:** Representative Christensen

**Sub. S.B. 211**, as amended, returned to the Senate for further consideration.

## CONFERENCE COMMITTEE REPORT

Mr. Speaker:

March 2, 2005

The Joint Conference Committee comprised of Senators Stephenson, Walker, and Davis, and Representatives Kiser, Ure, and Morgan, recommends **1st Sub. S.B. 137**, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS, by Senator H. Stephenson, be replaced and favorably recommends **2nd Sub. S.B. 137**, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS.

Howard Stephenson  
Senate Chair

Todd E. Kiser  
House Chair

Report filed. On motion of Representative Kiser, the House voted to adopt the Conference Committee Report.

**2nd Sub. S.B. 137** then passed on the following roll call:

**Yeas, 65; Nays, 5; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buxton	Christensen
D. Clark	S. Clark	D. Cox	Daw
Dayton	Dee	Duckworth	Dunnigan
Ferrin	Ferry	Fowlke	Gibson
Gowans	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wiley
Curtis			

**Voting in the negative were:** Representatives

Cosgrove	Donnelson	Fisher	Wheeler
Wyatt			



**Absent or not voting were:** Representatives

Buttars	Dougall	Frank	Goodfellow
Hansen			

**2nd Sub. S.B. 137** transmitted to the Senate for consideration.

**THIRD READING CALENDAR**

**S.C.R. 8**, CONCURRENT RESOLUTION APPROVING CLASS V LANDFILL, read the third time by short title and placed on its final passage.

**S.C.R. 8** then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Donnelson	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Adams	Buttars	Dee	Dougall
Ferrin	Frank	Wallace	Wheatley

**S.C.R. 8** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 75**, PUBLIC SAFETY DATABASE AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Urquhart, the House voted to circle **S.B. 75**.

\* \* \*

**S.B. 146**, AVOIDING APPREHENSION AMENDMENTS, read the third time by short title and placed on its final passage.

**S.B. 146** then passed on the following roll call:

**Yeas, 61; Nays, 1; Absent or not voting, 13.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buxton	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Donnelson	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	Kiser	Last	Lawrence
Litvack	Lockhart	Mathis	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Ray
Romero	G. Snow	Ure	Urquhart
Walker	Wallace	Wheeler	Wiley
Wyatt			

**Voting in the negative was:** Representative

Tilton

**Absent or not voting were:** Representatives

Alexander	Bigelow	Buttars	Dee
Dougall	Hughes	King	Mascaro
McGee	Painter	Shurtliff	Wheatley
Curtis			

**S.B. 146** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 207**, MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS, read the third time by short title and placed on its final passage.

**S.B. 207** then passed on the following roll call:

**Yeas, 62; Nays, 0; Absent or not voting, 13.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Fisher
Fowlke	Frank	Gibson	Goodfellow
Hardy	Harper	Hendrickson	Hogue
Hunsaker	E. Hutchings	B. Johnson	Jones
Kiser	Last	Lawrence	Litvack
Mascaro	Mathis	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Absent or not voting were:** Representatives

Alexander	Buttars	Ferry	Gowans
Hansen	Holdaway	Hughes	King
Lockhart	McGee	Morley	Shurtliff
Curtis			

**S.B. 207** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**Sub. S.B. 8, LOCAL CORRIDOR PRESERVATION FUNDING**, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **Sub. S.B. 8**.

\* \* \*

**S.B. 157, UTAH CONSUMER CREDIT CODE AMENDMENTS**, read the third time by short title and placed on its final passage.

**S.B. 157** then passed on the following roll call:

**Yeas, 67; Nays, 1; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Litvack	Lockhart	Mascaro
Mathis	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative was:** Representative  
Christensen

**Absent or not voting were:** Representatives

Adams	Bigelow	Dunnigan	Hansen
Lawrence	McGee	Urquhart	

**S.B. 157** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 158, DISHONORED INSTRUMENT AMENDMENTS,** read the third time by short title and placed on its final passage.

**S.B. 158** then passed on the following roll call:

**Yeas, 61; Nays, 0; Absent or not voting, 14.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski

Buttars	Buxton	Christensen	D. Clark
Cosgrove	D. Cox	Daw	Dee
Donnelson	Duckworth	Dunnigan	Ferry
Fisher	Frank	Gibson	Goodfellow
Hardy	Harper	Hendrickson	Hogue
Hunsaker	E. Hutchings	B. Johnson	Jones
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Bourdeaux	Bowman	S. Clark	Dayton
Dougall	Ferrin	Fowlke	Gowans
Hansen	Holdaway	Hughes	King
Noel	Urquhart		

**S.B. 158** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

**UNFINISHED BUSINESS**

On motion of Representative Alexander, the House voted to uncircle **H.J.R. 20**.

**H.J.R. 20**, MASTER STUDY RESOLUTION, was before the House on its final passage.

Representative Alexander proposed the following amendment:

1. Page 17, Line 520:  
After Line 520, insert:  
“Revision to Penalty for Late Tax Payment – to study and examine whether Utah’s 2% penalty for late property taxes should be altered to discourage delinquent payments.”

2. Page 12, Line 365:  
After “government” insert “and school districts”
  
3. Page 17, Line 520:  
After Line 520, insert:  
“Technology Supporting Involvement in Education – to study the use of technology to support community and family involvement in education.  
Repeal of Exemption from Nonresident Tuition – to study the repeal of the provision that, if allowed under federal law, a student, other than a nonimmigrant alien, shall be exempt from the nonresident portion of total tuition if the student attended high school in this state for three or more years and graduated from a high school or received its equivalent in this state (H.B. 239).  
Land Use Impacts – to study the land use impacts related to Camp Williams.  
Election Options – to study the use of ranked-choice voting for state executive offices and full representation voting for the Utah Senate and the Utah House of Representatives.  
Mortgage Fraud – to study mortgage fraud and identity theft related to mortgage fraud.  
Teaching by Registered Sex Offenders – to study higher education teaching by registered sex offenders.  
Electrical Qualifying Facility – to study applying for sales tax exemption for electrical power plant equipment for electrical qualifying facilities under federal law.  
Guardian Ad Litem Operations – to study the full operations of the Guardian Ad Litem’s Office and potential statutory changes.”
  
4. Page 4, Lines 101–103:  
Delete lines 101 through 103.

Representative Alexander’s motion to amend passed on a voice vote.

**H.J.R. 20**, as amended, then passed on the following roll call:

**Yeas, 60; Nays, 0; Absent or not voting, 15.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Biskupski	Bowman
Buttars	Buxton	Christensen	S. Clark
Cosgrove	D. Cox	Daw	Dayton

Dee	Donnelson	Duckworth	Ferrin
Ferry	Fowlke	Frank	Gibson
Goodfellow	Hardy	Harper	Hendrickson
Hogue	Hunsaker	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Murray	Newbold	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Ure	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Becker	Bourdeaux	D. Clark	Dougall
Dunnigan	Fisher	Gowans	Hansen
Holdaway	Hughes	E. Hutchings	Moss
Noel	Tilton	Urquhart	

**H.J.R. 20**, as amended, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to move to the Senate Third Reading Calendar.

**UNFINISHED BUSINESS**

On motion of Representative Dee, the House voted to uncircle **S.B. 75**.

**S.B. 75**, PUBLIC SAFETY DATABASE AMENDMENTS, was before the House on its final passage.

Representative Tilton proposed the following amendment:

- Page 2, Line 37 (goldenrod copy):  
Before "under" insert "without charging any additional fees for access to the database and"

Representative Tilton's motion to amend passed on a voice vote.

**S.B. 75**, as amended, then failed to pass on the following roll call:

**Yeas, 14; Nays, 54; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Bowman	Buxton	Dayton	Dee
Goodfellow	Hunsaker	E. Hutchings	Last
Lawrence	Morgan	Moss	Ray
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Buttars	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Donnelson	Dougall
Duckworth	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Gowans
Hansen	Hardy	Hendrickson	Hogue
Holdaway	Hughes	Jones	King
Kiser	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morley
Murray	Newbold	Oda	Painter
Romero	Shurtliff	G. Snow	Tilton
Ure	Walker	Wallace	Wheatley
Wheeler	Wiley		

**Absent or not voting were:** Representatives

Alexander	S. Clark	Dunnigan	Harper
B. Johnson	Noel	Urquhart	

**S.B. 75**, as amended, returned to the Senate for filing.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: March 2, 2005

The Senate passed, as substituted, **5th Sub. S.B. 183**, PUBLIC TRANSIT DISTRICT ANNEXATION AND FUNDING AMENDMENTS, by Senator Bell, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 3**, SUPPLEMENTAL APPROPRIATIONS ACT II, by Senator L. Hillyard, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **5th Sub. S.B. 183** and **S.B. 3**, read the first time by short title and referred to the Rules Committee.



\* \* \*

Mr. Speaker: March 2, 2005

The Senate passed, as amended, **2nd Sub. H.B. 313**, ECONOMIC DEVELOPMENT INITIATIVE FOR HIGHER EDUCATION, by Representative K. Holdaway, and it is transmitted for further consideration; and

The Senate passed, as amended, **H.B. 382**, SUPPLEMENTAL MINIMUM SCHOOL PROGRAM FINANCE ACT, by Representative G. Snow, and it is transmitted for further consideration; and

The Senate passed, upon reconsideration, as amended, **1st Sub. H.B. 338**, CHILD AND FAMILY WELFARE REVISIONS, by Representative L. Christensen, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **2nd Sub. H.B. 313**, **H.B. 382**, and **Sub. H.B. 338**, placed on the calendar for concurrence.

\* \* \*

Mr. Speaker: March 2, 2005

The Senate passed, **H.B. 114**, CHILDREN’S HEALTH CARE COVERAGE AMENDMENTS, by Representative D. Hogue, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 25**, DIRECT-ENTRY MIDWIFE ACT, by Representative J. Biskupski, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 78**, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, by Representative W. Harper, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 301**, SUPPLEMENTAL APPROPRIATIONS III, by Representative R. Bigelow, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 114**, **H.B. 25**, **Sub. H.B. 78**, and **H.B. 301** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: March 2, 2005

The Senate concurred in the House amendments and passed **1st Sub. S.B. 144**, MOTOR VEHICLE STOPS AT PORT-OF-ENTRY, by Senator P. Knudson, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **Sub. S.B. 144** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

Mr. Speaker: March 2, 2005

The Senate refuses to concur with the House Amendments to **2nd Sub. S.B. 109**, SAFETY BELT ENFORCEMENT, by Senator K. Hale, and requests the House recede from its amendments.

Annette B. Moore  
Secretary of the Senate

Communication filed. On motion of Representative Allen, the House voted to refuse to recede from its amendments to **2nd Sub. S.B. 109** and request that a Conference Committee be appointed. The Speaker appointed Representatives Allen, Ure, and Gowans.

### RULES COMMITTEE REPORTS

Mr. Speaker: March 2, 2005

The House Rules Committee recommends, with written request of the sponsor, that **1st Substitute S.B. 39**, Consumer Credit Protection (Sen. C. Walker) be replaced with **2nd Substitute S.B. 39**, Consumer Credit Protection (Sen. C. Walker) and further recommends, under suspension of the rules, it be considered read for the second time and placed on the Third Reading Calendar for Senate Bills; and

The Rules Committee recommends that, under suspension of the rules, the following bills and resolutions be considered read for the second time and placed on the Third Reading Calendar for Senate bills:

**S.J.R. 11**                      Resolution Limiting Number of Governor's Terms  
(Sen. C. Walker)

**2nd Sub. S.B. 209**          Interlocal Cooperation Amendments (Sen. C. Bramble)

- S.B. 205** Individual Income Tax – Office of State Debt Collection Rulemaking Authority (Sen. M. Dmitrich)
- S.B. 203** Property Tax – County Service Areas (Sen. M. Waddoups)
- S.B. 188** Classifying Off-highway Vehicles as Allowed on Designated Roads (Sen. T. Hatch)
- 1st Sub. S.B. 225** Changes to General Government – Sales and Use Tax Amendments (Sen. G. Davis)
- S.B. 174** Security Service Amendments (Sen. R. Allen)
- 1st Sub. S.B. 187** Special Hunting Permits for Antelope Island (Sen. J. Hickman)

Rebecca Lockhart, Chair

Reports filed. On motion of Representative Lockhart, the report of the Rules Committee were adopted.

### MISCELLANEOUS BUSINESS

On motion of Representative Bigelow, under suspension of the rules, the House voted to lift **S.B. 3** from the Rules Committee, consider it read the second time by short title and placed at the top of the calendar for third reading.

### THIRD READING CALENDAR

**S.B. 3, SUPPLEMENTAL APPROPRIATIONS ACT II**, read the third time by short title and placed on its final passage.

Representative Bigelow proposed the following amendment:

1. Page 28, Line 1049:  
Delete “100,000” and insert “180,000”
2. Page 28, Line 1051:  
Delete “100,000” and insert “180,000”
3. Page 2, Line 44  
Senate 2nd Reading Amendments 3–2–2005:  
Delete “309,600” and insert “9,600”
4. Page 2, Line 46  
Senate 2nd Reading Amendments 3–2–2005:  
Delete “309,600” and insert “9,600”
5. Page 3, Line 74:  
Delete “20,500” and insert “170,500”

6. Page 3, Line 76:  
After Line 76 insert:  
“State and Local Planning 150,000”
  
7. Page 3, Line 82:  
After Line 82 insert:  
“It is the intent of the Legislature that the Governor’s Office of Planning and Budget use the monies appropriated for State and Local Planning to assist cities and counties with county resource management planning, quality growth planning, critical lands planning, or other important local government planning needs.”
  
8. Page 16, Line 586c  
Senate 2nd Reading Amendments 3–2–2005:  
Delete “(300,000)” and insert “(150,000)”
  
9. Page 16, Line 586e  
Senate 2nd Reading Amendments 3–2–2005:  
Delete “(300,000)” and insert “(150,000)”

Representative Bigelow’s motion to amend passed on a voice vote.

###

Representative Holdaway proposed the following amendment:

1. Page 17, Line 609:  
After Line 609:  
“RESTRICTED REVENUE — CAPITAL FACILITIES AND ADMINISTRATIVE SERVICES  
ITEM 55a  
To Education Budget Reserve Account  
From Uniform School Fund One–time (903,300)  
Schedule of Programs:  
Education Budget Reserve Account (903,300)”
  
2. Page 44, Line 1659:  
After Line 1659 insert:  
“ITEM 157a  
To State Board of Education – Minimum School Program  
From Uniform School Fund One–time 903,300  
Schedule of Programs:  
Special Education 903,300

It is the intent of the Legislature that the State Board of Education shall use the \$903,300 in one-time Uniform School Funds to replace special education funds reduced because of the passage of Carson Smith Special Needs Scholarship (House Bill 249, 2005 General Session)”

Representative Holdaway’s motion to amend failed on a voice vote.

###

Representative Becker proposed the following amendment:

1. Page 24, Line 895:  
After Line 895 insert:  
“It is the intent of the legislature that \$50,000 be used to fund the documentary production of Our Story: Italian–Americans in Utah. It is also the intent of the Legislature that the documentary be used for the purpose of promoting and establishing an international relationship with Italy, host country of the 2006 Winter Olympic Games in Torino, by celebrating the living legacy of Italians in Utah, and by encouraging and cultivating economic development opportunities including tourism, travel, and trade, and educational, technological, cultural, and historical exchange programs.”

Representative Ferrin proposed the following substitute motion to amend:

1. Page 17, Line 609:  
After Line 609:  
“RESTRICTED REVENUE -- CAPITAL FACILITIES AND ADMINISTRATIVE SERVICES  
ITEM 54a  
To Education Budget Reserve Account  
From Uniform School Fund One-time (900,000)  
Schedule of Programs:  
Education Budget Reserve Account (900,000)”
2. Page 42, Line 1589:  
After Line 1589 insert:  
“From Uniform School Fund One-time 900,000”
3. Page 43, Line 1591:  
Delete “100,000” and insert “1,000,000”
4. Page 43, Line 1594:  
Delete “\$100,000 ongoing” and insert “\$1,000,000”

5. Page 43, Line 1596:  
After “basis” insert “to provide up to \$75 per student enrolled in a charter school”
6. Page 43, Line 1598:  
After “Formula program” insert “to help with charter school administrative expenses”

Representative Ferrin’s substitute motion to amend failed on the following roll call:

**Yeas, 16; Nays, 42; Absent or not voting, 17.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Barrus	Daw
Dayton	Donnelson	Ferrin	Frank
E. Hutchings	Kiser	Lawrence	Lockhart
Morley	Oda	Tilton	Wallace

**Voting in the negative were:** Representatives

S. Allen	Becker	Bigelow	Bowman
Buttars	Buxton	Christensen	D. Clark
Cosgrove	D. Cox	Dee	Dougall
Duckworth	Dunnigan	Ferry	Fisher
Fowlke	Gibson	Goodfellow	Hansen
Hardy	Holdaway	Hunsaker	B. Johnson
Jones	King	Last	Litvack
Mascaro	McGee	Menlove	Murray
Newbold	Romero	Shurtliff	G. Snow
Urquhart	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

Alexander	Biskupski	Bourdeaux	S. Clark
Gowans	Harper	Hendrickson	Hogue
Hughes	Mathis	Morgan	Moss
Noel	Painter	Ray	Ure
Walker			

Representative Becker’s motion to amend failed on the following roll call:

**Yeas, 29; Nays, 39; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Adams	Becker	Biskupski	Bourdeaux
Buttars	D. Clark	Cosgrove	Daw

Duckworth	Goodfellow	Hansen	Harper
Hendrickson	Hunsaker	Jones	King
Lawrence	Litvack	Mascaro	McGee
Menlove	Morgan	Moss	Ray
Romero	Shurtliff	Wheatley	Wiley
Curtis			

**Voting in the negative were:** Representatives

Aagard	S. Allen	Barrus	Bigelow
Bowman	Buxton	Christensen	S. Clark
D. Cox	Dayton	Dee	Donnelson
Dougall	Dunnigan	Ferrin	Ferry
Fisher	Frank	Gibson	Hardy
Hogue	Holdaway	Hughes	E. Hutchings
B. Johnson	Last	Lockhart	Mathis
Morley	Murray	Newbold	Oda
Painter	G. Snow	Urquhart	Walker
Wallace	Wheeler	Wyatt	

**Absent or not voting were:** Representatives

Alexander	Fowlke	Gowans	Kiser
Noel	Tilton	Ure	

###

Representative Christensen, under suspension of the rules, proposed the following amendment:

1. Page 42, Line 1580:  
 Insert a new item 148a as follows:  
 To the State Board of Education – State Office of Education  
 From General Fund, One-time \$15,000  
 Schedule of Programs:  
 State Office of Education \$15,000  
 The Legislature intends that the \$15,000 appropriated in this item be used for implementation of a Congressional Conference on Civic Education action plan.”

Representative Christensen’s motion to amend passed on a voice vote.

**S.B. 3**, as amended, then passed on the following roll call:

**Yeas, 70; Nays, 1; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Gibson	Goodfellow
Gowans	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative was:** Representative  
Hansen

**Absent or not voting were:** Representatives

Adams	Fowlke	Frank	Urquhart
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**S.B. 3**, as amended, returned to the Senate for further consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative D. Clark, the House voted to have the following intent language printed upon the pages of the House Journal.

**INTENT LANGUAGE FOR S.B. 3**

“In passing S.B. 3, Supplemental Appropriations Act II, H.B. 1, Annual Appropriations Act, S.B. 1, Supplemental Appropriations Act, H.B. 301, Supplemental Appropriations II, and H.B. 213, Unused Sick Leave at Retirement Amendments, the Legislature recognizes and intends the following:

- (1) H.B. 213 does not affect the vested rights of any retired state employees or of state employees who retire by December 31, 2005 and are covered by the current programs described under Sections 67–19–14 through 67–19–14.3;
- (2) State employee rights before actual retirement are limited vested rights, in



contrast to the retired employees' absolute vested rights;

(3) The rapidly increasing costs and value of the unused sick leave programs described under Sections 67-19-14 through 67-19-14.3 are changing conditions that require legislative action to maintain the financial security and future actuarial soundness of the benefit;

(4) The Legislature may subject the programs described under Sections 67-19-14 through 67-19-14.3 to reasonable modifications to meet those changing conditions;

(5) The Legislature may be required to provide a substantial substitute in consideration of the modifications to the programs for current state employees with limited vested rights; and

(6) The Legislature is providing the following components as a substantial substitute, if a substantial substitute is required:

(a) Ongoing state employee compensation increases beginning with the 2005-06 fiscal year, including:

(i) Cost-of-living salary increases; and

(ii) Other benefit increases, including both health insurance and retirement, in addition to the cost-of-living increases;

(b) Ongoing state employee market comparability adjustments, beginning in the 2005-06 fiscal year;

(c) Grandfathering current benefit provisions by:

(i) Maintaining current the state employees' ability to purchase health insurance coverage after retirement under Program I with all sick leave hours accumulated through the end of calendar year 2005;

(ii) Preserving the increasing value of the benefit purchased with those accumulated sick leave hours by allowing the state employees to continue to purchase one month's health insurance coverage, which is annually more expensive, for the constant purchase price of eight hours of:

(A) unused sick leave that are under Program I; or

(B) converted sick leave; and

(iii) Making the legislative modifications prospective only as applied to future state employee sick leave accumulations;

(d) Enacting Program II for state employee sick leave hours accumulated after January 1, 2006;

(e) Providing for an additional accumulation of state employee converted sick leave hours through 2014;

(f) Providing payment of 25% of a state employee's unused accumulated sick leave at the employee's rate of pay at the time of retirement into the employee's 401(k) plan; and

(g) Recognizing that the long-term savings realized by the enactment of H.B. 213

will annually help preserve the state's ability to fund the costs of future state employee compensation and benefit increases.”

### UNFINISHED BUSINESS

On motion of Representative D. Clark, the House voted to uncircle **2nd Sub. S.B. 192**.

**2nd Sub. S.B. 192**, HIGH TECHNOLOGY ECONOMIC DEVELOPMENT APPROPRIATION, was before the House on its final passage.

On motion of Representative D. Clark, the House voted to delete **2nd Sub. S.B. 192** in title and body and insert **4th Sub. S.B. 192** in lieu thereof.

On motion of Representative D. Clark, the House voted to consider **4th Sub. S.B. 192** under suspension of the rules.

**4th Sub. S.B. 192** then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

#### **Voting in the affirmative were:** Representatives

Adams	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

#### **Absent or not voting were:** Representatives

Aagard	Alexander	Frank	Kiser
Morley	Oda	Urquhart	

**4th Sub. S.B. 192**, as substituted, returned to the Senate for further consideration.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 2, 2005

The Senate substituted and passed, **Senate 2nd Sub. H.B. 104**, SPYWARE CONTROL ACT REVISIONS, by Representative S. Urquhart, and it is transmitted for further consideration; and

The Senate passed, upon reconsideration, as amended, **3rd Sub. H.B. 308**, ARCHEOLOGICAL RESOURCES AMENDMENTS, by Representative B. Johnson, and it is transmitted for further consideration; and

The Senate passed, upon reconsideration, as amended, **H.B. 324**, TAXABLE VALUE ADJUSTMENT FOR PROPERTY DAMAGED BY A NATURAL DISASTER, by Representative B. Last, and it is transmitted for further consideration and with the following amendments:

1. Page 1, Line 17:  
Delete "40%" and reinstate "30%"
2. Page 2a, Line 58  
Lilac House Floor Amendments 2-22-2005:  
Delete "40%" and reinstate "30%"
3. Page 3, Line 74  
Lilac House Floor Amendments 2-22-2005:  
Delete "40%" and reinstate "30%"

The Senate passed, upon reconsideration, as amended, **3rd Sub. H.B. 260**, AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS, by Representative J. Dougall, and it is transmitted for further consideration with the following amendments:

1. Page 9, Lines 260 through 265:  
260 (3) (a) A service provider may comply with Subsection (1) by:  
261 (i) providing { - network level } in-network filtering to  
prevent receipt of material harmful to minors;  
262 or  
263 (ii) providing { -at the time of a consumer's request under  
Subsection (1). } software for

264 contemporaneous installation on the consumer's computer that blocks, in an easy-to-enable and

265 commercially reasonable manner, receipt of material harmful to minors.

2. Page 11, Lines 313 through 319:

313 (2) (a) A service provider may comply with Subsection (1) by:

314 (i) providing {~~network level~~} ~~in-network~~ filtering to prevent receipt of material harmful to minors;

315 (ii) providing {~~at the consumer's request,~~} ~~software for contemporaneous installation on~~

316 the consumer's computer that blocks, in an easy-to-enable and commercially reasonable

317 manner, receipt of material harmful to minors; or

318 (iii) complying with any federal law in effect that requires the blocking of content from

319 a registry of sites containing material harmful to minors.

3. Page 11, Line 325:

325 (ii) A service provider with fewer than {~~5,000~~} ~~7,500~~ subscribers may charge a consumer for

The Senate passed, upon reconsideration, as amended, **H.B. 259**, ADOPTION AMENDMENTS, by Representative A. Hardy, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **2nd Sub. H.B. 104, 3rd Sub. H.B. 308, H.B. 324, 3rd Sub. H.B. 260, and H.B. 259**, placed on the calendar for concurrence.

### CONCURRENCE CALENDAR

Representative Alexander moved that the House concur in the Senate amendments to **H.B. 288**, EXECUTIVE COMPENSATION AMENDMENTS. The motion failed on the following roll call:

**Yeas, 32; Nays, 40; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	Becker	Bigelow
Bowman	Buttars	Buxton	Christensen
S. Clark	Ferry	Hardy	Harper
Hogue	Hughes	Hunsaker	E. Hutchings
B. Johnson	King	Kiser	Last
Morgan	Murray	Newbold	Noel
Oda	Painter	G. Snow	Tilton
Ure	Urquhart	Wheeler	Curtis

**Voting in the negative were:** Representatives

Agard	S. Allen	Barrus	Biskupski
Bourdeaux	D. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Fisher	Gibson	Goodfellow	Gowans
Hansen	Hendrickson	Holdaway	Jones
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morley
Moss	Ray	Romero	Walker
Wallace	Wheatley	Wiley	Wyatt

**Absent or not voting were:** Representatives

Fowlke	Frank	Shurtliff
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\* \* \*

On motion of Representative Alexander, the House voted to saunter.

On motion of Representative Alexander, the House voted to cease to saunter.

\* \* \*

On motion of Representative Alexander, the House voted to refuse to concur with the Senate amendments to **H.B. 288** and to request the Senate to recede from its amendments.

**CONCURRENCE CALENDAR**

On motion of Representative Hughes, the House voted to concur in the Senate amendments to **H.B. 142**, ISSUES SUBMITTED TO VOTERS.

**H.B. 142**, as amended by the Senate, then passed on the following roll call:

**Yeas, 47; Nays, 20; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Adams	Alexander	Bowman	Buttars
Christensen	S. Clark	Daw	Dayton
Dee	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Gibson
Gowans	Hansen	Hardy	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Kiser	Last
Lawrence	Lockhart	Mathis	Menlove
Morley	Murray	Newbold	Noel
Oda	Painter	Ray	G. Snow
Tilton	Ure	Urquhart	Walker
Wheeler	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Aagard	S. Allen	Barrus	Becker
Biskupski	Bourdeaux	Cosgrove	D. Cox
Donnelson	Jones	King	Litvack
Mascaro	Morgan	Moss	Romero
Shurtliff	Wallace	Wheatley	Wiley

**Absent or not voting were:** Representatives

Bigelow	Buxton	D. Clark	Dougall
Frank	Goodfellow	Harper	McGee

**H.B. 142**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Holdaway, the House voted to concur in the Senate amendments to **2nd Sub. H.B. 313**, ECONOMIC DEVELOPMENT INITIATIVE FOR HIGHER EDUCATION.

**2nd Sub. H.B. 313**, as amended by the Senate, then passed on the following roll call:

**Yeas, 57; Nays, 0; Absent or not voting, 18.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Biskupski	Bowman	Buttars

Christensen	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Gibson	Goodfellow
Hardy	Hendrickson	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Litvack	Lockhart
Mascaro	Mathis	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Romero	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

S. Allen	Bigelow	Bourdeaux	Buxton
D. Clark	Dougall	Frank	Gowans
Hansen	Harper	Hogue	Last
Lawrence	McGee	Menlove	Morgan
Ray	Ure		

**2nd Sub. H.B. 313**, as amended by the Senate, transmitted to the Senate for signature of the president.

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On motion of Representative Snow, the House voted to refuse to concur with the Senate amendments to **H.B. 382** and to request the Senate to recede from its amendments.

\* \* \*

On motion of Representative Christensen, the House voted to concur in the Senate amendments to **Sub. H.B. 338**, CHILD AND FAMILY WELFARE REVISIONS.

**Sub. H.B. 338**, as amended by the Senate, then passed on the following roll call:

**Yeas, 50; Nays, 16; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	Barrus	Bigelow
Buttars	Buxton	Christensen	D. Clark

S. Clark	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Hardy	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Kiser	Last	Lockhart	Mascaro
Mathis	Menlove	Morley	Murray
Newbold	Noel	Oda	Painter
Ray	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Cosgrove
Duckworth	Goodfellow	Hansen	Hendrickson
Jones	King	Lawrence	Litvack
Moss	Romero	Shurtliff	Wiley

**Absent or not voting were:** Representatives

Adams	S. Allen	Bowman	Gowans
Harper	Hogue	McGee	Morgan
Ure			

**Sub. H.B. 338**, as amended by the Senate, transmitted to the Senate for signature of the president.

### THIRD READING CALENDAR

**Sub. S.B. 80**, SPECIAL SERVICE DISTRICTS – SERVICE EXPANSION, read the third time by short title and placed on its final passage.

**Sub. S.B. 80** then passed on the following roll call:

**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buxton	Christensen	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Fisher	Fowlke	Gibson
Goodfellow	Hansen	Hardy	Hendrickson



Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Adams	Bigelow	Buttars	D. Clark
Ferry	Frank	Gowans	Harper
McGee	Tilton		

**Sub. S.B. 80** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 190, COUNTY OFFICER AMENDMENTS**, read the third time by short title and placed on its final passage.

**S.B. 190** then passed on the following roll call:

**Yeas, 60; Nays, 6; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Donnelson	Dougall	Dunnigan
Ferrin	Fowlke	Gibson	Goodfellow
Gowans	Hansen	Hardy	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Newbold	Oda

Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Walker	Wallace
Wheatley	Wheeler	Wiley	Curtis

**Voting in the negative were:** Representatives

Dee	Ferry	Fisher	Lawrence
Murray	Wyatt		

**Absent or not voting were:** Representatives

S. Allen	Buxton	Duckworth	Frank
Harper	Morley	Noel	Ure
Urquhart			

**S.B. 190** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### UNFINISHED BUSINESS

On motion of Representative Lockhart, the House voted to uncircle **Sub. S.B. 8**.

**Sub. S.B. 8, LOCAL CORRIDOR PRESERVATION FUNDING**, was before the House on its final passage.

Representative Adams proposed the following amendment:

- Page 1, Lines 14 through 15
 

14       ▶       allows a county legislative body to impose up to a  
           {~~-\$20-~~}    \$10    local option transportation

15   corridor preservation fee on motor vehicle registrations and  
      renewals of registration;
- Page 3, Lines 66 through 67
 

Senate 2nd Reading Amendments 1–24–2005:

66       (1) (a) (i) A county legislative body may impose a local option  
       transportation corridor

67   preservation fee of up to   {~~-\$20~~}   \$10   on each motor  
      vehicle registration within the county.

Representative Adams' motion to amend passed on a voice vote.

**Sub. S.B. 8**, as amended, then passed on the following roll call:

**Yeas, 54; Nays, 16; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Ferrin	Fisher	Fowlke
Gibson	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Hogue	Holdaway
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Last	Litvack	Lockhart
Mascaro	McGee	Moss	Murray
Newbold	Noel	Oda	Ray
Romero	Shurtliff	Urquhart	Wallace
Wheatley	Wiley		

**Voting in the negative were:** Representatives

Christensen	Dunnigan	Ferry	Kiser
Lawrence	Mathis	Menlove	Morley
Painter	G. Snow	Tilton	Ure
Walker	Wheeler	Wyatt	Curtis

**Absent or not voting were:** Representatives

Bigelow	Frank	Harper	Hughes
Morgan			

**Sub. S.B. 8**, as amended, returned to the Senate for further consideration.

### CONCURRENCE CALENDAR

On motion of Representative Urquhart, the House voted to concur in the Senate amendments to **2nd Sub. H.B. 104, SPYWARE CONTROL ACT REVISIONS.**

**2nd Sub. H.B. 104**, as amended by the Senate, then passed on the following roll call:

**Yeas, 66; Nays, 1; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux

Buxton	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fowlke	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	Jones
King	Kiser	Last	Litvack
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative was:** Representative  
Lawrence

**Absent or not voting were:** Representatives

Adams	Bowman	Buttars	S. Clark
Fisher	Frank	B. Johnson	Lockhart

**2nd Sub. H.B. 104**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Hardy, the House voted to concur in the Senate amendments to **H.B. 259**, ADOPTION AMENDMENTS.

**H.B. 259**, as amended by the Senate, then passed on the following roll call:

**Yeas, 67; Nays, 2; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bourdeaux	Buttars
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen

Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Urquhart	Walker	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Alexander                      Wallace

**Absent or not voting were:** RepresentativesAdams                      Bowman                      Buxton                      Duckworth  
Lockhart                      Ure

**H.B. 259**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Dougall, the House voted to concur in the Senate amendments to **3rd Sub. H.B. 260**, AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS.

**3rd Sub. H.B. 260**, as amended by the Senate, then passed on the following roll call:

**Yeas, 67; Nays, 0; Absent or not voting, 8.****Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Hansen	Hardy
Harper	Hendrickson	Holdaway	Hunsaker
E. Hutchings	Jones	King	Kiser

Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Bigelow	Gowans	Hogue	Hughes
B. Johnson	Last	Noel	Wiley

**3rd Sub. H.B. 260**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Last, the House voted to concur in the Senate amendments to **H.B. 324**, TAXABLE VALUE ADJUSTMENT FOR PROPERTY DAMAGED BY A NATURAL DISASTER.

**H.B. 324**, as amended by the Senate, then passed on the following roll call:

**Yeas, 63; Nays, 1; Absent or not voting, 11.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
King	Kiser	Lawrence	Litvack
Lockhart	Mascaro	Mathis	Menlove
Morgan	Morley	Murray	Newbold
Oda	Painter	Ray	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative was:** Representative  
Romero

**Absent or not voting were:** Representatives

Adams	Buxton	Dayton	Dee
Ferry	Hogue	Jones	Last
McGee	Moss	Noel	

**H.B. 324**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Johnson, the House voted to concur in the Senate amendments to **3rd Sub. H.B. 308**, ARCHEOLOGICAL RESOURCES AMENDMENTS.

**3rd Sub. H.B. 308**, as amended by the Senate, then passed on the following roll call:

**Yeas, 56; Nays, 9; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	Barrus
Bigelow	Bourdeaux	Buttars	Buxton
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Dayton	Dee	Donnelson
Dougall	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Last
Lawrence	Lockhart	Mascaro	Mathis
Menlove	Morgan	Murray	Newbold
Oda	Painter	Ray	Shurtliff
G. Snow	Ure	Urquhart	Walker
Wallace	Wheeler	Wyatt	Curtis

**Voting in the negative were:** Representatives

S. Allen	Biskupski	Duckworth	King
Kiser	Litvack	Romero	Wheatley
Wiley			

**Absent or not voting were:** Representatives

Becker	Bowman	Daw	Dunnigan
Jones	McGee	Morley	Moss
Noel	Tilton		

**3rd Sub. H.B. 308**, as amended by the Senate, transmitted to the Senate for signature of the president.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: March 2, 2005

The Senate refuses to recede from its amendments to **H.B. 288**, EXECUTIVE COMPENSATION AMENDMENTS, by Representative J. Alexander, and has appointed a Conference Committee consisting of Senators T. Hatch, J. Hickman, and S. McCoy to meet with a like committee from the House on this bill.

Annette B. Moore  
Secretary of the Senate

Communications filed. On motion of Representative Alexander, the Speaker was authorized to appoint a Conference Committee. The Speaker appointed Representatives Alexander, Urquhart, and Goodfellow.

\* \* \*

Mr. Speaker: March 2, 2005

The Senate passed, upon reconsideration, as amended, **1st Sub. H.B. 96**, AMENDMENTS RELATING TO CLEAN FUELS AND VEHICLES USING CLEAN FUELS, by Representative F. Hunsaker, and it is transmitted for further consideration with the following amendments:

1. Page 1, Lines 15 through 17

15 ► provides the circumstances under which a vehicle may travel in lanes designated for

16 the use of high occupancy vehicles regardless of the number of occupants;

► grants Rulemaking authority to the Department of Transportation;

17 ► extends for a period of five taxable years certain individual income tax and

2. Page 3, Line 74 through Page 4, Line 97:

74 regardless of the number of occupants to the extent authorized or permitted by federal law or



75 federal regulation.

(b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the Department of Transportation may make rules to allow a vehicle with clean fuel special group license plates issued in accordance with Section 41-1a-418 to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants to the extent authorized or permitted by federal law or federal regulation.

76 (b) (i) Before a vehicle with clean fuel special group license plates issued in

77 accordance with Section 41-1a-418 may travel in lanes designated for the use of high

78 occupancy vehicles regardless of the number of occupants, the vehicle shall have a label

79 attached to the vehicle as provided in Subsection (5)(b)(ii) if the category of clean fuel vehicles

80 authorized or permitted by federal law or federal regulation to travel in lanes designated for the

81 use of high occupancy vehicles regardless of the number of occupants is a category of vehicles

82 that:

83 (A) includes the vehicle described in this Subsection (5)(b)(i); and

84 (B) is more narrow than the category of vehicles that may be issued clean fuel special

85 group license plates in accordance with Section 41-1a-418.

86 (ii) The label described in Subsection (5)(b)(i) shall:

87 (A) meet the design specifications of 40 C.F.R. Sec. 88.312-93; and

88 (B) be attached:

89 (I) regardless of whether the vehicle described in Subsection (5)(b)(i) is part of a fleet

90 of vehicles;

91 (II) to the rear of the vehicle described in Subsection (5)(b)(i);

92 (III) in one or more places in addition to the attachment required by Subsection

93 — ~~(5)(b)(ii)(B)(II) if federal law or federal regulation requires an attachment in one or more places~~

94 — ~~in addition the attachment required by Subsection (5)(b)(ii)(B)(II); and~~

95 — ~~(IV) following the procedures and requirements provided in 40 C.F.R. Sec. 88.312-93~~

96 — ~~for attaching labels to vehicles;~~

97 (6) A person who operates a vehicle in violation of Subsection (2) or in violation of the

The Senate passed, upon reconsideration, as amended, **H.B. 276**, DIVISION OF CRIMINAL INVESTIGATION AND TECHNICAL SERVICES AMENDMENTS, by Representative C. Oda, and it is transmitted for further consideration with the following amendments:

1. Page 4, Lines 118 through 120

118 (iii) equivalent experience with a firearm through participation in an organized

119 shooting competition, law enforcement, or military service.

(c) Any instruction taken by a student under Subsection (8)(b) shall be in person and not through electronic means.

120 (9) An applicant for certification as a Utah concealed firearms instructor shall:

The Senate passed, upon reconsideration, as amended, **H.B. 318**, COMMUNITY AND ECONOMIC DEVELOPMENT RESTRUCTURING, by Representative C. Buttars, and it is transmitted for further consideration with the following amendments:

1. Page 4, Line 102:  
After Line 102 insert “This bill provides coordination clauses.”
2. Page 181, Line 5600:  
After Line 5600 insert:  
“Section 170. Coordinating H.B. 318 with H.B. 1.  
If this H.B. 318 and H.B. 1, Annual Appropriations Act, both pass, it is the intent of the Legislature that the Division of Finance:  
(1) reallocate any appropriations contained in the line items entitled  
“Department of Community and Economic Development – Business

and Travel Development” and “Department of Community and Economic Development – Incentive Funds” to the newly created Governor’s Office of Economic Development; and  
(2) reallocate any appropriations contained in the remaining line items listed under the heading “Department of Community and Economic Development” to the Department of Community and Culture.”

“Section 171. Coordinating H.B. 318 with H.B. 11.

If this H.B.318 and H.B.11, Economic Development Incentives, 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 make the following changes:

(1) Part 22 in H.B.11 shall be renumbered as Part 17 in Title 63, Chapter 38f, with Sections 9–2–2201, 9–2–2202, 9–2–2203, 9–2–2204, 9–2–2205, 9–2–2206, and 9–2–2207 being renumbered to 63–38f–1701, 63–38f–1702, 63–38f–1703, 63–38f–1704, 63–38f–1705, 63–38f–1706, and 63–38f–1707 respectively.

(2) The following subsections in Section 63–38f–1309 shall read as follows:

“(2) The account shall be used to make payments as required under [Section 9–2–2006] Sections 63–38f–1306 and 63–38f–1705.”

“(3) (a) The Division of Finance shall transfer from the General Fund the amount estimated by the [department] office from new state revenues needed to make the partial rebates as allowed in [Section 9–2–2006] Sections 63–38f–1306 and 63–38f–1705.”

“(4) Notwithstanding Subsections 51–5–3(23)(b) and 63–38–9(4)(c), after receiving request for payment, in accordance with Subsection [9–2–2006] 63–38f–1306(2) or 63–38f–1705(2), the Division of Finance shall pay the partial rebates as allowed in Section [9–2–2006] 63–38f–1306 or 63–38f–1705 from the account.”

“(5) (b) The [department] office shall update the estimates required by Subsections (5)(a)(i) and (ii) within 30 days of the signing of each new agreement entered into under this part or Part 17, Economic Development Incentives Act.”

(3) Renumbered Section 63–38f–1703 shall read as follows:

“63–38f–1703. Definitions.

As used in this part:

(1) “Development zone” means an economic development zone created under Section 63–38f–1704.

(2) “High paying jobs” means the annual wages of employment positions that compare favorably against the median wage of a

community in which the jobs will exist.

(3) "Local incentives" means financial and other assistance provided by local taxing authorities within a development zone, which may include:

(a) partial rebates of new local revenues; and

(b) other sources of funds under authority of state law or local ordinances, or both state law and local ordinances.

(4) "New incremental jobs" means jobs that are:

(a) not shifted from one jurisdiction in the state to another jurisdiction in the state; and

(b) created in addition to the baseline count of jobs already in existence within a company or employed by an individual.

(5) "New local revenues" mean incremental new local tax revenues that are generated as a result of new economic commercial projects in a development zone, to include the local government's portion of sales taxes, property taxes, impact fees, and other taxes or fees, or both taxes and fees, derived from the projects, together with indirect local government revenues generated by the projects, but not to include any portion of sales taxes earmarked for state government or other taxing jurisdictions eligible for sales tax revenues.

(6) "New state revenues" means incremental new state tax revenues that are generated as a result of new economic commercial projects in a developmental zone, to include the state's portion of sales taxes, and company and employee income taxes derived from the projects, together with indirect state revenues generated by the projects, but not to include any portion of sales taxes earmarked for local governments or other taxing jurisdictions eligible for sales tax revenues.

(7) "Office" means the Governor's Office of Economic Development.

(8) "Partial rebates" means returning a portion of the new local revenues and new state revenues generated by new commercial projects to companies or individuals that have created new economic growth within a development zone."

(4) Renumbered Section 63-38f-1704 shall read as follows:

"63-38f-1704. Creation of economic development zones -- Incentives.

(1) The office, with advice from the board, may create an economic development zone in the state that satisfies all of the following requirements:

(a) the area is zoned commercial, industrial, manufacturing, business park, research park, or other appropriate use in a community approved master plan; and

(b) the request to create a development zone has been forwarded to the office after first being approved by an appropriate local government entity that has committed or will commit to provide local incentives.

(2) (a) The office, with advice from the board, may enter into agreements providing for partial rebates of new state revenues generated by new commercial projects to companies or individuals that create new economic growth within a development zone under the same restrictions and limitations as provided in Section 63-38f-1304.

(b) The limitations and restrictions applied to partial rebates of new state revenues in Section 63-38f-1304 also apply to partial rebates of new local revenues under this part.”

(5) Renumbered Section 63-38f-1705 shall read as follows:

“63-38f-1705. Qualifications for rebates — Payment procedure.

“(1) The office shall set standards to qualify for partial rebates under this part, subject to the following:

(a) the qualification criteria established in Subsections 63-38f-1305(1), (2), (3), (4), and (6); and

(b) only projects that include significant capital investment, the creation of high paying jobs, or significant purchases from Utah vendors and providers, or any combination of these three economic factors are eligible for partial rebates.

(2) A payment of partial rebates of new state revenues shall be made in accordance with procedures adopted by the office, with advice from the board, to include the payment procedures described in Section 63-38f-1306 as applied to partial rebates authorized under this part.”

(6) Renumbered Section 63-38f-1706 shall read as follows:

“63-38f-1706. Office’s authority — Report to Legislature.

(1) The office, with advice from the board, and within the limitations of this part, may determine:

(a) the structure and amount of any partial rebates offered under this part;

(b) the economic impacts and job creation necessary to qualify for the incentive; and

(c) the other terms and conditions of an agreement entered into under this part.

(2) In reviewing claims for partial rebates of new state revenues, the office may accept the same type of information and evidence allowed under Subsections 63-38f-1307(2)(a) and (b).

(3) (a) The office shall make a report to the Legislature’s Workforce Services and Community and Economic Development Interim committee on:

(i) the success of attracting new commercial projects to development zones under this part and the corresponding increase in new incremental jobs;

(ii) the period of time over which partial rebates of new state revenues shall be granted under this part; and

(iii) the economic impact on the state related to generating new state revenues and rebating a portion of those revenues under this part.

(b) The office shall make the report prior to the 2006 General Session of the Legislature to enable the committee to determine whether this part should be modified during the 2006 General Session.”

(7) Renumbered Section 63–38f–1707 shall read as follows:

“63–38f–1707. Coordination with the Industrial Assistance Fund.

Projects that qualify for partial rebates on new state revenues under this part and enter into agreements with the office under this part are ineligible to qualify for additional financial assistance for the Industrial Assistance Fund under Section 63–38f–904.”

“Section 172. Coordinating H.B. 318 with H.B. 17.

If this H.B. 318 and H.B. 17, Motion Picture Incentive Fund, 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 make the following changes:

(1) Part 21 in H.B. 17 shall be renumbered in Title 63, Chapter 38f, to be consistent with the renumbering done in H.B. 318 to include the renumbering of sections within the part and references to renumbered sections within the part.

(2) In Section 9–2–2102 the terms “executive director” shall be replaced with “director” and “Department of Community and Economic Development” be replaced with “Governor’s Office of Economic Development” and the statutory cite shall be made consistent with the renumbering of the part to Title 63, Chapter 38f.

(3) Subsections 9–2–2103(2)(a) and (b) shall read:

“(2)(a) The fund shall be administered by the administrator with advice from the board.

(b) The administrator, with advice from the board, shall approve fund policies and qualification criteria to receive an incentive award consistent with the provisions of this part.”

(4) Subsections 9–2–2104(2)(a) and (2)(b) shall read:

“(2)(a) The administrator has authority to determine the structure, amount, and nature of the incentive given to a motion picture company,

subject to the limitations and considerations set out in Subsections (3) and (4).

(b) A financial incentive shall be paid to a motion picture company from the fund only after the administrator has determined with advice from the board that the motion picture company has satisfied the conditions upon which the incentive is to be given.”

“Section 173. Coordinating H.B. 318 with H.B. 224.

If this H.B. 318 and H.B. 224, Permanent Community Impact Fund – Board Membership, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the database for publication, shall modify Subsection 9–4–304(1)(j) enacted in H.B. 224 to read: “(j) a locally elected official from each of the two counties that produced the most mineral lease monies during the previous four–year period, prior to the term of appointment, as determined by the Department of Community and Culture.”

“Section 174. Coordinating H.B. 318 with H.B. 301.

If this H.B. 318 and H.B. 301, Supplemental Appropriations Act III, both pass, it is the intent of the Legislature that the Division of Finance:  
(1) reallocate any appropriations contained in the line items entitled “Department of Community and Economic Development – Business and Travel Development” and “Department of Community and Economic Development – Incentive Funds” to the newly created Governor’s Office of Economic Development; and  
(2) reallocate any appropriations contained in the remaining line items listed under the heading “Department of Community and Economic Development” to the Department of Community and Culture.”

“Section 175. Coordinating H.B. 318 with S.B. 1.

If this H.B. 318 and S.B. 1, Supplemental Appropriations Act, both pass, it is the intent of the Legislature that the Division of Finance:  
(1) reallocate any appropriations contained in the line items entitled “Department of Community and Economic Development – Business and Travel Development” and “Department of Community and Economic Development – Incentive Funds” to the newly created Governor’s Office of Economic Development; and  
(2) reallocate any appropriations contained in the remaining line items listed under the heading “Department of Community and Economic Development” to the Department of Community and Culture.”

“Section 176. Coordinating H.B. 318 with S.B. 3.

If this H.B. 318 and S.B. 3, Supplemental Appropriations Act II, both pass, it is the intent of the Legislature that the Division of Finance:

(1) reallocate any appropriations contained in the line items entitled “Department of Community and Economic Development – Business and Travel Development” and “Department of Community and Economic Development – Incentive Funds” to the newly created Governor’s Office of Economic Development; and

(2) reallocate any appropriations contained in the remaining line items listed under the heading “Department of Community and Economic Development” to the Department of Community and Culture.”

“Section 177. Coordinating H.B. 318 with S.B. 7.

If this H.B. 318 and S.B. 7, Funding for Tourism, 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 coordinate the enactment of H.B. 318 with S.B. 7 so that:

(1) Section 63–55–209 in S.B.7 shall not be amended.

(2) In merging Section 9–3–201 with renumbered Section 63–38f–1406, the reference in Subsection (3) to “Section 9–3–203” shall be changed to “Section 63–38f–1404”.

(3) In merging Section 9–3–202 with renumbered Section 63–38f–1407, Subsection 63–38f–1407(10) shall be renumbered as Subsection 63–38f–1407(12).

(4) In merging Section 9–3–203 with renumbered Section 63–38f–1408:

(a) Subsection (1)(a) shall read: “(a) review and advise the office on a program of out-of-state advertising, marketing, and branding, taking into account the long-term strategic plan, economic trends, and opportunities for tourism development on a statewide basis, as a condition of the distribution of funds to the office from the Tourism Marketing Performance Fund under Section 63–38f–1405;”

(b) Subsection (1)(d)(i) shall read: “(d)(i) advise the office in establishing a Cooperative Program from the monies in the Tourism Marketing Performance Fund under Section 63–38f–1405 for use by cities, counties, nonprofit destination marketing organizations, and similar public entities for the purpose of supplementing monies committed by these entities for advertising and promotion to and for out-of-state residents to attract them to visit sites advertised by and attend events sponsored by these entities;

(c) Subsection (1)(d)(iii) shall read: “(iii) the office, with advice from



the board, shall establish eligibility, advertising, and timing requirements and criteria and provide for an approval process for applications:”

(d) Subsections (1)(d)(iii)(A) and (B) shall be deleted; and

(e) Subsection (3) shall read: “(3) The board may not make policy related to the management or operation of the office.”

(5) In merging Section 9–3–204 with renumbered Section 63–38f–1409, Subsection (2)(b) shall be renumbered as Subsection (1)(c) and read as follows: “(c) receive advice from the Board of Tourism Development under Subsection 63–38f–1404(1)(a) before implementing the out-of-state advertising, marketing, and branding campaign;” and the subsequent subsections in Subsection (1) shall be renumbered.

(6) Section 9–3–207 shall be renumbered as Section 63–38f–1405 with the following modifications:

(a) Subsection (2) shall read: “(2) The fund shall be administered by the office for the purposes listed in Subsection (5).”;

(b) in Subsection (5) delete “as authorized and approved by the Board of Travel Development”;

(c) Subsection (6)(a) shall read: “(6) (a) For the fiscal year beginning July 1, 2005, the director shall allocate 7.5% of the fund, but not to exceed \$750,000, to be distributed to a sports organization for advertising, marketing, branding, and promoting Utah in attracting sporting events into the state as determined by the office.”; and

(d) Subsection (6)(d) shall read: “(d) The office shall provide for an annual accounting to the director and the board by a sports organization for the use of moneys it receives under Subsection (6)(a) or (b).”

(7) The repeal of Sections 9–2–1701, 9–2–1702, 9–2–1703, 9–2–1703.5, and 9–2–1704 in S.B.7 shall take precedence over the renumbering and amending of those sections in H.B. 318.

(8) Renumber the following sections in H.B. 318:

(a) renumber Section 63–38f–1409 to Section 63–38f–1401, Section 63–38f–1406 to Section 63–38f–1402, Section 63–38f–1407 to 63–38f–1403, Section 63–38f–1408 to Section 63–38f–1404, and Section 63–38f–1410 to 63–38f–1406; and

(b) renumber Section 9–3–207 in S.B.7 to Section 63–38f–1405.”

“Section 178. Coordinating H.B. 318 with S.B. 57.

If this H.B. 318 and S.B. 57, Use of State Sales and Use Tax Revenues for Business Development in Disadvantaged Rural Communities, 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 make the following changes:

(1) Part 21 in S.B. 57 shall be renumbered in Title 63, Chapter 38f to be consistent with the renumbering done in H.B.318, to include the renumbering of sections within the part and references to renumbered sections within the part.

(2) In Section 9-2-2102, the references to "Section 9-2-202" shall be changed to Section 63-38f-301.

(3) (a) Subsection 9-2-2104(1)(c) shall read: "(c) If the board awards a loan to an eligible county in accordance with this section, the loan shall be subject to interest as provided by the procedures and methods referred to in Subsection (6).

(b) Subsection 9-2-2104(2)(b)(v) shall read:

"(v) establish that the community within which the project area is located is a disadvantaged community on the basis of one or more of the following factors:

(A) median income per capita within the community;

(B) median property tax revenues generated within the community;

(C) median sales and use tax revenues generated within the community; or

(D) unemployment rates within the community;"

(c) Subsection 9-2-2104 (4)(c)(iii) shall read: "(iii) in accordance with procedures established for prioritizing which projects may be awarded a grant or loan by the board under this section;" and Subsections 4)(c)(iii)(A) and (B) shall be deleted.

(d) In Subsections 9-2-2104(4)(c)(ii) and 9-2-2104(4)(d), the term "executive director" shall be replaced with "director".

(e) In Subsection 9-2-2104(5)(b), an "or" shall be inserted at the end of Subsection (iii), the "or" deleted at the end of Subsection (iv), and Subsection (v) deleted in its entirety.

(f) Subsection 9-2-2104(6) shall read:

"(6) The office shall establish procedures:

(a) for prioritizing which projects may be awarded a grant or loan by the board under this section; and

(b) for loans awarded in accordance with this section:

(i) the methods of calculating interest applicable to the loans; and

(ii) procedures for:

(A) applying interest to the loans; and

(B) paying interest on the loans."

(4) (a) In Subsection 9-2-2105(1) and (2)(b), the term "executive director" shall be replaced with "director".

(b) In Subsection 9-2-2105(3)(c), the numeral “(i)” shall be deleted and Subsection (ii) shall be deleted in its entirety.

(5) In Subsection 63-65-4(1)(b)(v), the reference to Section 9-2-2103 shall be changed to reflect the renumbering of the section in Title 63, Chapter 38f.

“Section 179. Coordinating H.B. 318 with S.B. 141.

If this H.B. 318 and S.B. 141, Military Installation Partnerships, 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 make the following changes:

(1) Part 23 in S.B. 141 shall be renumbered in Title 63, Chapter 38f, to be consistent with the renumbering done in H.B. 318;

(2) in Section 9-2-2301, the terms “department” shall be replaced with “office” and “executive director” be replaced with “director”; and

(3) in Section 2. Appropriation, in S.B. 141 the term “Department of Community and Economic Development” shall be replaced with “Governor’s Office of Economic Development”.”

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. H.B. 96, H.B. 276, and H.B. 318**, placed on the calendar for concurrence.

**CONCURRENCE CALENDAR**

On motion of Representative Hunsaker, the House voted to concur in the Senate amendments to **Sub. H.B. 96, AMENDMENTS RELATING TO CLEAN FUELS AND VEHICLES USING CLEAN FUELS.**

**Sub. H.B. 96**, as amended by the Senate, then passed on the following roll call:

**Yeas, 56; Nays, 11; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dee
Donnelson	Duckworth	Dunnigan	Ferry
Fisher	Fowlke	Gibson	Gowans
Hardy	Harper	Hogue	Holdaway

Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
McGee	Menlove	Morgan	Moss
Murray	Newbold	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Wheatley	Wiley	Wyatt	Curtis

**Voting in the negative were:** Representatives

Christensen	Dayton	Ferrin	Frank
Hansen	Hendrickson	Mathis	Morley
Tilton	Walker	Wheeler	

**Absent or not voting were:** Representatives

Alexander	Bigelow	Dougall	Goodfellow
Noel	Ure	Urquhart	Wallace

**Sub. H.B. 96**, as amended by the Senate, transmitted to the Senate for signature of the president.

### THIRD READING CALENDAR

**S.C.R. 2**, RESOLUTION APPROVING CLASS V LANDFILL, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **S.C.R. 2**.

### CONCURRENCE CALENDAR

On motion of Representative Oda, the House voted to concur in the Senate amendments to **H.B. 276**, DIVISION OF CRIMINAL INVESTIGATION AND TECHNICAL SERVICES AMENDMENTS.

**H.B. 276**, as amended by the Senate, then passed on the following roll call:

**Yeas, 63; Nays, 0; Absent or not voting, 12.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	Christensen	D. Clark
Cosgrove	D. Cox	Dayton	Dee
Donnelson	Dougall	Duckworth	Ferrin
Ferry	Fisher	Fowlke	Frank

Gibson	Hansen	Hardy	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Noel	Oda	Painter
Ray	Romero	G. Snow	Tilton
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Alexander	Bigelow	S. Clark	Daw
Dunnigan	Goodfellow	Gowans	Harper
Newbold	Shurtliff	Ure	Urquhart

**H.B. 276**, as amended by the Senate, transmitted to the Senate for signature of the president.

**UNFINISHED BUSINESS**

On motion of Representative Menlove, the House voted to uncircle **S.C.R. 2**.

**S.C.R. 2**, RESOLUTION APPROVING CLASS V LANDFILL, was before the House on its final passage.

**S.C.R. 2** then passed on the following roll call:

**Yeas, 61; Nays, 6; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Biskupski	Bourdeaux	Bowman
Buttars	Christensen	D. Clark	Cosgrove
D. Cox	Dayton	Dee	Donnelson
Duckworth	Dunnigan	Ferrin	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	Jones	Kiser
Last	Lawrence	Litvack	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold

Noel	Oda	Painter	Ray
Romero	Shurtliff	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Becker	S. Clark	Daw	Dougall
B. Johnson	G. Snow		

**Absent or not voting were:** Representatives

Bigelow	Buxton	Ferry	King
Lockhart	Tilton	Ure	Wiley

**S.C.R. 2** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker: March 2, 2005

The Senate passed, upon reconsideration, as amended, **1st Sub. H.B. 57**, TOURISM TASK FORCE, by Representative D. Ure, and it is transmitted for further consideration with the attached following amendments.

Annette B. Moore  
Secretary of the Senate

Communication filed. **Sub. H.B. 57**, placed on the calendar for concurrence.

**CONCURRENCE CALENDAR**

On motion of Representative Buttars, the House voted to concur in the Senate amendments to **H.B. 318**, COMMUNITY AND ECONOMIC DEVELOPMENT RESTRUCTURING.

**H.B. 318**, as amended by the Senate, then passed on the following roll call:

**Yeas, 50; Nays, 15; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Buttars
Christensen	D. Clark	S. Clark	Cosgrove
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Fisher	Fowlke

Gibson	Goodfellow	Hansen	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Lawrence
Litvack	Mascaro	McGee	Menlove
Morgan	Murray	Noel	Oda
Painter	Ray	Romero	Shurtliff
Ure	Urquhart	Wallace	Wheatley
Wiley	Wyatt		

**Voting in the negative were:** Representatives

Alexander	Daw	Dayton	Ferry
Hardy	Harper	Hendrickson	Last
Mathis	Morley	Newbold	G. Snow
Tilton	Walker	Curtis	

**Absent or not voting were:** Representatives

Biskupski	Bowman	Buxton	D. Cox
Frank	Gowans	Kiser	Lockhart
Moss	Wheeler		

**H.B. 318**, as amended by the Senate, transmitted to the Senate for signature of the president.

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On motion of Representative Ure, the House voted to concur in the Senate amendments to **Sub. H.B. 57**, TOURISM TASK FORCE.

**Sub. H.B. 57**, as amended by the Senate, then passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue

Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Lawrence	Litvack	Lockhart	Mascaro
Mathis	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Alexander	Last	McGee	Curtis
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**Sub. H.B. 57**, as amended by the Senate, transmitted to the Senate for signature of the president.

#### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: March 2, 2005

The Senate adopted the Joint Conference Committee Report dated March 2, 2005, and passed **1st Sub. S.B. 137**, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS, by Senator H. Stephenson, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **1st Sub. S.B. 211**, FUNDING FOR CONVENTION FACILITIES, by Senator M. Waddoups, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **4th Sub. S.B. 192**, HIGH TECHNOLOGY ECONOMIC DEVELOPMENT APPROPRIATION, by Senator L. A. Mansell, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **1st Sub. S.B. 8**, LOCAL CORRIDOR PRESERVATION FUNDING, by Senator S. Killpack, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 7**, FUNDING FOR TOURISM, by Senator S. Jenkins, and it is transmitted for the signature of the Speaker; and

The Senate concurred in the House amendments and passed **S.B. 3**, SUPPLEMENTAL APPROPRIATIONS ACT II, by Senator L. Hillyard, and it is transmitted for the signature of the Speaker; and



The Senate concurred in the House amendments and passed **S.B. 141, MILITARY INSTALLATION PARTNERSHIPS**, by Senator S. Killpack, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. S.B. 137, Sub. S.B. 211, 4th Sub. S.B. 192, Sub. S.B. 8, S.B. 7, S.B. 3, and S.B. 141** were signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

Mr. Speaker:

March 2, 2005

The President of the Senate has signed **H.B. 301, SUPPLEMENTAL APPROPRIATIONS III**, by Representative R. Bigelow, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 233, ADOPTION LAW REVISIONS**, by Representative R. McGee, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 142, ISSUES SUBMITTED TO VOTERS**, by Representative G. Hughes, and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 235, INSURANCE ARBITRATION AMENDMENTS**, by Representative S. Urquhart, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 268, DRUG UTILIZATION REVIEW COMMITTEE AMENDMENTS**, by Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 319, EXPANSION OF DEPARTMENT OF ADMINISTRATIVE SERVICES OVERSIGHT TO INCLUDE HUMAN RESOURCE MANAGEMENT**, by Representative D. G. Buxton, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate receded from its amendments and passed **H.B. 382, SUPPLEMENTAL MINIMUM SCHOOL PROGRAM FINANCE ACT**, by Representative G. Snow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.C.R. 3**, RESOLUTION REGARDING WASHINGTON COUNTY WASTE FACILITY, by Representative B. Last, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.J.R. 19**, JOINT RESOLUTION URGING HEALTH CARE FOR UTAH'S INDIGENT AND NEEDY UNINSURED, by Representative L. Fowlke, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.J.R. 20**, MASTER STUDY RESOLUTION, by Representative J. Alexander, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **1st Sub. H.B. 338**, CHILD AND FAMILY WELFARE REVISIONS, by Representative L. Christensen, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **3rd Sub. H.B. 260**, AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS, by Representative J. Dougall, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 259**, ADOPTION AMENDMENTS, by Representative A. Hardy, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **2nd Sub. H.B. 104**, SPYWARE CONTROL ACT REVISIONS, by Representative S. Urquhart, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **3rd Sub. H.B. 308**, ARCHEOLOGICAL RESOURCES AMENDMENTS, by Representative B. Johnson, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 324**, TAXABLE VALUE ADJUSTMENT FOR PROPERTY DAMAGED BY A NATURAL DISASTER, by Representative B. Last, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 276**, DIVISION OF CRIMINAL INVESTIGATION AND TECHNICAL SERVICES AMENDMENTS, by Representative C. Oda, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **1st Sub. H.B. 96**, AMENDMENTS RELATING TO CLEAN FUELS AND VEHICLES USING CLEAN FUELS, by Representative F. Hunsaker, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **1st Sub. H.B. 57**, TOURISM TASK FORCE, by Representative D. Ure, and it is transmitted for the signature of the Speaker; and

The Senate has rejected **1st Sub. H.B. 269**, SALES MARKETING REQUIREMENTS, by Representative M. Noel, and it is transmitted for filing; and

The President of the Senate has signed **2nd Sub. H.B. 313**, ECONOMIC DEVELOPMENT INITIATIVE FOR HIGHER EDUCATION, by Representative K. Holdaway, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 318**, COMMUNITY AND ECONOMIC DEVELOPMENT RESTRUCTURING, by Representative C. Buttars, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.C.R. 9**, RESOLUTION HONORING OUTGOING PRESIDENT KERMIT L. HALL, by Representative F. Hunsaker, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 301, H.B. 233, H.B. 142, Sub. H.B. 235, H.B. 268, H.B. 319, H.B. 382, H.C.R. 3, H.J.R. 19, H.J.R. 20, Sub. H.B. 338, 3rd Sub. H.B. 260, H.B. 259, 2nd Sub. H.B. 104, 3rd Sub. H.B. 308, H.B. 324, H.B. 276, Sub. H.B. 96, Sub. H.B. 57, Sub. H.B. 269, 2nd Sub. H.B. 313, H.B. 318**, and **H.C.R. 9** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

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Mr. Speaker:

March 2, 2005

The Senate has rejected **H.B. 140**, INDIVIDUAL INCOME TAX CONTRIBUTION FOR COMMUNITY SPAY AND NEUTER PROGRAMS, by Representative M. Noel, and it is transmitted for filing.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 140**, was filed.

\* \* \*

Mr. Speaker:

March 2, 2005

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:

- 1st Sub. H.B. 18** Transportation Investment Act (Rep. R. Lockhart)  
**H.B. 44** Additional State Retirement Benefit (Rep. L. Shurtliff)  
**H.B. 46** Public Education Capital Outlay Act Amendments  
 (Rep. D. Cox)  
**H.B. 48** Motor Vehicle Registration and Safety Inspection  
 Amendments (Rep. B. Daw)  
**1st Sub. H.B. 56** Divorce Task Force (Rep. P. Wallace)  
**1st Sub. H.B. 63** School District Amendments (Rep. D. Cox)  
**H.B. 77** Provisions for Emancipation of a Minor (Rep. R. McGee)  
**1st Sub. H.B. 84** Reading Requirements for Student Advancement  
 (Rep. K. Morgan)  
**H.B. 85** Health Insurance High Risk Pool – Eligibility  
 Amendments (Rep. D. Litvack)  
**H.B. 95** Sex Offender Registration Amendments  
 (Rep. M. S. Lawrence)  
**1st Sub. H.B. 115** Utah Child Abuse Prevention Board (Rep. P. Ray)  
**H.B. 118** Revise Utility Improvement Districts (Rep. D. Ure)  
**H.B. 119** Navajo Trust Fund Amendments (Rep. B. King)  
**H.B. 126** Amendments to Facilities with Regional Impact  
 (Rep. G. Hughes)  
**H.B. 129** School Uniforms (Rep. C. Frank)  
**H.B. 135** Implementing Federal Educational Programs  
 (Rep. M. Dayton)  
**H.B. 148** School Truancy Amendments (Rep. E. Hutchings)  
**3rd Sub. H.B. 151** School Community Councils (Rep. J. Dougall)  
**H.B. 163** Garnishment Fees (Rep. S. Mascaro)  
**3rd Sub. H.B. 174** Child Protection Registry Amendments (Rep. J. Dougall)  
**H.B. 202** Revisions to Child Welfare (Rep. W. Harper)  
**1st Sub. H.B. 204** Statute of Limitations Amendments (Rep. D. Clark)  
**H.B. 209** Administrative Rules – Impact on Small Businesses  
 (Rep. G. Hughes)  
**H.B. 214** Emerging Technologies and Open Government  
 (Rep. D. Clark)  
**H.B. 220** Sales and Use Tax Exemption for Textbooks for Higher  
 Education (Rep. D. Bourdeaux)  
**H.B. 225** Boat Registration Fee (Rep. B. Goodfellow)

<b>H.B. 231</b>	School District Boundaries (Rep. M. Noel)
<b>H.B. 238</b>	Utah Technology Commission Membership (Rep. J. Dougall)
<b>H.B. 241</b>	Veterans Nursing Home (Rep. D. G. Buxton)
<b>H.B. 242</b>	Criminal Penalty for Animal Cruelty (Rep. S. Wyatt)
<b>1st Sub. H.B. 261</b>	Motorboat Liability Insurance Amendments (Rep. K. Gibson)
<b>3rd Sub. H.B. 263</b>	Insurers Rehabilitation and Liquidation (Rep. J. Dougall)
<b>H.B. 270</b>	Temporary Road Closures (Rep. M. Noel)
<b>H.B. 272</b>	Patient Access to Providers and Contracting Amendments (Rep. R. Lockhart)
<b>H.B. 288</b>	Executive Compensation Amendments (Rep. J. Alexander)
<b>1st Sub. H.B. 291</b>	Capitol Preservation Board Modifications (Rep. J. Alexander)
<b>H.B. 292</b>	Commission on Racial and Ethnic Fairness (Rep. D. Bourdeaux)
<b>H.B. 303</b>	Shelter Hearing Amendments (Rep. E. Hutchings)
<b>H.B. 306</b>	Amendment Regarding Controlled Substances (Rep. C. Oda)
<b>H.B. 314</b>	Driving with Any Measurable Controlled Substance in the Body Revisions (Rep. M. Noel)
<b>1st Sub. H.B. 326</b>	High School Curriculum (Rep. B. Daw)
<b>1st Sub. H.B. 335</b>	Disconnecting Territory from a Municipality (Rep. C. Frank)
<b>H.B. 342</b>	Civil Legal Aid for Victims of Domestic Violence (Rep. S. Mascaro)
<b>H.B. 346</b>	Schools for the Deaf and the Blind Salary Adjustments (Rep. K. Morgan)
<b>H.B. 356</b>	State Government Law Revisions – Withdrawal from Education Compact (Rep. M. Dayton)
<b>H.B. 362</b>	Appropriation for Highly Qualified Teachers (Rep. K. Holdaway)
<b>H.B. 373</b>	Education Technology Task Force (Rep. E. Hutchings)
<b>H.B. 375</b>	Revisions to General State Government – Notary Law Amendments (Rep. B. King)
<b>1st Sub. H.B. 381</b>	Nonresident Tuition Waivers (Rep. C. Buttars)
<b>H.C.R. 13</b>	Concurrent Resolution Promoting Utah Saves Strategic Initiative (Rep. D. Hogue)
<b>H.C.R. 14</b>	Concurrent Resolution Honoring America’s Military War Dogs (Rep. S. Mascaro)

- H.J.R. 13** Resolution Supporting National Bear River Heritage Area Act (Rep. C. Buttars)
- H.J.R. 18** Joint Resolution Supporting Counties Expansion of Correctional Facilities (Rep. D. Hogue)

Annette B. Moore  
Secretary of the Senate

Communication filed.

### **RULES COMMITTEE REPORT**

Mr. President:

March 2, 2005

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. 22** Drug Offender Reform Act (D.C. Buttars)
- Sub. S.B.31** Local Government Amendments (D. Thomas)
- 2nd Sub. S.B. 34** Patient Access Reform (D.C. Buttars)
- 2nd Sub. S.B. 39** Consumer Credit Protection (C. Walker)
- S.B. 49** Motor Vehicle Liability Coverage Amendments (D. Eastman)
- Sub. S.B. 63** Severance Tax Amendments (B. Evans)
- S.B. 67** Election Law – Voter Requirements (M. Madsen)
- S.B. 77** Amendments to Indoor Clean Air Act (M. Waddoups)
- S.B. 87** Residence Lien Restriction and Lien Recovery Fund Amendments (D. Thomas)
- S.B. 109** Safety Belt Enforcement (K. Hale)
- Sub. S.B. 113** Employee Noncompetition Contracts (E. Mayne)
- S. B. 131** Authorization for Additional Judicial Position (M. Madsen)
- S.B. 136** Justice Court Operations Amendments (E. Mayne)
- S.B. 145** Prohibition Against Certain Medical Noncompetition Agreements (A.M. Christensen)
- S.B. 147** Psychologist Licensing Act Amendments (E. Mayne)
- S.B. 148** Conservation Easement Endowment Restricted Account (B. Evans)
- S.B. 151** Driver Education Amendments (T. Hatch)
- S.B. 154** Public Safety Retirement Amendments (D.C. Buttars)
- S.B. 162** Changes to 2004 General Obligation Bond (R. Allen)
- Sub. S.B. 168** Construction Trade Related Amendments (S. Jenkins)
- S.B. 180** Workers Compensation – Competitive Bid Requirements (M. Waddoups)

<b>S.B. 182</b>	Veterinary Practice Act – Exemptions (M. Dmitrich)
<b>5th Sub. S.B. 183</b>	Public Transit District Annexation and Funding Amendments (G. Bell)
<b>Sub. S.B. 187</b>	Special Hunting Permits for Antelope Island (J. Hickman)
<b>S.B. 188</b>	Classifying Off-Highway Vehicles as Allowed on Designated Roads (T. Hatch)
<b>S.B. 191</b>	Political Subdivisions – Truth in Government Competition (R. Allen)
<b>Sub. S.B. 195</b>	Tax Revisions (C. Bramble)
<b>S.B. 201</b>	Center for Multicultural Health (D.C. Buttars)
<b>S.B. 203</b>	Property Tax – County Service Areas (M. Waddoups)
<b>Sub. S.B. 204</b>	Sales and Use Tax Diversions (D. Peterson)
<b>S.B. 205</b>	Individual Income Tax – Office of State Debt Collection Rulemaking Authority (M. Dmitrich)
<b>2nd Sub. S.B. 209</b>	Interlocal Cooperation Amendments (C. Bramble)
<b>Sub. S.B. 225</b>	Changes to General Government – Sales and Use Tax Amendments (G. Davis)
<b>S.B. 174</b>	Security Service Amendments (R. Allen)
<b>2nd Sub. S.B. 231</b>	Compensation of Lieutenant Governor and Other State Officers (M. Madsen)
<b>S.B. 232</b>	Executive Director of Department of Health Issues (S. Killpack)
<b>S.J.R. 11</b>	Resolution Limiting Number of Governor’s Terms (C. Walker)

Rebecca Lockhart, Chair

Report filed.

### **RULES COMMITTEE REPORT**

Mr. Speaker:

March 2, 2005

I am directed to inform the Utah House of Representatives that the House Committee on Rules has struck the enacting clause on the following House Bills and Resolutions:

<b>H.B. 21</b>	Automobile Crime Prevention (P. Ray)
<b>H.B. 27</b>	Health Insurance Fair Marketing Standards (S. Mascaro)
<b>H.B. 31</b>	Vision Care for Medicaid Recipient (S. Mascaro)
<b>H.B. 32</b>	Dental Services for Adults on Medicaid (S. Mascaro)
<b>H.B. 35</b>	Telecommunications Amendments (S. Urquhart)
<b>H.B. 39</b>	Tuition Tax Credits (J. Ferrin)
<b>H.B. 41</b>	Special District for Police Services (R. Romero)
<b>H.B. 50</b>	Criminal Penalty Amendment (D. Litvack)

- H.B. 58** Government Efficiency and Effectiveness Review Committee (P. Wallace)
- H.B. 61** State School Board Elections and Filling of Vacancies (J. Ferrin)
- H.B. 72** School Curriculum Amendments (C. Moss)
- H.B. 73** Local Referendum Requirements (D. Hogue)
- H.B. 81** Workers' Compensation Coverage of Fire Department Employees (J. Murray)
- H.B. 82** Contractors Bonds and Letters of Credit (D. Clark)
- H.B. 88** Air Conditioned Buses for Students with Disabilities (D. Hogue)
- Sub. H.B. 92** Safety Belt Law Amendments (M. Noel)
- Sub. H.B. 94** Youth Corrections Amendments (S. Moss)
- Sub. H.B. 97** State Budget Provisions (G. Curtis)
- H.B. 99** State Fleet Vehicle Classification (E. Hutchings)
- H.B. 100** Consumer Credit Bureau Notice of Requirements (K. Morgan)
- H.B. 101** Amendments to the Individual Income Tax (W. Harper)
- H.B. 106** Regulation of Noncompete Agreements in Medical Practices (R. McGee)
- H.B. 107** Amendments to Taxes, Fees, or Charges (W. Harper)
- H.B. 108** Telecommunications Taxation (G. Curtis)
- H.B. 110** Emergency Administration of Epinephrine (T. Kiser)
- H.B. 111** Licensing of Child Care Centers – Oversight and Regulation (D.G. Buxton)
- H.B. 112** Background Checks in County Government (B. Dee)
- H.B. 117** Revisions to State Government (B. Ferry)
- H.B. 120** Crime of Soliciting Sex from a Child (L. Fowlke)
- H.B. 122** Bail Bond Amendments (K. Gibson)
- H.B. 123** Restrictions of Advertising Illegal Activities (S. Wyatt)
- Sub. H.B. 127** Offer of Settlement Provisions (L. Christensen)
- H.B. 131** Access to Health Care Facilities and Places of Worship (D. Aagard)
- H.B. 130** Income Tax Subtraction for Specialized Immigrant Services (A. Tilton)
- H.B. 133** Mobile Home Park – Notice of Sale of Underlying Property (M. Wheatley)
- Sub. H.B. 134** Public Safety Officers – Critical Incident Shooting Provisions (P. Ray)
- H.B. 137** Repeal of Prior Amendments to the Voluntary Contributions Act (N. Hansen)



- H.B. 140** Individual Income Tax Contribution for Community Spay and Neuter Programs (M. Noel)
- H.B. 141** School Breakfast Program (D. Litvack)
- H.B. 144** Ban of Gifts to Elected Officials (R. Becker)
- H.B. 146** Vaccine Restrictions (E. Hutchings)
- 2nd Sub. H.B. 152** County Option Sales and Use Tax for Agricultural Land, Open Land, and Recreational Facilities Act (C. Buttars)
- 2nd Sub. H.B. 153** Security for Public Schools (S. Allen)
- H.B. 158** Election Requirements for County Candidates (R. Romero)
- H.B. 161** Injury Reporting Requirement Amendments (J. Murray)
- H.B. 166** Indoor Clean Air Act Amendments (P. Ray)
- H.B. 167** Elder Protection Provisions (P. Jones)
- H.B. 169** Appropriation for School Districts Impacted by Fee Waivers (L. Shurtliff)
- H.B. 172** Notary Public Amendments (L. Shurtliff)
- H.B. 175** Education Achievement Gap Task Force (D. Litvack)
- H.B. 178** Mental Health Services Coordinator (D. Hogue)
- H.B. 187** Capital Outlay Foundation Program – Participation Requirements (J. Ferrin)
- H.B. 189** Applied Technology Program Amendments (J. Ferrin)
- H.B. 192** Utah High Cost Home Loan Act Amendments (W. Harper)
- H.B. 193** Deregulation of General Building Contractors (G. Hughes)
- H.B. 194** Fair Housing for Domestic Violence Victims and Landlord Protection Act (L. Shurtliff)
- H.B. 196** Legislators Involvement in Public Schools (D. Bourdeaux)
- Sub. H.B. 197** Individual Income Tax Amendments (P. Jones)
- H.B. 199** Special Election Dates (D. Hogue)
- H.B. 205** Deer Hunt Opening Season Date Amendments (S. Clark)
- H.B. 207** Prescriptive Easement Act (G. Hughes)
- H.B. 210** Residential Mortgages Practices – Employment Security Revisions (M. Walker)
- Sub. H.B. 219** Traffic Enforcement Amendments (R. McGee)
- H.B. 227** Corporate Franchise and Income Taxes – Exemption (W. Harper)
- H.B. 228** Removal or Defacement of Political Signs (G. Hughes)
- H.B. 229** Water Rights in Irrigation Companies (P. Painter)
- Sub. H.B. 232** Utah Basic Skills Competency Test Alternatives (P. Ray)

- H.B. 237** State Benefit Provider Revisions (P. Ray)  
**Sub. H.B. 239** Higher Education Tuition and Residency Legislative Task Force (G. Donnelson)
- H.B. 244** Transfer of Prescriptions (N. Hansen)  
**H.B. 245** Compensation of Constitutional Officers – Benefits and Insurance (M. Noel)
- H.B. 246** Waste Fees Amendments (S. Urquhart)  
**H.B. 248** Child Support Obligations (E. Hutchings)  
**H.B. 251** Amendments Related to Public Utilities (A. Tilton)  
**H.B. 252** Marriage Preparation Education (R. McGee)  
**H.B. 253** Tax Amendments (W. Harper)  
**H.B. 254** Tax Credit for Tuition (S. Mascaro)  
**H.B. 257** Transportation General Obligation Bonds Authorization (S. Urquhart)
- H.B. 258** Individual Income Tax Credit for Employment–Related Expenses (D. Litvack)
- H.B. 262** Licensure of Athletic Trainers (P. Ray)  
**H.B. 265** Restrictions on Riders in the Back of Open Vehicle (C. Buttars)
- H.B. 267** Election Day Voter Registration (N. Hansen)  
**Sub. H.B. 269** Sales Marketing Requirements (M. Noel)  
**Sub. H.B. 271** Commitment to Mental Health Authority (M. Noel)  
**H.B. 272** Patient Access to Providers and Contracting Amendments (R. Lockhart)
- H.B. 274** Referendum Procedure (D. Hogue)  
**H.B. 277** Revisions to the Utah Credit Union Act (L. Christensen)  
**H.B. 278** Termination of Parental Rights for Murder or Attempted Murder (J. Biskupski)
- H.B. 281** Task Force on Legislative Reforms (N. Hansen)  
**Sub. H.B. 282** State Employee Ethics Amendments (J. Dougall)  
**H.B. 284** Restructure of State Utility Regulatory Entities (A. Tilton)
- H.B. 285** Nurse Practice Act Amendments (R. Lockhart)  
**H.B. 286** Use of Public Education Monies (P. Jones)  
**H.B. 289** Authority for Design–Build Construction (M. Morley)  
**H.B. 290** Restrictions on Gifts (J. Ferrin)  
**H.B. 293** Materials Harmful to Minors (D. Hogue)  
**H.B. 294** Regulation of Assisted Living Facility Amendments (R. Lockhart)
- H.B. 295** Deferred Deposit Lending Revisions (L. Fowlke)  
**H.B. 296** Condominium Ownership Act Amendments (C. Moss)

- H.B. 298** Foster Placements (N. Hansen)  
**H.B. 300** Health Care Savings Account Act (M. Dayton)  
**Sub. H.B. 302** Regulation of Construction Industry (J. Adams)  
**Sub. H.B. 304** Premium Assistance Program for Covered-At-Work (K. Holdaway)
- H.B. 305** Collection Practices Amendments (D. Bourdeaux)  
**H.B. 307** Redevelopment Agency Changes (J. Dougall)  
**H.B. 310** Aging and Adult Services Program Amendments (E. Hutchings)
- H.B. 312** Municipal Electrical Entities Amendments (A. Tilton)  
**H.B. 316** Driver License Requirements for Illegal Aliens (A. Tilton)
- H.B. 317** Vehicle Impound Amendments (J. Gowans)  
**H.B. 320** Utility Regulatory Reform (J. Gowans)  
**H.B. 321** Background Checks for Boarding Schools (B. Last)  
**H.B. 322** Motor Vehicle Repairs – Consumer Rights (T. Kiser)  
**H.B. 323** Access to Employment Data (J. Mathis)  
**H.B. 325** Open Enrollment Amendments (D. Bourdeaux)  
**H.B. 327** Department of Commerce – Demographic Data Tracking (M. Wheatley)
- H.B. 328** Rural Health Care Infrastructure (M. Noel)  
**H.B. 329** County Contracted Services (K. Holdaway)  
**H.B. 330** Driver License Qualifications Amendments (G. Donnelson)
- H.B. 331** Disaster Relief Provisions (D. Clark)  
**H.B. 332** Possession of a Dangerous Weapon in a Vehicle (M. Morely)
- H.B. 333** Density Credit for Land Donated to School District (D. Cox)
- H.B. 336** Voting Requirements (L. Shurtliff)  
**H.B. 337** Golf Carts Allowed on Certain Highways (C. Moss)  
**H.B. 339** School Trust Lands Revisions (D. Clark)  
**H.B. 340** Office of Recovery Services Fee (A. Tilton)  
**H.B. 341** Child and Family Services Records (S. Mascaro)  
**H.B. 343** Medicaid – Pregnant Women Resource Test (M. Wheatley)
- H.B. 344** Regulation of Phlebotomists (M. Wheatley)  
**H.B. 345** State School Board Amendments (K. Morgan)  
**H.B. 347** Family Impact Statement (C. Frank)  
**H.B. 350** State Building Energy Efficiency Program (F. Hunsaker)  
**H.B. 351** Health Insurance Disclosure Requirements (B. Last)

- H.B. 352** Mandatory Minimum Sentencing for Child Molesters (C. Frank)
- H.B. 353** Government Operations (J. Gowans)
- H.B. 354** Licensure of Wholesale Distributors of Prescription Drugs (B. Last)
- H.B. 355** Amendments to Workers Compensation Fund (D. Ure)
- H.B. 357** Amendments to Independent Entities (D. Ure)
- H.B. 358** Tuition and Books Assistance (E. Hutchings)
- H.B. 359** Professional Licensing Amendments (M. Wheatley)
- H.B. 360** Protective Order Amendments (E. Hutchings))
- H.B. 361** Municipal Authority to Use Collection Agencies (M. Walker)
- H.B. 363** Transportation Amendments (K. Gibson)
- H.B. 364** Abusive Attorneys Fees (B. Last)
- H.B. 365** Revolving Door Limitation for Public Officials to Become Lobbyists (C. Moss)
- H.B. 366** Ethics Commission (D. Litvack)
- H.B. 367** Restrictions on High Occupancy Vehicle Lane (D. Litvack)
- H.B. 368** Special Function Officers for Division of Occupational and Professional Licensing (N. Hendrickson)
- H.B. 369** Lobbying Regulation (J. Ferrin)
- H.B. 370** Contribution Limits on Governor's Campaign (J. Ferrin)
- H.B. 371** Designation of Next of Kin with Department of Health (J. Biskupski)
- H.B. 372** Power of Attorney Amendments (M. Newbold)
- H.B. 374** Implements of Husbandry Permit Stickers (J. Mathis)
- H.B. 376** Hill Air Force Museum Appropriation (D. Buxton)
- H.B. 377** County Option Funding for Botanical, Cultural, Recreation, and Zoological Organizations or Facilities (E. Hutchings)
- H.B. 378** 911 Emergency Response Amendments (E. Hutchings)
- H.B. 379** Young Artist Provisions (G. Hughes)
- H.C.R. 4** Utah Athletic Foundation Resolution (D. Ure)
- H.C.R. 12** Resolution Urging Congress to Provide Sufficient Funding of Medicaid (R. Bigelow)
- H.J.R. 2** Joint Rules Resolution – Family Impact Statement of Legislation (C. Frank)
- H.J.R. 4** Joint Rules Resolution – Conflict of Interest Amendments (D. Ure)
- H.J.R. 5** Resolution Clarifying Removal Provisions (D. Hogue)

- H.J.R. 7** Resolution Amending State Auditor Qualifications  
(R. Romero)
- H.J.R. 12** Resolution Eliminating Property Tax on Personal Property  
(J. Dougall)
- H.J.R. 14** Resolution Establishing Redistricting Commission  
(R. McGee)
- H.J.R. 16** Joint Resolution Related to the Utah Athletic Foundation  
(D. Ure)
- H.R. 1** House Rules Resolution – Lobbyist Code of Ethics  
Amendments (D. Ure)
- H.R. 5** House Rules Resolution – Oral Declaration of Conflict of  
Interest (D. Ure)
- H.R. 6** House Rules Resolution – Electronic Voting Board  
(D. Ure)
- H.R. 8** Resolution Encouraging State Research Universities to  
Focus on Enhancing State Trust Lands (*E. Hutchings*)

Rebecca Lockhart, Chair

Report filed.

#### **MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House of Representatives of the Fifty–sixth Legislature voted to adjourn sine die.

On motion of Representative Newbold, the House authorized two days pay for session employees.

On motion of Representative Alexander, the House voted to authorize the Speaker to appoint a committee to wait upon the Governor to inform His Excellency that the House of Representatives has finished its business and has adjourned sine die.

The Speaker appointed Representatives Dee, Buxton, and Romero.

On motion of Representative Alexander, the House voted to authorize the Speaker to appoint a committee to wait upon the Senate and inform that Honorable Body that the House of Representatives has completed its business and has adjourned sine die.

The Speaker appointed Representatives S. Clark, Snow, and Bourdeaux.

Representative S. Clark reported that his committee had waited upon the Senate and informed them that the House of Representatives has completed its business and had adjourned sine die.

Senators McCoy, Walker, and Madsen formally notified the House of Representatives that the Senate had adjourned sine die.

Governor Jon Huntsman, Jr., spoke briefly to the House of Representatives.

**PAGE**  
**INDEX**

HOUSE BILLS

**2005 GENERAL SESSION**





**H.B. 1** — ANNUAL APPROPRIATIONS ACT (*R. Bigelow*)

- Read the first time by short title and referred to the Rules Committee. . . . . 213
- Read the second time . . . . . 438
- Circled . . . . . 438
- Uncircled . . . . . 438
- Amendments . . . . . 438
- Transmitted to the Senate . . . . . 439
- Signed by the Speaker and transmitted to the Governor . . . . . 458

**H.B. 3** — MINIMUM SCHOOL PROGRAM ACT AMENDMENTS (*G. Snow*)

- Read the first time by short title and referred to the Rules Committee. . . . . 213
- Read the second time . . . . . 439
- Read the third time . . . . . 439
- Circled . . . . . 439
- Uncircled . . . . . 456
- Amendments . . . . . 456
- Transmitted to the Senate . . . . . 458
- Signed by the Speaker and transmitted to the Governor . . . . . 513

**H.B. 4** — DIVORCE MEDIATION PROGRAM (*B. Ferry*)

- Read the first time by short title and referred to the Rules Committee. . . . . 41
- Assigned to standing committee . . . . . 52
- Amendments . . . . . 238
- Read the second time . . . . . 239
- Read the third time . . . . . 394
- Transmitted to the Senate . . . . . 395
- Signed by the Speaker and transmitted to the Governor . . . . . 875

**H.B. 5** — PERSON WITH A DISABILITY MOTORCYCLE PARKING (*T. Kiser*)

- Read the first time by short title and referred to the Rules Committee. . . . . 41
- Read the second time . . . . . 50
- Read the third time . . . . . 62
- Transmitted to the Senate . . . . . 63
- Signed by the Speaker and transmitted to the Governor . . . . . 316

**H.B. 6** — MASTER HIGHWAY DESIGNATION AMENDMENTS (*J. Murray*)

- Read the first time by short title and referred to the Rules Committee. . . . . 41
- Read the second time . . . . . 50
- Read the third time . . . . . 63
- Transmitted to the Senate . . . . . 64
- Signed by the Speaker and transmitted to the Governor . . . . . 295

<b>H.B. 7</b> — INDIVIDUAL INCOME TAX – CONTRIBUTIONS FOR EDUCATION ( <i>S. Allen</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	41
Read the second time . . . . .	97
Read the third time . . . . .	186
Transmitted to the Senate . . . . .	187
Signed by the Speaker and transmitted to the Governor . . . . .	316
<b>H.B. 8</b> — CHILD PROTECTION TEAM MEETINGS ( <i>A. Tilton</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	41
Read the second time . . . . .	50
Read the third time . . . . .	72
Transmitted to the Senate . . . . .	72
Signed by the Speaker and transmitted to the Governor . . . . .	295
<b>H.B. 9</b> — SALES AND USE TAX – AGRICULTURAL EXEMPTION VEHICLE LIMITATION ( <i>R. Menlove</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	41
Assigned to standing committee . . . . .	65
Amendments . . . . .	114
Read the second time . . . . .	115
Read the third time . . . . .	229
Transmitted to the Senate . . . . .	230
Signed by the Speaker and transmitted to the Governor . . . . .	409
<b>H.B. 10</b> — EMPLOYMENT SECURITY ACT AMENDMENTS ( <i>D. Cox</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	41
Read the second time . . . . .	50
Read the third time . . . . .	72
Transmitted to the Senate . . . . .	73
Signed by the Speaker and transmitted to the Governor . . . . .	295
<b>H.B. 11</b> — ECONOMIC DEVELOPMENT INCENTIVES ( <i>B. Dee</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	41
Assigned to standing committee . . . . .	53
Read the second time . . . . .	162
Read the third time . . . . .	323
Amendments . . . . .	323
Circled . . . . .	323
Uncircled . . . . .	324
Held for possible reconsideration . . . . .	325
Resconsideration . . . . .	361
Transmitted to the Senate . . . . .	361
Placed on Concurrence Calendar . . . . .	613
Concurrence . . . . .	650
Signed by the Speaker and transmitted to the Governor . . . . .	685

**H.B. 12** — HEALTH CARE ASSISTANTS (*R. Lockhart*)

Read the first time by short title and referred to the Rules Committee. . . . .	41
Read the second time . . . . .	51
Read the third time . . . . .	88
Circled . . . . .	88
Uncircled . . . . .	144
Transmitted to the Senate . . . . .	144
Placed on Concurrence Calendar . . . . .	355
Concurrence . . . . .	389
Signed by the Speaker and transmitted to the Governor . . . . .	409

**H.B. 13** — OCCUPATIONAL AND PROFESSIONAL LICENSING SUNSET AMENDMENT*(R. Lockhart)*

Read the first time by short title and referred to the Rules Committee. . . . .	41
Read the second time . . . . .	51
Read the third time . . . . .	88
Circled . . . . .	88
Uncircled . . . . .	233
Amendments . . . . .	234
Transmitted to the Senate . . . . .	234
Signed by the Speaker and transmitted to the Governor . . . . .	612

**H.B. 14** — BOND ELECTION PROCESS AMENDMENTS (*F. Hunsaker*)

Read the first time by short title and referred to the Rules Committee. . . . .	41
Assigned to standing committee . . . . .	52
Read the second time . . . . .	83
Read the third time . . . . .	165
Amendments . . . . .	165
Held . . . . .	166
Transmitted to the Senate . . . . .	188
Signed by the Speaker and transmitted to the Governor . . . . .	316

**H.B. 15** — REPEAL OF STATE DEBT COLLECTION ADVISORY BOARD (*D. Aagard*)

Read the first time by short title and referred to the Rules Committee. . . . .	41
Read the second time . . . . .	51
Read the third time . . . . .	88
Circled . . . . .	88
Uncircled . . . . .	92
Transmitted to the Senate . . . . .	92
Signed by the Speaker and transmitted to the Governor . . . . .	295

**H.B. 16** — REPEAL OF VEHICLE EQUIPMENT SAFETY COMMISSION (*N. Hendrickson*)

Read the first time by short title and referred to the Rules Committee. . . . .	42
Read the second time . . . . .	51
Read the third time . . . . .	88
Transmitted to the Senate . . . . .	89
Signed by the Speaker and transmitted to the Governor . . . . .	295

<b>H.B. 17</b> — MOTION PICTURE INCENTIVE FUND ( <i>S. Allen</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	42
Assigned to standing committee . . . . .	78
Read the second time . . . . .	111
Read the third time . . . . .	229
Circled . . . . .	229
Uncircled . . . . .	258
Transmitted to the Senate . . . . .	259
<b>1st Sub. H.B. 17</b> — MOTION PICTURE INCENTIVE FUND ( <i>S. Allen</i> )	
Placed on Concurrence Calendar . . . . .	986
Concurrence . . . . .	1013
Signed by the Speaker and transmitted to the Governor . . . . .	1034
<b>H.B. 18</b> — TRANSPORTATION INVESTMENT ACT ( <i>R. Lockhart</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	42
Substituted . . . . .	666
<b>1st Sub. H.B. 18</b> — TRANSPORTATION INVESTMENT ACT ( <i>R. Lockhart</i> )	
Assigned to standing committee . . . . .	666
Read the second time . . . . .	703, 820
Returned to Rules Committee . . . . .	703
Read the third time . . . . .	861
Circled . . . . .	861
Uncircled . . . . .	911
Amendments . . . . .	911
Transmitted to the Senate . . . . .	915
Enacting Clause Stricken . . . . .	1108
<b>H.B. 19</b> — PROCUREMENT CODE RENUMBERING ( <i>R. Bigelow</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	42
Read the second time . . . . .	51
Read the third time . . . . .	89
Transmitted to the Senate . . . . .	90
Signed by the Speaker and transmitted to the Governor . . . . .	295
<b>H.B. 20</b> — CALLING LOCAL SPECIAL ELECTIONS FOR SALES AND USE TAX PURPOSES ( <i>S. Clark</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	42
Read the second time . . . . .	51
Read the third time . . . . .	90
Transmitted to the Senate . . . . .	91
Signed by the Speaker and transmitted to the Governor . . . . .	295
<b>H.B. 21</b> — AUTOMOBILE CRIME PREVENTION ( <i>P. Ray</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	42
Enacting Clause Stricken . . . . .	1111

<b>H.B. 22</b> — INTERCOUNTRY ADOPTION ACCREDITATION ( <i>R. McGee</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	42
Assigned to standing committee . . . . .	111
Read the second time . . . . .	258
Read the third time . . . . .	474
Transmitted to the Senate . . . . .	475
Signed by the Speaker and transmitted to the Governor . . . . .	1030
<b>H.B. 23</b> — DEPARTMENT OF WORKFORCE SERVICES – WORK EXPERIENCE AND TRAINING PROGRAMS ( <i>D. Cox</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	42
Read the second time . . . . .	97
Read the third time . . . . .	187
Amendments . . . . .	187
Transmitted to the Senate . . . . .	188
Signed by the Speaker and transmitted to the Governor . . . . .	557
<b>H.B. 24</b> — TRAFFIC CODE AMENDMENTS ( <i>J. Dunnigan</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	42
Read the second time . . . . .	51
Read the third time . . . . .	95
Circled . . . . .	95
Uncircled . . . . .	102
Amendments . . . . .	102
Transmitted to the Senate . . . . .	104
<b>1st Sub. H.B. 24</b> — TRAFFIC CODE AMENDMENTS ( <i>J. Dunnigan</i> )	
Placed on Concurrence Calendar . . . . .	426
Concurrence . . . . .	465
Signed by the Speaker and transmitted to the Governor . . . . .	513
<b>H.B. 25</b> — DIRECT-ENTRY MIDWIFE ACT ( <i>J. Biskupski</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	42
Assigned to standing committee . . . . .	52
Amendments . . . . .	209
Read the second time . . . . .	210
Read the third time . . . . .	356
Amendments . . . . .	357
Transmitted to the Senate . . . . .	361
Signed by the Speaker and transmitted to the Governor . . . . .	1065

<b>H.B. 26</b> — CONVEYANCES OF PROPERTY ( <i>J. S. Adams</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	42
Read the second time . . . . .	51
Read the third time . . . . .	91
Transmitted to the Senate . . . . .	92
Placed on Concurrence Calendar . . . . .	295
Concurrence . . . . .	320
Signed by the Speaker and transmitted to the Governor . . . . .	354
<b>H.B. 27</b> — HEALTH INSURANCE FAIR MARKETING STANDARDS ( <i>S. Mascaro</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	42
Assigned to standing committee . . . . .	64
Amendments . . . . .	210
Referred to Rules Committee . . . . .	210
Enacting Clause Stricken . . . . .	1111
<b>H.B. 28</b> — JUVENILE JUSTICE RECODIFICATION ( <i>D. Aagard</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	42
Read the second time . . . . .	51
Read the third time . . . . .	92
Circled . . . . .	93
Uncircled . . . . .	108
Substituted . . . . .	108
<b>1st Sub. H.B. 28</b> — JUVENILE JUSTICE RECODIFICATION AND REVISIONS ( <i>D. Aagard</i> )	
Circled . . . . .	108
Uncircled . . . . .	138
Transmitted to the Senate . . . . .	139
Placed on Concurrence Calendar . . . . .	295
Concurrence . . . . .	321
Signed by the Speaker and transmitted to the Governor . . . . .	354
<b>H.B. 29</b> — STATE ENGINEER'S POWERS AND DUTIES AMENDMENTS ( <i>D. Clark</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	42
Assigned to standing committee . . . . .	145
Amendments . . . . .	195
Read the second time . . . . .	197
Time Certain . . . . .	236
Read the third time . . . . .	283
Transmitted to the Senate . . . . .	284
Signed by the Speaker and transmitted to the Governor . . . . .	612

<b>H.B. 30</b> — CONSUMER SALES PRACTICES ACT AMENDMENTS ( <i>T. Kiser</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	43
Read the second time . . . . .	51
Read the third time . . . . .	93
Circled . . . . .	93
Uncircled . . . . .	101
Amendments . . . . .	101
Transmitted to the Senate . . . . .	102
Placed on Concurrence Calendar . . . . .	558
Returned to the Senate . . . . .	609
Signed by the Speaker and transmitted to the Governor . . . . .	635
<b>H.B. 31</b> — VISION CARE FOR MEDICAID RECIPIENT ( <i>S. Mascaro</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	43
Enacting Clause Stricken . . . . .	1111
<b>H.B. 32</b> — DENTAL SERVICES FOR ADULTS ON MEDICAID ( <i>S. Mascaro</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	43
Enacting Clause Stricken . . . . .	1111
<b>H.B. 33</b> — ASSISTANCE FOR PEOPLE WITH BLEEDING DISORDERS ( <i>D. Litvack</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	43
Assigned to standing committee . . . . .	78
Amendments . . . . .	153
Read the second time . . . . .	154
Read the third time . . . . .	301
Amendments . . . . .	302
Transmitted to the Senate . . . . .	302
Signed by the Speaker and transmitted to the Governor . . . . .	875
<b>H.B. 34</b> — EMERGENCY RELATED AMENDMENTS ( <i>S. Allen</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	43
Read the second time . . . . .	51
Read the third time . . . . .	93
Circled . . . . .	93
Uncircled . . . . .	108
Amendments . . . . .	108
Transmitted to the Senate . . . . .	109
Signed by the Speaker and transmitted to the Governor . . . . .	332
<b>H.B. 35</b> — TELECOMMUNICATIONS AMENDMENTS ( <i>S. Urquhart</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	43
Enacting Clause Stricken . . . . .	1111

<b>H.B. 36</b> — CHARTER SCHOOL CONSTRUCTION AMENDMENTS ( <i>J. Ferrin</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	43
Read the second time . . . . .	51
Read the third time . . . . .	93
Circled . . . . .	93
Uncircled . . . . .	121
Substituted . . . . .	121
<b>1st Sub. H.B. 36</b> — CHARTER SCHOOL CONSTRUCTION AMENDMENTS ( <i>J. Ferrin</i> )	
Amendments . . . . .	121
Transmitted to the Senate . . . . .	123
Placed on Concurrence Calendar . . . . .	410
<b>2nd Sub. H.B. 36</b> — CHARTER SCHOOL CONSTRUCTION AMENDMENTS ( <i>J. Ferrin</i> )	
Signed by the Speaker and transmitted to the Governor . . . . .	482
Concurrence . . . . .	454
<b>H.B. 37</b> — ADMINISTRATIVE RULES REAUTHORIZATION ( <i>D. Ure</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	43
Read the second time . . . . .	51
Read the third time . . . . .	93
Transmitted to the Senate . . . . .	94
Signed by the Speaker and transmitted to the Governor . . . . .	295
<b>H.B. 38</b> — WATER LAW – CRIMINAL PENALTIES AMENDMENTS ( <i>B. Ferry</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	43
Assigned to standing committee . . . . .	145
Substituted . . . . .	195
<b>1st Sub. H.B. 38</b> — WATER LAW – CRIMINAL PENALTIES AMENDMENTS ( <i>B. Ferry</i> )	
Amendments . . . . .	195
Read the second time . . . . .	197
Time Certain . . . . .	236
Read the third time . . . . .	284
Transmitted to the Senate . . . . .	284
Signed by the Speaker and transmitted to the Governor . . . . .	875
<b>H.B. 39</b> — TUITION TAX CREDITS ( <i>J. Ferrin</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	43
Substituted . . . . .	576



**2nd Sub. H.B. 39** — TUITION TAX CREDITS (*J. Ferrin*)

- Assigned to standing committee . . . . . 576
- Amendments . . . . . 673
- Read the second time . . . . . 675, 699
- Returned to Rules Committee . . . . . 675
- Read the third time . . . . . 769
- Circled . . . . . 769, 840
- Uncircled . . . . . 825, 840
- Amendments . . . . . 825, 840
- Failed . . . . . 842
- Enacting Clause Stricken . . . . . 1111

**H.B. 40** — REPEAL OF SUNSET OF TOWNSHIP PROVISION (*M. S. Lawrence*)

- Read the first time by short title and referred to the Rules Committee. . . . . 43
- Assigned to standing committee . . . . . 52
- Substituted . . . . . 148

**1st Sub. H.B. 40** — SUNSET OF TOWNSHIP PROVISION (*M. S. Lawrence*)

- Amendments . . . . . 148
- Read the second time . . . . . 148
- Read the third time . . . . . 249
- Transmitted to the Senate . . . . . 249
- Signed by the Speaker and transmitted to the Governor . . . . . 409

**H.B. 41** — SPECIAL DISTRICT FOR POLICE SERVICES (*T. McCartney*)

- Read the first time by short title and referred to the Rules Committee. . . . . 43

**H.B. 41** — SPECIAL DISTRICT FOR POLICE SERVICES (*R. Romero*) (Change of sponsorship)

- Enacting Clause Stricken . . . . . 1111

**H.B. 42** — MEDICAL RECOMMENDATIONS FOR CHILDREN (*M. Morley*)

- Read the first time by short title and referred to the Rules Committee. . . . . 43
- Assigned to standing committee . . . . . 250
- Substituted . . . . . 277

**1st Sub. H.B. 42** — MEDICAL RECOMMENDATIONS FOR CHILDREN (*M. Morley*)

- Amendments . . . . . 277
- Read the second time . . . . . 278
- Read the third time . . . . . 477
- Amendments . . . . . 477
- Transmitted to the Senate . . . . . 481
- Placed on Concurrence Calendar . . . . . 946
- Concurrence . . . . . 1010
- Signed by the Speaker and transmitted to the Governor . . . . . 1034

**H.B. 43** — SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS (*S. Urquhart*)

- Read the first time by short title and referred to the Rules Committee. . . . . 43
- Assigned to standing committee . . . . . 51
- Read the second time . . . . . 70
- Read the third time . . . . . 116
- Transmitted to the Senate . . . . . 117
- Placed on Concurrence Calendar . . . . . 718
- Refuse to Concur . . . . . 741
- Refuse to Recede . . . . . 760
- Substituted . . . . . 812

**4th Sub. H.B. 43** — SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS  
(*S. Urquhart*)

- Conference Committee Report . . . . . 812
- Signed by the Speaker and transmitted to the Governor . . . . . 847

**H.B. 44** — ADDITIONAL STATE RETIREMENT BENEFIT (*L. Shurtliff*)

- Read the first time by short title and referred to the Rules Committee. . . . . 43
- Assigned to standing committee . . . . . 53
- Read the second time . . . . . 319
- Read the third time . . . . . 535
- Transmitted to the Senate . . . . . 536
- Enacting Clause Stricken . . . . . 1108

**H.B. 45** — ASSESSMENT OF PROPERTY AFFECTED BY BUSINESS INTERRUPTION  
(*G. Hughes*)

- Read the first time by short title and referred to the Rules Committee. . . . . 44
- Assigned to standing committee . . . . . 51
- Amendments . . . . . 211
- Read the second time . . . . . 211
- Read the third time . . . . . 390
- Substituted . . . . . 390

**1st Sub. H.B. 45** — PROPERTY AFFECTED BY ACCESS INTERRUPTION (*G. Hughes*)

- Circled . . . . . 390
- Uncircled . . . . . 468
- Substituted . . . . . 468

**2nd Sub. H.B. 45** — PROPERTY AFFECTED BY ACCESS INTERRUPTION (*G. Hughes*)

- Circled . . . . . 468
- Uncircled . . . . . 536
- Read the first time by short title and referred to Rules Committee . . . . . 536
- Read the second time . . . . . 536
- Read the third time . . . . . 536
- Transmitted to the Senate . . . . . 537
- Signed by the Speaker and transmitted to the Governor . . . . . 994

**H.B. 46** — PUBLIC EDUCATION CAPITAL OUTLAY ACT AMENDMENTS (*D. Cox*)

- Read the first time by short title and referred to the Rules Committee. . . . . 44
- Assigned to standing committee . . . . . 51
- Read the second time . . . . . 208
- Read the third time . . . . . 351
- Amendments . . . . . 351
- Transmitted to the Senate . . . . . 352
- Enacting Clause Stricken . . . . . 1108

**H.B. 47** — NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS (*S. Urquhart*)

- Read the first time by short title and referred to the Rules Committee. . . . . 44
- Assigned to standing committee . . . . . 78
- Amendments . . . . . 154
- Read the second time . . . . . 162
- Read the third time . . . . . 309
- Circled . . . . . 309
- Uncircled . . . . . 325
- Transmitted to the Senate . . . . . 326
- Signed by the Speaker and transmitted to the Governor . . . . . 612

**H.B. 48** — MOTOR VEHICLE REGISTRATION AND SAFETY INSPECTION AMENDMENTS  
(*B. Daw*)

- Read the first time by short title and referred to the Rules Committee. . . . . 44
- Assigned to standing committee . . . . . 65
- Amendments . . . . . 85
- Read the second time . . . . . 87
- Read the third time . . . . . 185
- Transmitted to the Senate . . . . . 186
- Enacting Clause Stricken . . . . . 1108

**H.B. 49** — BICYCLE SAFETY PROVISIONS (*R. McGee*)

- Read the first time by short title and referred to the Rules Committee. . . . . 44
- Assigned to standing committee . . . . . 64
- Amendments . . . . . 151
- Read the second time . . . . . 153
- Read the third time . . . . . 289
- Substituted . . . . . 289

**Sub. H.B. 49** — BICYCLE SAFETY PROVISIONS (*R. McGee*)

- Transmitted to the Senate . . . . . 289

**2nd Sub. H.B. 49** — BICYCLE SAFETY PROVISIONS (*R. McGee*)

- Placed on Concurrence Calendar . . . . . 919
- Concurrence . . . . . 947
- Signed by the Speaker and transmitted to the Governor . . . . . 985

<b>H.B. 50</b> — CRIMINAL PENALTY AMENDMENT ( <i>D. Litvack</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	44
Assigned to standing committee . . . . .	577
Returned to Rules Committee . . . . .	796
Enacting Clause Stricken . . . . .	1111
<b>H.B. 51</b> — ELECTRONIC PAYMENTS TO LOCAL GOVERNMENT ENTITIES ( <i>J. Murray</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	44
Assigned to standing committee . . . . .	52
Read the second time . . . . .	82
Read the third time . . . . .	131
Transmitted to the Senate . . . . .	132
Placed on Concurrence Calendar . . . . .	316
Concurrence . . . . .	346
Signed by the Speaker and transmitted to the Governor . . . . .	365
<b>H.B. 52</b> — FIRE PREVENTION AMENDMENTS ( <i>J. Murray</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	44
Assigned to standing committee . . . . .	51
Amendments . . . . .	66
Read the second time . . . . .	67
Read the third time . . . . .	104
Transmitted to the Senate . . . . .	105
Signed by the Speaker and transmitted to the Governor . . . . .	295
<b>H.B. 53</b> — TAX TREATMENT OF PERSONAL PROPERTY ( <i>L. Shurtliff</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	44
Assigned to standing committee . . . . .	53
Read the second time . . . . .	82
Read the third time . . . . .	139
Amendments . . . . .	139
Transmitted to the Senate . . . . .	141
Signed by the Speaker and transmitted to the Governor . . . . .	409
<b>H.B. 54</b> — CRIMINAL APPEAL AMENDMENTS ( <i>S. Wyatt</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	44
Assigned to standing committee . . . . .	52
Amendments . . . . .	85
Read the second time . . . . .	85
Read the third time . . . . .	170
Transmitted to the Senate . . . . .	171
Signed by the Speaker and transmitted to the Governor . . . . .	316

**H.B. 55** — DRUG OFFENSE PENALTY ENHANCEMENTS (*B. Dee*)

- Read the first time by short title and referred to the Rules Committee. . . . . 44
- Assigned to standing committee . . . . . 52
- Read the second time . . . . . 85
- Read the third time . . . . . 185
- Transmitted to the Senate . . . . . 185
- Placed on Concurrence Calendar . . . . . 613 , 734
- Returned to the Senate . . . . . 730
- Concurrence . . . . . 651 , 764
- Signed by the Speaker and transmitted to the Governor . . . . . 685 , 811

**H.B. 56** — DIVORCE AMENDMENTS (*P. Wallace*)

- Read the first time by short title and referred to the Rules Committee. . . . . 44
- Substituted . . . . . 329

**1st Sub. H.B. 56** — DIVORCE TASK FORCE (*P. Wallace*)

- Read the first time by short title and referred to Rules Committee . . . . . 629
- Assigned to standing committee . . . . . 329
- Read the second time . . . . . 382 , 629
- Read the third time . . . . . 629
- Transmitted to the Senate . . . . . 629
- Enacting Clause Stricken . . . . . 1108

**H.B. 57** — ALCOHOLIC BEVERAGE CONTROL TASK FORCE (*D. Ure*)

- Read the first time by short title and referred to the Rules Committee. . . . . 44
- Substituted . . . . . 364

**1st Sub. H.B. 57** — ALCOHOLIC BEVERAGE CONTROL TASK FORCE (*D. Ure*)

- Assigned to standing committee . . . . . 364

**1st Sub. H.B. 57** — TOURISM TASK FORCE (*D. Ure*) (Title Change)

- Read the second time . . . . . 410
- Read the third time . . . . . 660
- Transmitted to the Senate . . . . . 660
- Placed on Concurrence Calendar . . . . . 1102
- Concurrence . . . . . 1103
- Signed by the Speaker and transmitted to the Governor . . . . . 1107

**H.B. 58** — GOVERNMENT EFFICIENCY AND EFFECTIVENESS REVIEW COMMITTEE  
(*P. Wallace*)

- Read the first time by short title and referred to the Rules Committee. . . . . 44
- Assigned to standing committee . . . . . 52
- Returned to Rules Committee . . . . . 489
- Enacting Clause Stricken . . . . . 1112

<b>H.B. 59</b> — DOMESTIC VIOLENCE ENHANCEMENT ( <i>C. Moss</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	44
Assigned to standing committee . . . . .	96
Read the second time . . . . .	153
Read the third time . . . . .	301
Transmitted to the Senate . . . . .	301
Signed by the Speaker and transmitted to the Governor . . . . .	612
<b>H.B. 60</b> — PRODUCER LICENSING AMENDMENTS ( <i>J. Dunnigan</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	45
Assigned to standing committee . . . . .	64
Read the second time . . . . .	99
Read the third time . . . . .	204
Amendments . . . . .	204
Transmitted to the Senate . . . . .	205
<b>H.B. 60</b> — INSURANCE LICENSING AMENDMENTS ( <i>J. Dunnigan</i> ) (Title Change)	
Placed on Concurrence Calendar . . . . .	410
Concurrence . . . . .	455
Signed by the Speaker and transmitted to the Governor . . . . .	482
<b>H.B. 61</b> — STATE SCHOOL BOARD ELECTIONS AND FILLING OF VACANCIES ( <i>J. Ferrin</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	45
Enacting Clause Stricken . . . . .	1112
<b>H.B. 62</b> — AMENDMENTS TO INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED ( <i>R. Lockhart</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	45
Assigned to standing committee . . . . .	124
Amendments . . . . .	299
Read the second time . . . . .	299
Read the third time . . . . .	535
Circled . . . . .	535
Uncircled . . . . .	627
Substituted . . . . .	627
<b>1st Sub. H.B. 62</b> — AMENDMENTS TO INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED ( <i>R. Lockhart</i> )	
Circled . . . . .	627
Uncircled . . . . .	654
Transmitted to the Senate . . . . .	655
Signed by the Speaker and transmitted to the Governor . . . . .	930
<b>H.B. 63</b> — SCHOOL DISTRICT AMENDMENTS ( <i>D. Cox</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	45
Assigned to standing committee . . . . .	123
Substituted . . . . .	384

<b>1st Sub. H.B. 63</b> — SCHOOL DISTRICT AMENDMENTS ( <i>D. Cox</i> )	
Read the second time . . . . .	385
Read the third time . . . . .	644
Transmitted to the Senate . . . . .	645
Enacting Clause Stricken . . . . .	1108
<b>H.B. 64</b> — CRIMINAL BACKGROUND CHECKS FOR PERSONAL CARE ATTENDANTS ( <i>F. Hunsaker</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	45
Assigned to standing committee . . . . .	111
Read the second time . . . . .	154
Read the third time . . . . .	302
Amendments . . . . .	303
Transmitted to the Senate . . . . .	309
Signed by the Speaker and transmitted to the Governor . . . . .	612
<b>H.B. 65</b> — DRIVER LICENSE AND COMMERCIAL DRIVER LICENSE AMENDMENTS ( <i>D. Bowman</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	45
Assigned to standing committee . . . . .	146
Amendments . . . . .	194
Read the second time . . . . .	195
Read the third time . . . . .	350
Transmitted to the Senate . . . . .	351
Placed on Concurrence Calendar . . . . .	847
Concurrence . . . . .	876
Signed by the Speaker and transmitted to the Governor . . . . .	918
<b>H.B. 66</b> — NATUROPATHIC PHYSICIAN AMENDMENTS ( <i>J. Ferrin</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	45
Assigned to standing committee . . . . .	111
Read the second time . . . . .	162
Read the third time . . . . .	309
Circled . . . . .	309
Uncircled . . . . .	311
Amendments . . . . .	311
Transmitted to the Senate . . . . .	313
Signed by the Speaker and transmitted to the Governor . . . . .	612
<b>H.B. 67</b> — ABANDONED VEHICLES AMENDMENTS ( <i>J. Gowans</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	45
Assigned to standing committee . . . . .	96
Read the second time . . . . .	153
Read the third time . . . . .	300
Substituted . . . . .	300

<b>1st Sub. H.B. 67</b> — ABANDONED VEHICLES AMENDMENTS ( <i>J. Gowans</i> )	
Transmitted to the Senate . . . . .	301
Signed by the Speaker and transmitted to the Governor . . . . .	749
<b>H.B. 68</b> — MOTOR VEHICLE ENFORCEMENT DIVISION AMENDMENTS ( <i>P. Ray</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	45
Assigned to standing committee . . . . .	145
Read the second time . . . . .	193
Read the third time . . . . .	347
Amendments . . . . .	347
Transmitted to the Senate . . . . .	348
Signed by the Speaker and transmitted to the Governor . . . . .	612
<b>H.B. 69</b> — FEDERAL HEALTH CARE TAX CREDIT PROGRAM ACT ( <i>C. Oda</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	45
Assigned to standing committee . . . . .	95
Read the second time . . . . .	127
Read the third time . . . . .	198
Transmitted to the Senate . . . . .	199
Signed by the Speaker and transmitted to the Governor . . . . .	409
<b>H.B. 70</b> — HEALTH DISCOUNT PROGRAM CONSUMER PROTECTION ACT ( <i>J. Dunnigan</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	45
Assigned to standing committee . . . . .	171
Amendments . . . . .	252
Read the second time . . . . .	255
Read the third time . . . . .	415
Amendments . . . . .	415
Transmitted to the Senate . . . . .	418
Signed by the Speaker and transmitted to the Governor . . . . .	685
<b>H.B. 71</b> — LICENSING OF ESTHETICIANS AND NAIL TECHNICIANS ( <i>J. Fisher</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	45
Assigned to standing committee . . . . .	111
Amendments . . . . .	157
Read the second time . . . . .	162
Read the third time . . . . .	309
Amendments . . . . .	310
Transmitted to the Senate . . . . .	311
Signed by the Speaker and transmitted to the Governor . . . . .	612, 701
Recalled . . . . .	676
<b>H.B. 72</b> — SCHOOL CURRICULUM AMENDMENTS ( <i>C. Moss</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	59
Enacting Clause Stricken . . . . .	1112



**H.B. 73** — LOCAL REFERENDUM REQUIREMENTS (*D. Hogue*)

- Read the first time by short title and referred to the Rules Committee. . . . . 59
- Assigned to standing committee . . . . . 111
- Amendments . . . . . 426
- Read the second time . . . . . 427, 820
- Returned to Rules Committee . . . . . 668, 962
- Read the third time . . . . . 860
- Circled . . . . . 860
- Enacting Clause Stricken . . . . . 1112

**H.B. 74** — TUITION REIMBURSEMENT PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OR SPECIAL EDUCATION (*R. Menlove*)

- Read the first time by short title and referred to the Rules Committee. . . . . 59
- Assigned to standing committee . . . . . 171
- Substituted . . . . . 255

**2nd Sub. H.B. 74** — TUITION PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OR SPECIAL EDUCATION (*R. Menlove*)

- Amendments . . . . . 255
- Read the second time . . . . . 256
- Read the third time . . . . . 420
- Amendments . . . . . 420
- Transmitted to the Senate . . . . . 421, 848
- Placed on Concurrence Calendar . . . . . 785
- Concurrence . . . . . 847
- Signed by the Speaker and transmitted to the Governor . . . . . 875

**H.B. 75** — GOVERNMENT RECORDS ACCESS AND MANAGEMENT TASK FORCE (*D. Aagard*)

- Read the first time by short title and referred to the Rules Committee. . . . . 59
- Assigned to standing committee . . . . . 111
- Amendments . . . . . 148
- Read the second time . . . . . 150
- Read the third time . . . . . 259
- Transmitted to the Senate . . . . . 260
- Signed by the Speaker and transmitted to the Governor . . . . . 1034

**H.B. 76** — HABITUAL VIOLENT OFFENDERS AMENDMENTS (*P. Ray*)

- Read the first time by short title and referred to the Rules Committee. . . . . 70
- Assigned to standing committee . . . . . 124
- Read the second time . . . . . 193
- Read the third time . . . . . 348
- Transmitted to the Senate . . . . . 349
- Signed by the Speaker and transmitted to the Governor . . . . . 685

<b>H.B. 77</b> — PROVISIONS FOR EMANCIPATION OF A MINOR ( <i>R. McGee</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	70
Assigned to standing committee . . . . .	292
Read the second time . . . . .	427, 699
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	781
Amendments . . . . .	781
Transmitted to the Senate . . . . .	782
Enacting Clause Stricken . . . . .	1108
<b>H.B. 78</b> — CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS ( <i>W. Harper</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	71
Assigned to standing committee . . . . .	124
Amendments . . . . .	175
Read the second time . . . . .	176
Read the third time . . . . .	327
Substituted . . . . .	327
<b>1st Sub. H.B. 78</b> — CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS ( <i>W. Harper</i> )	
Circled . . . . .	327
Uncircled . . . . .	475
Transmitted to the Senate . . . . .	476
Signed by the Speaker and transmitted to the Governor . . . . .	1065
<b>H.B. 79</b> — PROVISION OF SERVICES FOR PEOPLE WITH DISABILITIES ( <i>R. Lockhart</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	71
Assigned to standing committee . . . . .	145
Amendments . . . . .	256
Read the second time . . . . .	258
Read the third time . . . . .	468
Amendments . . . . .	468
Transmitted to the Senate . . . . .	474
Placed on Concurrence Calendar . . . . .	930
Concurrence . . . . .	948
Signed by the Speaker and transmitted to the Governor . . . . .	985
<b>H.B. 80</b> — SERVICES FOR PEOPLE WITH DISABILITIES ( <i>R. Lockhart</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	71
Assigned to standing committee . . . . .	171
Amendments . . . . .	210
Read the second time . . . . .	210
Read the third time . . . . .	361
Circled . . . . .	362, 598
Uncircled . . . . .	598, 600
Amendments . . . . .	600
Transmitted to the Senate . . . . .	601
Signed by the Speaker and transmitted to the Governor . . . . .	930

<b>H.B. 81</b> — WORKERS' COMPENSATION COVERAGE OF FIRE DEPARTMENT EMPLOYEES ( <i>J. Murray</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	87
Assigned to standing committee . . . . .	424
Returned to Rules Committee . . . . .	798
Enacting Clause Stricken . . . . .	1112
<b>H.B. 82</b> — CONTRACTORS BONDS AND LETTERS OF CREDIT ( <i>S. Clark</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	87
Enacting Clause Stricken . . . . .	1112
<b>H.B. 83</b> — WEIGHTS AND MEASURES AMENDMENTS ( <i>D. Ure</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	87
Assigned to standing committee . . . . .	189
Substituted . . . . .	380
<b>1st Sub. H.B. 83</b> — WEIGHTS AND MEASURES AMENDMENTS ( <i>D. Ure</i> )	
Read the second time . . . . .	381
Read the third time . . . . .	626
Transmitted to the Senate . . . . .	627
Signed by the Speaker and transmitted to the Governor . . . . .	784
<b>H.B. 84</b> — READING REQUIREMENTS FOR STUDENT ADVANCEMENT ( <i>K. Morgan</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	87
Assigned to standing committee . . . . .	250
Substituted . . . . .	384
<b>1st Sub. H.B. 84</b> — READING REQUIREMENTS FOR STUDENT ADVANCEMENT ( <i>K. Morgan</i> )	
Amendments . . . . .	384
Read the second time . . . . .	385
Read the third time . . . . .	646
Failed . . . . .	646
Reconsideration . . . . .	665
Transmitted to the Senate . . . . .	666
Enacting Clause Stricken . . . . .	1108
<b>H.B. 85</b> — HEALTH INSURANCE HIGH RISK POOL – ELIGIBILITY AMENDMENTS ( <i>D. Litvack</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	87
Assigned to standing committee . . . . .	250
Read the second time . . . . .	383
Read the third time . . . . .	639
Circled . . . . .	640
Uncircled . . . . .	645
Transmitted to the Senate . . . . .	645
Enacting Clause Stricken . . . . .	1108

<b>H.B. 86</b> — UTAH COLLEGE OF APPLIED TECHNOLOGY AMENDMENTS ( <i>R. Bigelow</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	100
Assigned to standing committee . . . . .	188
Amendments . . . . .	334
Read the second time . . . . .	335
Read the third time . . . . .	585
Amendments . . . . .	585
Transmitted to the Senate . . . . .	587
Signed by the Speaker and transmitted to the Governor . . . . .	994
<b>H.B. 87</b> — LIABILITY INSURANCE FOR COUNTY RECORDERS ( <i>S. Clark</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	100
Substituted . . . . .	460
<b>1st Sub. H.B. 87</b> — CLAIMS AGAINST A COUNTY ( <i>S. Clark</i> )	
Assigned to standing committee . . . . .	460
Read the second time . . . . .	534, 669
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	696
Transmitted to the Senate . . . . .	697
Signed by the Speaker and transmitted to the Governor . . . . .	1038
<b>H.B. 88</b> — AIR CONDITIONED BUSES FOR STUDENTS WITH DISABILITIES ( <i>D. Hogue</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	100
Assigned to standing committee . . . . .	171
Returned to Rules Committee . . . . .	802
Enacting Clause Stricken . . . . .	1112
<b>H.B. 89</b> — PRESUMPTION OF RESPONSIBILITY FOR ABUSE OR NEGLECT ( <i>L. Christensen</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	100
Assigned to standing committee . . . . .	189
Read the second time . . . . .	240
Read the third time . . . . .	400
Transmitted to the Senate . . . . .	401
Signed by the Speaker and returned to the Senate . . . . .	890
<b>H.B. 90</b> — SEARCH AND RESCUE ADVISORY BOARD – AMENDMENTS ( <i>J. S. Adams</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	100
Assigned to standing committee . . . . .	171
Read the second time . . . . .	212
Read the third time . . . . .	280
Transmitted to the Senate . . . . .	281
Signed by the Speaker and transmitted to the Governor . . . . .	557

**H.B. 91** — LICENSE PLATE FOR DISABLED AMERICAN VETERANS (*R. Bigelow*)

- Read the first time by short title and referred to the Rules Committee. . . . . 115
- Assigned to standing committee . . . . . 189
- Read the second time . . . . . 238
- Time Certain . . . . . 271
- Read the third time . . . . . 289
- Amendments . . . . . 290
- Transmitted to the Senate . . . . . 291

**H.B. 91** — LICENSE PLATE FOR DISABLED VETERANS (*R. Bigelow*) (Title Change)

- Signed by the Speaker and transmitted to the Governor . . . . . 749

**H.B. 92** — SAFETY BELT LAW REQUIREMENT AMENDMENTS (*M. Noel*)

- Read the first time by short title and referred to the Rules Committee. . . . . 130
- Assigned to standing committee . . . . . 631
- Substituted . . . . . 795

**1st Sub. H.B. 92** — SAFETY BELT LAW REQUIREMENT AMENDMENTS (*M. Noel*)

- Amendments . . . . . 796
- Returned to Rules Committee . . . . . 796, 962
- Read the second time . . . . . 821
- Enacting Clause Stricken . . . . . 1112

**H.B. 93** — EMISSION INSPECTION AMENDMENTS (*K. Gibson*)

- Read the first time by short title and referred to the Rules Committee. . . . . 130
- Assigned to standing committee . . . . . 189
- Read the second time . . . . . 238
- Read the third time . . . . . 391
- Substituted . . . . . 391

**1st Sub. H.B. 93** — EMISSION INSPECTION AMENDMENTS (*K. Gibson*)

- Amendments . . . . . 391
- Transmitted to the Senate . . . . . 394

**2nd Sub. H.B. 93** — EMISSION INSPECTION AMENDMENTS (*K. Gibson*)

- Placed on Concurrence Calendar . . . . . 875
- Concurrence . . . . . 933
- Signed by the Speaker and transmitted to the Governor . . . . . 985

**H.B. 94** — YOUTH CORRECTIONS AMENDMENTS (*C. Moss*)

- Read the first time by short title and referred to the Rules Committee. . . . . 130
- Assigned to standing committee . . . . . 511
- Substituted . . . . . 616

<b>1st Sub. H.B. 94</b> — YOUTH CORRECTIONS AMENDMENTS ( <i>C. Moss</i> )	
Amendments	616
Read the second time	620
Returned to Rules Committee	668
Enacting Clause Stricken	1112
<b>H.B. 95</b> — SEX OFFENDER REGISTRATION AMENDMENTS ( <i>M. S. Lawrence</i> )	
Read the first time by short title and referred to the Rules Committee.	130
Assigned to standing committee	235
Amendments	279
Read the second time	279
Read the third time	508
Transmitted to the Senate	509
Enacting Clause Stricken	1108
<b>H.B. 96</b> — AMENDMENTS RELATING TO CLEAN FUELS AND VEHICLES USING CLEAN FUELS ( <i>F. Hunsaker</i> )	
Read the first time by short title and referred to the Rules Committee.	162
Substituted	424
<b>1st Sub. H.B. 96</b> — AMENDMENTS RELATING TO CLEAN FUELS AND VEHICLES USING CLEAN FUELS ( <i>F. Hunsaker</i> )	
Assigned to standing committee	424
Amendments	533
Read the second time	534, 732
Returned to Rules Committee	668
Read the third time	786
Circled	786
Uncircled	813
Amendments	813
Transmitted to the Senate	815
Amendments	1088
Placed on Concurrence Calendar	1099
Concurrence	1099
Signed by the Speaker and transmitted to the Governor	1107
<b>H.B. 97</b> — STATE BUDGET PROVISIONS ( <i>G. Curtis</i> )	
Read the first time by short title and referred to the Rules Committee.	162
Substituted	250
<b>1st Sub. H.B. 97</b> — STATE BUDGET PROVISIONS ( <i>G. Curtis</i> )	
Assigned to standing committee	250
Read the second time	277
Read the third time	477
Circled	477
Returned to Rules Committee	535
Enacting Clause Stricken	1112

**H.B. 98** — OFFENSES COMMITTED AGAINST CORRECTIONAL AND PEACE OFFICERS*(C. Oda)*

Read the first time by short title and referred to the Rules Committee. . . . .	163
Assigned to standing committee . . . . .	235
Read the second time . . . . .	278
Read the third time . . . . .	507
Transmitted to the Senate . . . . .	508
Placed on Concurrence Calendar . . . . .	1006
Concurrence . . . . .	1019
Signed by the Speaker and transmitted to the Governor . . . . .	1038

**H.B. 99** — STATE FLEET VEHICLE CLASSIFICATION *(E. Hutchings)*

Read the first time by short title and referred to the Rules Committee. . . . .	163
Assigned to standing committee . . . . .	250
Returned to Rules Committee . . . . .	412
Enacting Clause Stricken . . . . .	1112

**H.B. 100** — CONSUMER CREDIT BUREAU NOTICE REQUIREMENTS *(K. Morgan)*

Read the first time by short title and referred to the Rules Committee. . . . .	176
Assigned to standing committee . . . . .	273
Returned to Rules Committee . . . . .	795
Enacting Clause Stricken . . . . .	1112

**H.B. 101** — AMENDMENTS TO THE INDIVIDUAL INCOME TAX *(W. Harper)*

Read the first time by short title and referred to the Rules Committee. . . . .	197
Assigned to standing committee . . . . .	274
Returned to Rules Committee . . . . .	800
Enacting Clause Stricken . . . . .	1112

**H.B. 102** — HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS*(S. Wyatt)*

Read the first time by short title and referred to the Rules Committee. . . . .	197
Assigned to standing committee . . . . .	235
Amendments . . . . .	334
Read the second time . . . . .	335
Read the third time . . . . .	587
Transmitted to the Senate . . . . .	587
Signed by the Speaker and returned to the Senate . . . . .	890

**H.B. 103** — STUDENT HOUSING BUILT BY HIGHER EDUCATION INSTITUTIONS *(S. Clark)*

Read the first time by short title and referred to the Rules Committee. . . . .	197
Assigned to standing committee . . . . .	273
Substituted . . . . .	445

<b>1st Sub. H.B. 103</b> — STUDENT HOUSING BUILT BY HIGHER EDUCATION INSTITUTIONS ( <i>S. Clark</i> )	
Read the second time	445 , 699
Returned to Rules Committee	668
Read the third time	765
Amendments	765
Transmitted to the Senate	767
Signed by the Speaker and transmitted to the Governor	1006
<b>H.B. 104</b> — SPYWARE CONTROL ACT REVISIONS ( <i>S. Urquhart</i> )	
Read the first time by short title and referred to the Rules Committee.	213
Assigned to standing committee	292
Read the second time	340
Read the third time	597
Transmitted to the Senate	598
<b>2nd Sub. H.B. 104</b> — SPYWARE CONTROL ACT REVISIONS ( <i>S. Urquhart</i> )	
Placed on Concurrence Calendar	1076
Concurrence	1083
Signed by the Speaker and transmitted to the Governor	1107
<b>H.B. 105</b> — CONSTRUCTION FILING AMENDMENTS ( <i>M. Morley</i> )	
Read the first time by short title and referred to the Rules Committee.	213
Assigned to standing committee	291
Substituted	333
<b>1st Sub. H.B. 105</b> — CONSTRUCTION FILING AMENDMENTS ( <i>M. Morley</i> )	
Read the second time	334
Read the third time	581
Amendments	581
Transmitted to the Senate	585
Placed on Concurrence Calendar	890
Concurrence	940
Signed by the Speaker and transmitted to the Governor	985
<b>H.B. 106</b> — REGULATION OF NONCOMPETE AGREEMENTS IN MEDICAL PRACTICES ( <i>R. McGee</i> )	
Read the first time by short title and referred to the Rules Committee.	213
Assigned to standing committee	667
Returned to Rules Committee	804
Enacting Clause Stricken	1112



<b>H.B. 107</b> — AMENDMENTS TO TAXES, FEES, OR CHARGES ( <i>W. Harper</i> )	
Read the first time by short title and referred to the Rules Committee . . . . .	213
Assigned to standing committee . . . . .	578
Amendments . . . . .	613
Read the second time . . . . .	616, 669
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	676
Transmitted to the Senate . . . . .	677
Placed on Concurrence Calendar . . . . .	986
Concurrence . . . . .	1014
Signed by the Speaker and transmitted to the Governor . . . . .	1034
<b>H.B. 108</b> — TELECOMMUNICATIONS TAXATION ( <i>J. Dougall</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	213
Enacting Clause Stricken . . . . .	1112
<b>H.B. 109</b> — INFORMATION TECHNOLOGY GOVERNANCE AMENDMENTS ( <i>D. Clark</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	213
Assigned to standing committee . . . . .	363
Amendments . . . . .	441
Read the second time . . . . .	442, 669
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	683
Circled . . . . .	683
Uncircled . . . . .	691
Amendments . . . . .	691
Transmitted to the Senate . . . . .	693
Placed on Concurrence Calendar . . . . .	875
Concurrence . . . . .	934, 935
Other Action . . . . .	935
Signed by the Speaker and transmitted to the Governor . . . . .	985
<b>H.B. 110</b> — EMERGENCY ADMINISTRATION OF EPINEPHRINE ( <i>T. Kiser</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	214
Enacting Clause Stricken . . . . .	1112
<b>H.B. 111</b> — LICENSING OF CHILD CARE CENTERS – OVERSIGHT AND REGULATION ( <i>D. G. Buxton</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	214
Enacting Clause Stricken . . . . .	1112
<b>H.B. 112</b> — BACKGROUND CHECKS IN COUNTY GOVERNMENT ( <i>B. Dee</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	214
Enacting Clause Stricken . . . . .	1112

<b>H.B. 113</b> — GOVERNMENT BOUNDARY CHANGES ( <i>K. Holdaway</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	214
Assigned to standing committee . . . . .	363
Substituted . . . . .	413
<b>1st Sub. H.B. 113</b> — GOVERNMENT BOUNDARY CHANGES ( <i>K. Holdaway</i> )	
Read the second time . . . . .	413
Read the third time . . . . .	662
Transmitted to the Senate . . . . .	663
Placed on Concurrence Calendar . . . . .	1008
Concurrence . . . . .	1020
Signed by the Speaker and transmitted to the Governor . . . . .	1038
<b>H.B. 114</b> — CHILDREN'S HEALTH CARE COVERAGE AMENDMENTS ( <i>D. Hogue</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	214
Assigned to standing committee . . . . .	577
Read the second time . . . . .	672, 732
Returned to Rules Committee . . . . .	672
Read the third time . . . . .	782
Transmitted to the Senate . . . . .	783
Signed by the Speaker and transmitted to the Governor . . . . .	1065
<b>H.B. 115</b> — UTAH CHILD ABUSE PREVENTION BOARD ( <i>P. Ray</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	214
Assigned to standing committee . . . . .	631
Substituted . . . . .	671
<b>1st Sub. H.B. 115</b> — UTAH CHILD ABUSE PREVENTION BOARD ( <i>P. Ray</i> )	
Amendments . . . . .	671
Read the second time . . . . .	672
Read the third time . . . . .	763
Transmitted to the Senate . . . . .	764
Enacting Clause Stricken . . . . .	1108
<b>H.B. 116</b> — PRIVATE ACTIVITY BOND VOLUME CAP ALLOCATION AMENDMENTS ( <i>D. Clark</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	214
Assigned to standing committee . . . . .	330
Read the second time . . . . .	410
Read the third time . . . . .	659
Transmitted to the Senate . . . . .	660
Signed by the Speaker and transmitted to the Governor . . . . .	875
<b>H.B. 117</b> — REVISIONS TO STATE GOVERNMENT ( <i>B. Ferry</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	214
Enacting Clause Stricken . . . . .	1112

<b>H.B. 118</b> — REVISE UTILITY SPECIAL SERVICE DISTRICTS ( <i>D. Ure</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	214
Assigned to standing committee . . . . .	423
Amendments . . . . .	530
Read the second time . . . . .	531, 699
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	745
Transmitted to the Senate . . . . .	745
Enacting Clause Stricken . . . . .	1108
<b>H.B. 119</b> — NAVAJO TRUST FUND AMENDMENTS ( <i>B. King</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	214
Assigned to standing committee . . . . .	459
Read the second time . . . . .	533, 699
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	750
Transmitted to the Senate . . . . .	751
Enacting Clause Stricken . . . . .	1108
<b>H.B. 120</b> — CRIME OF SOLICITING SEX FROM A CHILD ( <i>L. Fowlke</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	214
Enacting Clause Stricken . . . . .	1112
<b>H.B. 121</b> — PROPERTY EXEMPT FROM EXECUTION ( <i>J. Dunnigan</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	214
Assigned to standing committee . . . . .	313
Read the second time . . . . .	334
Read the third time . . . . .	538
Amendments . . . . .	538
Transmitted to the Senate . . . . .	541
<b>1st Sub. H.B. 121</b> — PROPERTY EXEMPT FROM EXECUTION ( <i>J. Dunnigan</i> )	
Placed on Concurrence Calendar . . . . .	986
Concurrence . . . . .	1012
Signed by the Speaker and transmitted to the Governor . . . . .	1034

<b>H.B. 122</b> — BAIL BOND AMENDMENTS ( <i>K. Gibson</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	214
Assigned to standing committee . . . . .	511
Amendments . . . . .	617
Read the second time . . . . .	620, 699
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	782
Circled . . . . .	782
Uncircled . . . . .	785
Substituted . . . . .	785
Failed . . . . .	786
Enacting Clause Stricken . . . . .	1112
<b>H.B. 123</b> — RESTRICTIONS OF ADVERTISING ILLEGAL ACTIVITIES ( <i>S. Wyatt</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	214
Assigned to standing committee . . . . .	396
Returned to Rules Committee . . . . .	799
Enacting Clause Stricken . . . . .	1112
<b>H.B. 124</b> — ENROLLMENT GROWTH PROGRAM AMENDMENTS ( <i>B. Last</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	214
Assigned to standing committee . . . . .	363
Read the second time . . . . .	532, 670
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	726
Transmitted to the Senate . . . . .	726
Signed by the Speaker and transmitted to the Governor . . . . .	994
<b>H.B. 125</b> — SMALL BUSINESS ECONOMIC STIMULUS ( <i>C. Frank</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	215
<b>H.B. 126</b> — AMENDMENTS TO FACILITIES WITH REGIONAL IMPACT ( <i>G. Hughes</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	215
Assigned to standing committee . . . . .	423
Amendments . . . . .	558
Read the second time . . . . .	559, 733
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	807
Circled . . . . .	808
Uncircled . . . . .	915
Transmitted to the Senate . . . . .	916
Enacting Clause Stricken . . . . .	1108
<b>H.B. 127</b> — OFFER OF SETTLEMENT PROVISIONS ( <i>L. Christensen</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	215
Assigned to standing committee . . . . .	577
Substituted . . . . .	799

<b>1st Sub. H.B. 127</b> — OFFER OF SETTLEMENT PROVISIONS ( <i>L. Christensen</i> )	
Amendments	799
Returned to Rules Committee	799
Enacting Clause Stricken	1112
<b>H.B. 128</b> — COMPENSATION OF EXECUTIVE OFFICERS ( <i>L. Christensen</i> )	
Read the first time by short title and referred to the Rules Committee.	215
Assigned to standing committee	313
Read the second time	412
Read the third time	661
Amendments	661
Transmitted to the Senate	662
Placed on Concurrence Calendar	999
Concurrence	1017
Signed by the Speaker and transmitted to the Governor	1038
<b>H.B. 129</b> — SCHOOL UNIFORMS ( <i>C. Frank</i> )	
Read the first time by short title and referred to the Rules Committee.	215
Assigned to standing committee	423, 511
Amendments	559
Read the second time	562, 733
Returned to Rules Committee	668
Read the third time	808
Circled	808
Uncircled	809
Failed	809
Reconsideration	824
Transmitted to the Senate	825
Enacting Clause Stricken	1108
<b>H.B. 130</b> — INCOME TAX SUBTRACTION FOR SPECIALIZED IMMIGRANT SERVICES ( <i>A. Tilton</i> )	
Read the first time by short title and referred to the Rules Committee.	215
Assigned to standing committee	578
Amendments	799
Returned to Rules Committee	800
Enacting Clause Stricken	1112
<b>H.B. 131</b> — ACCESS TO HEALTH CARE FACILITIES AND PLACES OF WORSHIP ( <i>D. Aagard</i> )	
Read the first time by short title and referred to the Rules Committee.	215
Assigned to standing committee	292
Amendments	381
Read the second time	382, 732
Returned to Rules Committee	668
Read the third time	628, 786
Circled	628, 787
Returned to Rules Committee	666, 962
Enacting Clause Stricken	1112

<b>H.B. 132</b> — INTERNET CRIMES AGAINST CHILDREN ( <i>T. Cosgrove</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	215
Assigned to standing committee . . . . .	631
Amendments . . . . .	702
Read the second time . . . . .	702, 732
Returned to Rules Committee . . . . .	702
Read the third time . . . . .	790
Transmitted to the Senate . . . . .	790
Signed by the Speaker and transmitted to the Governor . . . . .	875
<b>H.B. 133</b> — MOBILE HOME PARK – NOTICE OF SALE OF UNDERLYING PROPERTY ( <i>M. Wheatley</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	215
Assigned to standing committee . . . . .	510
Returned to Rules Committee . . . . .	795
Enacting Clause Stricken . . . . .	1112
<b>H.B. 134</b> — PUBLIC SAFETY OFFICERS – CRITICAL INCIDENT SHOOTING PROVISIONS ( <i>P. Ray</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	215
Assigned to standing committee . . . . .	631
Substituted . . . . .	803
<b>1st Sub. H.B. 134</b> — PUBLIC SAFETY OFFICERS – CRITICAL INCIDENT SHOOTING PROVISIONS ( <i>P. Ray</i> )	
Returned to Rules Committee . . . . .	804
Enacting Clause Stricken . . . . .	1112
<b>H.B. 135</b> — IMPLEMENTING FEDERAL EDUCATIONAL PROGRAMS ( <i>M. Dayton</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	197
Assigned to standing committee . . . . .	250
Read the second time . . . . .	299
Read the third time . . . . .	520
Circled . . . . .	520
Uncircled . . . . .	521
Transmitted to the Senate . . . . .	522
Enacting Clause Stricken . . . . .	1108
<b>H.B. 136</b> — CHARTER SCHOOL ENROLLMENT ( <i>J. Ferrin</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	197
Assigned to standing committee . . . . .	273
Read the second time . . . . .	335
Read the third time . . . . .	596
Transmitted to the Senate . . . . .	597
Signed by the Speaker and transmitted to the Governor . . . . .	1034

**H.B. 137** — REPEAL OF PRIOR AMENDMENTS TO THE VOLUNTARY CONTRIBUTIONS  
 ACT (*N. Hansen*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 197  
 Enacting Clause Stricken . . . . . 1112

**H.B. 138** — NONRESIDENT TUITION FOR HIGHER EDUCATION AMENDMENTS  
 (*M. S. Lawrence*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 198  
 Assigned to standing committee . . . . . 273  
 Read the second time . . . . . 444 , 699  
 Returned to Rules Committee . . . . . 668  
 Read the third time . . . . . 731  
 Circled . . . . . 731  
 Uncircled . . . . . 746  
 Amendments . . . . . 746  
 Transmitted to the Senate . . . . . 747  
 Signed by the Speaker and transmitted to the Governor . . . . . 1006

**H.B. 139** — LOCAL SCHOOL BOARD AMENDMENTS (*M. Dayton*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 198  
 Assigned to standing committee . . . . . 273  
 Read the second time . . . . . 336  
 Read the third time . . . . . 430  
 Transmitted to the Senate . . . . . 431  
 Signed by the Speaker and transmitted to the Governor . . . . . 749

**H.B. 140** — INDIVIDUAL INCOME TAX CONTRIBUTION FOR COMMUNITY SPAY AND  
 NEUTER PROGRAMS (*M. Noel*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 198  
 Assigned to standing committee . . . . . 363  
 Amendments . . . . . 482  
 Read the second time . . . . . 486 , 732  
 Returned to Rules Committee . . . . . 668  
 Read the third time . . . . . 787  
 Transmitted to the Senate . . . . . 787  
 Failed . . . . . 1107  
 Enacting Clause Stricken . . . . . 1113

**H.B. 141** — SCHOOL BREAKFAST PROGRAM (*D. Litvack*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 198  
 Assigned to standing committee . . . . . 510  
 Amendments . . . . . 777  
 Read the second time . . . . . 778 , 821  
 Returned to Rules Committee . . . . . 778 , 962  
 Enacting Clause Stricken . . . . . 1113

<b>H.B. 142</b> — ISSUES SUBMITTED TO VOTERS ( <i>G. Hughes</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	176
Assigned to standing committee . . . . .	291
Read the second time . . . . .	356
Read the third time . . . . .	603
Amendments . . . . .	603
Transmitted to the Senate . . . . .	609
Placed on Concurrence Calendar . . . . .	1040 , 1046
Concurrence . . . . .	1077
Signed by the Speaker and transmitted to the Governor . . . . .	1107
<b>H.B. 143</b> — NATIONAL GUARD AMENDMENTS ( <i>E. Hutchings</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	176
Assigned to standing committee . . . . .	292
Read the second time . . . . .	355
Read the third time . . . . .	434
Transmitted to the Senate . . . . .	435
Signed by the Speaker and transmitted to the Governor . . . . .	847
<b>H.B. 144</b> — BAN ON GIFTS TO ELECTED OFFICIALS ( <i>R. Becker</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	177
Enacting Clause Stricken . . . . .	1113
<b>H.B. 145</b> — AMENDMENTS TO HEARING AND SPEECH IMPAIRED TELECOMMUNICATIONS PROGRAM ( <i>B. Goodfellow</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	177
Assigned to standing committee . . . . .	251
Read the second time . . . . .	296
Read the third time . . . . .	517
Amendments . . . . .	517
Transmitted to the Senate . . . . .	518
Signed by the Speaker and transmitted to the Governor . . . . .	749
<b>H.B. 146</b> — VACCINE RESTRICTIONS ( <i>E. Hutchings</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	177
Assigned to standing committee . . . . .	510
Amendments . . . . .	803
Returned to Rules Committee . . . . .	804
Enacting Clause Stricken . . . . .	1113



<b>H.B. 147</b> — PROPERTY TAX EXEMPTION FOR VETERANS ( <i>G. Hughes</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	177
Assigned to standing committee . . . . .	292
Amendments . . . . .	483
Read the second time . . . . .	486, 699
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	743
Transmitted to the Senate . . . . .	744
Signed by the Speaker and transmitted to the Governor . . . . .	1034
<b>H.B. 148</b> — SCHOOL TRUANCY AMENDMENTS ( <i>E. Hutchings</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	177
Assigned to standing committee . . . . .	273
Amendments . . . . .	531
Read the second time . . . . .	532, 669
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	695
Amendments . . . . .	695
Transmitted to the Senate . . . . .	696
Enacting Clause Stricken . . . . .	1108
<b>H.B. 149</b> — VEHICLE IDENTIFICATION NUMBER INSPECTORS ( <i>C. Frank</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	177
Assigned to standing committee . . . . .	236
Read the second time . . . . .	280
Read the third time . . . . .	509
Transmitted to the Senate . . . . .	510
Signed by the Speaker and transmitted to the Governor . . . . .	718
<b>H.B. 150</b> — WATER RIGHTS FEES ( <i>J. Gowans</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	163
Assigned to standing committee . . . . .	189
Read the second time . . . . .	242
Read the third time . . . . .	403
Transmitted to the Senate . . . . .	404
Signed by the Speaker and transmitted to the Governor . . . . .	811
<b>H.B. 151</b> — SCHOOL COMMUNITY COUNCILS ( <i>J. Dougall</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	163
Substituted . . . . .	250
<b>1st Sub. H.B. 151</b> — SCHOOL COMMUNITY COUNCILS ( <i>J. Dougall</i> )	
Assigned to standing committee . . . . .	250
Substituted . . . . .	384

**3rd Sub. H.B. 151** — SCHOOL COMMUNITY COUNCILS (*J. Dougall*)

- Read the second time . . . . . 385
- Read the third time . . . . . 656
- Transmitted to the Senate . . . . . 657
- Enacting Clause Stricken . . . . . 1108

**H.B. 152** — COUNTY OPTION SALES AND USE TAX FOR AGRICULTURAL LAND, OPEN LAND, AND RECREATIONAL FACILITIES ACT (*C. Buttars*)

- Read the first time by short title and referred to the Rules Committee. . . . . 130
- Assigned to standing committee . . . . . 235
- Substituted . . . . . 593

**2nd Sub. H.B. 152** — COUNTY OPTION SALES AND USE TAX FOR AGRICULTURAL LAND, OPEN LAND, AND RECREATIONAL FACILITIES ACT (*C. Buttars*)

- Read the second time . . . . . 593 , 821
- Returned to Rules Committee . . . . . 668 , 962
- Enacting Clause Stricken . . . . . 1113

**H.B. 153** — SECURITY FOR PUBLIC SCHOOLS (*K. Holdaway*)

- Read the first time by short title and referred to the Rules Committee. . . . . 130

**H.B. 153** — SECURITY FOR PUBLIC SCHOOLS (*S. Allen*) (Sponsor Change)

- Substituted . . . . . 460

**1st Sub. H.B. 153** — SECURITY FOR PUBLIC SCHOOLS (*S. Allen*)

- Assigned to standing committee . . . . . 460
- Substituted . . . . . 564

**2nd Sub. H.B. 153** — SECURITY FOR PUBLIC SCHOOLS (*S. Allen*)

- Amendments . . . . . 564
- Read the second time . . . . . 566 , 732
- Returned to Rules Committee . . . . . 668, 962
- Read the third time . . . . . 792
- Circled . . . . . 793
- Enacting Clause Stricken . . . . . 1113

**H.B. 154** — SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS (*E. Hutchings*)

- Read the first time by short title and referred to the Rules Committee. . . . . 131
- Assigned to standing committee . . . . . 250
- Read the second time . . . . . 318
- Read the third time . . . . . 427
- Transmitted to the Senate . . . . . 428
- Signed by the Speaker and returned to the Senate . . . . . 890

<b>H.B. 155</b> — AGRICULTURAL COOP AMENDMENTS ( <i>C. Buttars</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	131
Assigned to standing committee . . . . .	189
Substituted . . . . .	240
<b>1st Sub. H.B. 155</b> — AGRICULTURAL COOP AMENDMENTS ( <i>C. Buttars</i> )	
Read the second time . . . . .	242
Read the third time . . . . .	404
Transmitted to the Senate . . . . .	405
Signed by the Speaker and transmitted to the Governor . . . . .	784
<b>H.B. 156</b> — DAIRY PROMOTION ACT AMENDMENTS ( <i>D. Ure</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	100
Assigned to standing committee . . . . .	172
Read the second time . . . . .	242
Read the third time . . . . .	405
Transmitted to the Senate . . . . .	406
Signed by the Speaker and transmitted to the Governor . . . . .	784
<b>H.B. 157</b> — WATER ENFORCEMENT PROCEDURES AND PENALTIES ( <i>D. Ure</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	87
Assigned to standing committee . . . . .	145
Read the second time . . . . .	197
Time Certain . . . . .	236
Read the third time . . . . .	284
Amendments . . . . .	284
Transmitted to the Senate . . . . .	286
Placed on Concurrence Calendar . . . . .	875
Other Action . . . . .	936
Concurrence . . . . .	936
Signed by the Speaker and transmitted to the Governor . . . . .	985
<b>H.B. 158</b> — ELECTION REQUIREMENTS FOR COUNTY CANDIDATES ( <i>R. Romero</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	87
Assigned to standing committee . . . . .	423
Amendments . . . . .	797
Returned to Rules Committee . . . . .	798
Enacting Clause Stricken . . . . .	1113
<b>H.B. 159</b> — MOTOR ASSISTED SCOOTER AND MINI-MOTORCYCLE AMENDMENTS ( <i>B. Dee</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	59
Assigned to standing committee . . . . .	124
Amendments . . . . .	174
Read the second time . . . . .	175
Read the third time . . . . .	326
Substituted . . . . .	326

<b>1st Sub. H.B. 159</b> — MOTOR ASSISTED SCOOTER AND MINI-MOTORCYCLE AMENDMENTS ( <i>B. Dee</i> )	
Transmitted to the Senate . . . . .	327
Signed by the Speaker and transmitted to the Governor . . . . .	612
<b>H.B. 160</b> — WILDLIFE LICENSE AGENTS AMENDMENTS ( <i>J. Fisher</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	45
Assigned to standing committee . . . . .	78
Read the second time . . . . .	130
Read the third time . . . . .	201
Transmitted to the Senate . . . . .	201
Signed by the Speaker and transmitted to the Governor . . . . .	332
<b>H.B. 161</b> — INJURY REPORTING REQUIREMENT AMENDMENTS ( <i>J. Murray</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	45
Assigned to standing committee . . . . .	52
Returned to Rules Committee . . . . .	804
Enacting Clause Stricken . . . . .	1113
<b>H.B. 162</b> — MUNICIPAL WEED ABATEMENT ( <i>M. Morley</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	46
Assigned to standing committee . . . . .	52
Amendments . . . . .	81
Read the second time . . . . .	82
Read the third time . . . . .	132
Transmitted to the Senate . . . . .	133
Placed on Concurrence Calendar . . . . .	332
Concurrence . . . . .	399
Signed by the Speaker and transmitted to the Governor . . . . .	425
<b>H.B. 163</b> — GARNISHMENT FEES ( <i>S. Mascaro</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	46
Assigned to standing committee . . . . .	189
Amendments . . . . .	341
Read the second time . . . . .	344
Read the third time . . . . .	601
Failed . . . . .	602
Reconsideration . . . . .	646
Circled . . . . .	647
Uncircled . . . . .	653
Transmitted to the Senate . . . . .	654
Enacting Clause Stricken . . . . .	1108

**H.B. 164** — REPEAL OF UTAH PERSONAL INTRODUCTION SERVICES PROTECTION ACT  
*(S. Allen)*  
 Read the first time by short title and referred to the Rules Committee . . . . . 46  
 Assigned to standing committee . . . . . 64  
 Read the second time . . . . . 85  
 Read the third time . . . . . 169  
 Transmitted to the Senate . . . . . 170  
 Signed by the Speaker and transmitted to the Governor . . . . . 409

**H.B. 165** — UTAH COMMISSION ON AGING *(P. Jones)*  
 Read the first time by short title and referred to the Rules Committee. . . . . 46  
 Assigned to standing committee . . . . . 78  
 Amendments . . . . . 128  
 Read the second time . . . . . 129  
 Read the third time . . . . . 245  
 Transmitted to the Senate . . . . . 245  
 Other Action . . . . . 786  
 Recalled . . . . . 779  
 Placed on Concurrence Calendar . . . . . 875  
 Other Action . . . . . 936  
 Concurrence . . . . . 937  
 Signed by the Speaker and transmitted to the Governor . . . . . 985

**H.B. 166** — UTAH INDOOR CLEAN AIR ACT AMENDMENTS *(P. Ray)*  
 Read the first time by short title and referred to the Rules Committee. . . . . 46  
 Assigned to standing committee . . . . . 396  
 Returned to Rules Committee . . . . . 803  
 Enacting Clause Stricken . . . . . 1113

**H.B. 167** — ELDER PROTECTION PROVISIONS *(P. Jones)*  
 Read the first time by short title and referred to the Rules Committee. . . . . 46  
 Assigned to standing committee . . . . . 78  
 Returned to Rules Committee . . . . . 804  
 Enacting Clause Stricken . . . . . 1113

**H.B. 168** — COOPERATIVE WILDLIFE MANAGEMENT UNIT AMENDMENTS *(J. Gowans)*  
 Read the first time by short title and referred to the Rules Committee. . . . . 46  
 Assigned to standing committee . . . . . 65  
 Read the second time . . . . . 130  
 Read the third time . . . . . 246  
 Transmitted to the Senate . . . . . 246  
 Signed by the Speaker and transmitted to the Governor . . . . . 409

**H.B. 169** — APPROPRIATION FOR SCHOOL DISTRICTS IMPACTED BY FEE WAIVERS (*L. Shurtliff*)

Read the first time by short title and referred to the Rules Committee. . . . . 46

Assigned to standing committee . . . . . 235

Read the second time . . . . . 720 , 821

Returned to Rules Committee . . . . . 720 , 962

Enacting Clause Stricken . . . . . 1113

  

**H.B. 170** — EXTENSION OF UTAH LOW-INCOME HOUSING TAX CREDITS (*S. Clark*)

Read the first time by short title and referred to the Rules Committee. . . . . 46

Assigned to standing committee . . . . . 53

Read the second time . . . . . 82

Read the third time . . . . . 164

Transmitted to the Senate . . . . . 165

Signed by the Speaker and transmitted to the Governor . . . . . 316

  

**H.B. 171** — CALCULATION OF MINING SEVERANCE TAX ON BERYLLIUM (*R. Wheeler*)

Read the first time by short title and referred to the Rules Committee. . . . . 46

Assigned to standing committee . . . . . 78

Read the second time . . . . . 115

Read the third time . . . . . 230

Transmitted to the Senate . . . . . 230

Signed by the Speaker and transmitted to the Governor . . . . . 612

  

**H.B. 172** — NOTARY PUBLIC AMENDMENTS (*L. Shurtliff*)

Read the first time by short title and referred to the Rules Committee. . . . . 46

Assigned to standing committee . . . . . 51

Read the second time . . . . . 67

Read the third time . . . . . 105

Circled . . . . . 105

Uncircled . . . . . 201

Amendments . . . . . 201

Transmitted to the Senate . . . . . 204

Failed . . . . . 847

Enacting Clause Stricken . . . . . 1113

  

**H.B. 173** — STATE EMPLOYEE AMENDMENTS (*A. Hardy*)

Read the first time by short title and referred to the Rules Committee. . . . . 46

Assigned to standing committee . . . . . 53

Read the second time . . . . . 115

Read the third time . . . . . 177

Transmitted to the Senate . . . . . 178

Signed by the Speaker and transmitted to the Governor . . . . . 526

**H.B. 174** — CHILD PROTECTION REGISTRY AMENDMENTS (*J. Dougall*)

- Read the first time by short title and referred to the Rules Committee. . . . . 46
- Assigned to standing committee . . . . . 78
- Substituted . . . . . 150

**1st Sub. H.B. 174** — CHILD PROTECTION REGISTRY AMENDMENTS (*J. Dougall*)

- Read the second time . . . . . 150
- Read the third time . . . . . 273
- Circled . . . . . 273 , 644
- Uncircled . . . . . 644 , 655
- Substituted . . . . . 655

**3rd Sub. H.B. 174** — CHILD PROTECTION REGISTRY AMENDMENTS (*J. Dougall*)

- Transmitted to the Senate . . . . . 656
- Enacting Clause Stricken . . . . . 1108

**H.B. 175** — EDUCATION ACHIEVEMENT GAP TASK FORCE (*D. Litvack*)

- Read the first time by short title and referred to the Rules Committee. . . . . 46
- Assigned to standing committee . . . . . 78
- Returned to Rules Committee . . . . . 779
- Enacting Clause Stricken . . . . . 1113

**H.B. 176** — REVISOR’S STATUTE (*R. Lockhart*)

- Read the first time by short title and referred to the Rules Committee. . . . . 46
- Read the second time . . . . . 50
- Read the third time . . . . . 62
- Circled . . . . . 62
- Uncircled . . . . . 73
- Transmitted to the Senate . . . . . 74
- Signed by the Speaker and transmitted to the Governor . . . . . 295

**H.B. 177** — WILDLIFE LICENSE REFUND AMENDMENTS (*M. Dayton*)

- Read the first time by short title and referred to the Rules Committee. . . . . 47
- Assigned to standing committee . . . . . 52
- Read the second time . . . . . 84
- Read the third time . . . . . 167
- Transmitted to the Senate . . . . . 167
- Signed by the Speaker and transmitted to the Governor . . . . . 332

**H.B. 178** — MENTAL HEALTH SERVICES COORDINATOR (*D. Hogue*)

- Read the first time by short title and referred to the Rules Committee. . . . . 47
- Assigned to standing committee . . . . . 52
- Amendments . . . . . 69
- Read the second time . . . . . 69, 732
- Circled . . . . . 109
- Read the third time . . . . . 109, 806
- Returned to Rules Committee . . . . . 668, 806
- Enacting Clause Stricken . . . . . 1113

**H.B. 179** — UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS (*P. Wallace*)

- Read the first time by short title and referred to the Rules Committee. . . . . 47
- Assigned to standing committee . . . . . 53
- Read the second time . . . . . 83
- Read the third time . . . . . 166
- Transmitted to the Senate . . . . . 167
- Signed by the Speaker and transmitted to the Governor . . . . . 409

**H.B. 180** — RETIREMENT OFFICE AMENDMENTS (*A. Hardy*)

- Read the first time by short title and referred to the Rules Committee. . . . . 47
- Assigned to standing committee . . . . . 53
- Read the second time . . . . . 115
- Read the third time . . . . . 178
- Transmitted to the Senate . . . . . 179

**1st Sub. H.B. 180** — RETIREMENT OFFICE AMENDMENTS (*A. Hardy*)

- Placed on Concurrence Calendar . . . . . 701
- Concurrence . . . . . 740
- Signed by the Speaker and transmitted to the Governor . . . . . 763

**H.B. 181** — DUPLICATE WILDLIFE LICENSING AMENDMENTS (*M. Dayton*)

- Read the first time by short title and referred to the Rules Committee. . . . . 47
- Assigned to standing committee . . . . . 52
- Amendments . . . . . 84
- Read the second time . . . . . 84
- Read the third time . . . . . 167
- Transmitted to the Senate . . . . . 168
- Signed by the Speaker and transmitted to the Governor . . . . . 332

**H.B. 182** — HISTORICAL LIVESTOCK TRAILS (*B. Johnson*)

- Read the first time by short title and referred to the Rules Committee. . . . . 47
- Assigned to standing committee . . . . . 52
- Substituted . . . . . 129



**1st Sub. H.B. 182** — HISTORICAL LIVESTOCK TRAILS (*B. Johnson*)

- Amendments . . . . . 129
- Read the second time . . . . . 130
- Read the third time . . . . . 247
- Transmitted to the Senate . . . . . 247
- Signed by the Speaker and transmitted to the Governor . . . . . 409

**H.B. 183** — VERIFICATION OF ELIGIBILITY FOR FEE WAIVERS (*W. Harper*)

- Read the first time by short title and referred to the Rules Committee. . . . . 47
- Assigned to standing committee . . . . . 52
- Amendments . . . . . 99
- Read the second time . . . . . 100
- Read the third time . . . . . 206
- Amendments . . . . . 206
- Transmitted to the Senate . . . . . 207
- Placed on Concurrence Calendar . . . . . 613
- Concurrence . . . . . 652
- Signed by the Speaker and transmitted to the Governor . . . . . 685

**H.B. 184** — DOMESTIC VIOLENCE – CHANGE OF LOCKS ON RENTAL PROPERTY  
(*L. Shurtliff*)

- Read the first time by short title and referred to the Rules Committee. . . . . 47
- Assigned to standing committee . . . . . 171
- Substituted . . . . . 366

**1st Sub. H.B. 184** — CRIME VICTIMS – CHANGE OF LOCKS ON RENTAL PROPERTY  
(*L. Shurtliff*)

- Amendments . . . . . 366
- Read the second time . . . . . 366
- Read the third time . . . . . 623
- Amendments . . . . . 623
- Transmitted to the Senate . . . . . 625
- Placed on Concurrence Calendar . . . . . 999
- Concurrence . . . . . 1015
- Signed by the Speaker and transmitted to the Governor . . . . . 1034

**H.B. 185** — UTAH COMPUTER CRIMES ACT AMENDMENTS (*B. Daw*)

- Read the first time by short title and referred to the Rules Committee. . . . . 47
- Assigned to standing committee . . . . . 52
- Read the second time . . . . . 70
- Read the third time . . . . . 121
- Circled . . . . . 121
- Uncircled . . . . . 134
- Amendments . . . . . 134
- Transmitted to the Senate . . . . . 138
- Placed on Concurrence Calendar . . . . . 295
- Concurrence . . . . . 322
- Signed by the Speaker and transmitted to the Governor . . . . . 354

<b>H.B. 186</b> — CONSUMER PROTECTION AMENDMENTS ( <i>S. Allen</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	47
Assigned to standing committee . . . . .	53
Read the second time . . . . .	70
Read the third time . . . . .	118
Amendments . . . . .	119
Transmitted to the Senate . . . . .	121
Placed on Concurrence Calendar . . . . .	410
Concurrence . . . . .	455
Signed by the Speaker and transmitted to the Governor . . . . .	482
<b>H.B. 187</b> — CAPITAL OUTLAY FOUNDATION PROGRAM – PARTICIPATION REQUIREMENTS ( <i>J. Ferrin</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	47
Assigned to standing committee . . . . .	52
Amendments . . . . .	800
Returned to Rules Committee . . . . .	802
Enacting Clause Stricken . . . . .	1113
<b>H.B. 188</b> — BEGINNING TEACHER ENHANCEMENTS ( <i>B. Johnson</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	47
Assigned to standing committee . . . . .	123
Read the second time . . . . .	256
Read the third time . . . . .	418
Transmitted to the Senate . . . . .	419
<b>2nd Sub. H.B. 188</b> — PUBLIC EDUCATION JOB ENHANCEMENT PROGRAM ( <i>B. Johnson</i> )	
Placed on Concurrence Calendar . . . . .	875
Read the first time by short title and referred to Rules Committee . . . . .	939
Read the second time . . . . .	939
Read the third time . . . . .	939
Concurrence . . . . .	939
Signed by the Speaker and transmitted to the Governor . . . . .	985
<b>H.B. 189</b> — APPLIED TECHNOLOGY PROGRAM AMENDMENTS ( <i>J. Ferrin</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	47
Assigned to standing committee . . . . .	111
Read the second time . . . . .	128
Read the third time . . . . .	243
Failed . . . . .	244, 524
Reconsideration . . . . .	258
Circled . . . . .	258
Uncircled . . . . .	522
Amendments . . . . .	522
Enacting Clause Stricken . . . . .	1113

**H.B. 190** — INDIVIDUAL INCOME TAX – ELECTRONIC FILING REQUIREMENTS (*S. Clark*)

- Read the first time by short title and referred to the Rules Committee. . . . . 47
- Assigned to standing committee . . . . . 78
- Read the second time . . . . . 115
- Read the third time . . . . . 231
- Substituted . . . . . 231

**1st Sub. H.B. 190** — INDIVIDUAL INCOME TAX – ELECTRONIC FILING REQUIREMENTS (*S. Clark*)

- Circled . . . . . 231
- Uncircled . . . . . 233
- Transmitted to the Senate . . . . . 233
- Signed by the Speaker and transmitted to the Governor . . . . . 612

**H.B. 191** — CAPTIVE INSURANCE LAW AMENDMENTS (*J. Dunningan*)

- Read the first time by short title and referred to the Rules Committee. . . . . 47
- Assigned to standing committee . . . . . 64
- Amendments . . . . . 98
- Read the second time . . . . . 99
- Read the third time . . . . . 205
- Circled . . . . . 205
- Uncircled . . . . . 232
- Transmitted to the Senate . . . . . 232
- Signed by the Speaker and transmitted to the Governor . . . . . 784

**H.B. 192** — UTAH HIGH COST HOME LOAN ACT AMENDMENTS (*W. Harper*)

- Read the first time by short title and referred to the Rules Committee. . . . . 48
- Enacting Clause Stricken . . . . . 1113

**H.B. 193** — DEREGULATION OF GENERAL BUILDING CONTRACTORS (*G. Hughes*)

- Read the first time by short title and referred to the Rules Committee. . . . . 48
- Assigned to standing committee . . . . . 95
- Returned to Rules Committee . . . . . 795
- Enacting Clause Stricken . . . . . 1113

**H.B. 194** — FAIR HOUSING FOR DOMESTIC VIOLENCE VICTIMS AND LANDLORD PROTECTION ACT (*L. Shurtliff*)

- Read the first time by short title and referred to the Rules Committee. . . . . 48
- Enacting Clause Stricken . . . . . 1113

**H.B. 195** — INSURANCE LAW AMENDMENTS (*J. Dunningan*)

- Read the first time by short title and referred to the Rules Committee. . . . . 48
- Assigned to standing committee . . . . . 95
- Read the second time . . . . . 127
- Read the third time . . . . . 199
- Transmitted to the Senate . . . . . 200
- Signed by the Speaker and transmitted to the Governor . . . . . 440 , 461

<b>H.B. 196</b> — LEGISLATORS INVOLVEMENT IN PUBLIC SCHOOLS ( <i>D. Bourdeaux</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	48
Assigned to standing committee . . . . .	171
Amendments . . . . .	801
Returned to Rules Committee . . . . .	802
Enacting Clause Stricken . . . . .	1113
<b>H.B. 197</b> — INDIVIDUAL INCOME TAX AMENDMENTS FOR EDUCATION FUNDING ( <i>P. Jones</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	48 , 100
Substituted . . . . .	313
<b>1st Sub. H.B. 197</b> — INDIVIDUAL INCOME TAX AMENDMENTS ( <i>P. Jones</i> )	
Assigned to standing committee . . . . .	313
Returned to Rules Committee . . . . .	800
Enacting Clause Stricken . . . . .	1113
<b>H.B. 198</b> — NATUROPATHIC FORMULARY PEER COMMITTEE AMENDMENTS ( <i>J. Ferrin</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	59
Assigned to standing committee . . . . .	96
Read the second time . . . . .	129
Read the third time . . . . .	246
Circled . . . . .	246
Uncircled . . . . .	247
Amendments . . . . .	248
Transmitted to the Senate . . . . .	248
Signed by the Speaker and transmitted to the Governor . . . . .	612
<b>H.B. 199</b> — SPECIAL ELECTION DATES ( <i>D. Hogue</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	59
Assigned to standing committee . . . . .	124
Read the second time . . . . .	150 , 820
Returned to Rules Committee . . . . .	668
Amendments . . . . .	860, 962
Read the third time . . . . .	309 , 860
Circled . . . . .	309 , 861
Enacting Clause Stricken . . . . .	1113
<b>H.B. 200</b> — PROPERTY AND CASUALTY INSURANCE LAW AMENDMENTS ( <i>J. Dunnigan</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	59
Assigned to standing committee . . . . .	95
Substituted . . . . .	211

<b>1st Sub. H.B. 200</b> — INSURANCE LAW REVISIONS ( <i>J. Dunnigan</i> )	
Read the first time by short title and referred to Rules Committee	362
Read the second time	211, 362
Read the third time	362
Transmitted to the Senate	362
Placed on Concurrence Calendar	890
Concurrence	941
Signed by the Speaker and transmitted to the Governor	985
<b>H.B. 201</b> — LIFE INSURANCE AND ANNUITIES LAW AMENDMENTS ( <i>J. Dunnigan</i> )	
Read the first time by short title and referred to the Rules Committee.	59
Assigned to standing committee	95
Amendments	126
Read the second time	127
Read the third time	242
Amendments	242
Transmitted to the Senate	243
Signed by the Speaker and transmitted to the Governor	784
<b>H.B. 202</b> — REVISIONS TO CHILD WELFARE ( <i>W. Harper</i> )	
Read the first time by short title and referred to the Rules Committee.	71
Assigned to standing committee	235
Substituted	445
<b>2nd Sub. H.B. 202</b> — REVISIONS TO CHILD WELFARE ( <i>W. Harper</i> )	
Amendments	445
Read the second time	448, 669
Returned to Rules Committee	668
Read the third time	708
Amendments	708
Transmitted to the Senate	716
Enacting Clause Stricken	1108
<b>H.B. 203</b> — AGRICULTURAL ADVISORY BOARD ( <i>M. Noel</i> )	
Read the first time by short title and referred to the Rules Committee.	71
Assigned to standing committee	172
Read the second time	280
Read the third time	345
Transmitted to the Senate	346
Signed by the Speaker and transmitted to the Governor	612
<b>H.B. 204</b> — STATUTE OF LIMITATIONS AMENDMENTS ( <i>D. Clark</i> )	
Read the first time by short title and referred to the Rules Committee.	71
Assigned to standing committee	124
Substituted	381

**1st Sub. H.B. 204** — STATUTE OF LIMITATIONS AMENDMENTS (*D. Clark*)

- Read the second time . . . . . 382
- Read the third time . . . . . 627
- Circled . . . . . 628
- Uncircled . . . . . 628
- Transmitted to the Senate . . . . . 629
- Enacting Clause Stricken . . . . . 1108

**H.B. 205** — DEER HUNT OPENING SEASON DATE AMENDMENTS (*S. Clark*)

- Read the first time by short title and referred to the Rules Committee. . . . . 71
- Enacting Clause Stricken . . . . . 1113

**H.B. 206** — CHARTER SCHOOL REPORTING (*C. Moss*)

- Read the first time by short title and referred to the Rules Committee. . . . . 71
- Assigned to standing committee . . . . . 145
- Read the second time . . . . . 385
- Read the third time . . . . . 657
- Amendments . . . . . 657
- Transmitted to the Senate . . . . . 658
- Signed by the Speaker and transmitted to the Governor . . . . . 947

**H.B. 207** — PRESCRIPTIVE EASEMENTS ACT (*G. Hughes*)

- Read the first time by short title and referred to the Rules Committee. . . . . 71
- Assigned to standing committee . . . . . 145
- Substituted . . . . . 687

**1st Sub. H.B. 207** — PRESCRIPTIVE EASEMENTS ACT (*G. Hughes*)

- Amendments . . . . . 687
- Returned to Rules Committee . . . . . 687
- Enacting Clause Stricken . . . . . 1113

**H.B. 208** — UNCLAIMED PROPERTY AMENDMENTS (*P. Ray*)

- Read the first time by short title and referred to the Rules Committee. . . . . 71
- Assigned to standing committee . . . . . 189
- Amendments . . . . . 239
- Read the second time . . . . . 240
- Read the third time . . . . . 401
- Amendments . . . . . 401
- Transmitted to the Senate . . . . . 402
- Signed by the Speaker and transmitted to the Governor . . . . . 685

**H.B. 209** — ADMINISTRATIVE RULES – IMPACT ON SMALL BUSINESSES (*G. Hughes*)

- Read the first time by short title and referred to the Rules Committee. . . . . 71
- Assigned to standing committee . . . . . 145
- Amendments . . . . . 254
- Read the second time . . . . . 255
- Read the third time . . . . . 418
- Circled . . . . . 418
- Uncircled . . . . . 419
- Transmitted to the Senate . . . . . 420
- Enacting Clause Stricken . . . . . 1108

**H.B. 210** — RESIDENTIAL MORTGAGES PRACTICES – EMPLOYMENT SECURITY

- REVISIONS (*M. Walker*)
- Read the first time by short title and referred to the Rules Committee. . . . . 87
- Enacting Clause Stricken . . . . . 1113

**H.B. 211** — INTEGRITY OF ELECTION RESULTS AMENDMENTS (*J. Dougall*)

- Read the first time by short title and referred to the Rules Committee. . . . . 87
- Assigned to standing committee . . . . . 171
- Substituted . . . . . 356

**1st Sub. H.B. 211** — INTEGRITY OF ELECTION RESULTS AMENDMENTS (*J. Dougall*)

- Amendments . . . . . 356
- Read the second time . . . . . 356
- Read the third time . . . . . 622
- Amendments . . . . . 622
- Intent Language . . . . . 623
- Transmitted to the Senate . . . . . 623
- Signed by the Speaker and transmitted to the Governor . . . . . 1046

**H.B. 212** — TRAFFIC VIOLATIONS BY DIPLOMATS (*D. Hogue*)

- Read the first time by short title and referred to the Rules Committee. . . . . 87
- Assigned to standing committee . . . . . 171
- Read the second time . . . . . 278
- Read the third time . . . . . 344
- Transmitted to the Senate . . . . . 345
- Signed by the Speaker and transmitted to the Governor . . . . . 612

<b>H.B. 213</b> — UNUSED SICK LEAVE AT RETIREMENT AMENDMENTS ( <i>D. Clark</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	87
Assigned to standing committee . . . . .	274
Amendments . . . . .	332
Read the second time . . . . .	333
Moved to top of calendar . . . . .	333
Read the third time . . . . .	347
Circled . . . . .	347
Uncircled . . . . .	494
Amendments . . . . .	495
Transmitted to the Senate . . . . .	507
Signed by the Speaker and transmitted to the Governor . . . . .	875
<b>H.B. 214</b> — EMERGING TECHNOLOGIES AND OPEN GOVERNMENT ( <i>D. Clark</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	87
Assigned to standing committee . . . . .	145
Read the second time . . . . .	256
Read the third time . . . . .	466
Transmitted to the Senate . . . . .	467
Enacting Clause Stricken . . . . .	1108
<b>H.B. 215</b> — PROPERTY TRACKING AMENDMENTS ( <i>P. Ray</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	87
Assigned to standing committee . . . . .	189
Read the second time . . . . .	240
Read the third time . . . . .	403
Transmitted to the Senate . . . . .	403
Signed by the Speaker and transmitted to the Governor . . . . .	685
<b>H.B. 216</b> — GLOBAL POSITIONING REFERENCE NETWORK ( <i>K. Holdaway</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	88
Assigned to standing committee . . . . .	292
Read the second time . . . . .	413
Read the third time . . . . .	664
Transmitted to the Senate . . . . .	665
Placed on Concurrence Calendar . . . . .	875
Other Action . . . . .	936
Concurrence . . . . .	937
Signed by the Speaker and transmitted to the Governor . . . . .	985
<b>H.B. 217</b> — PUBLIC SAFETY RETIREMENT – EXEMPTION OF CERTAIN EMPLOYEES ( <i>D. Clark</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	88
Assigned to standing committee . . . . .	112
Read the second time . . . . .	319
Read the third time . . . . .	537
Transmitted to the Senate . . . . .	538
Signed by the Speaker and returned to the Senate . . . . .	890



**H.B. 218** — SECOND DISTRICT JUVENILE JUDGE (*J. S. Adams*)

- Read the first time by short title and referred to the Rules Committee. . . . . 88
- Assigned to standing committee . . . . . 145
- Read the second time . . . . . 193
- Read the third time . . . . . 349
- Transmitted to the Senate . . . . . 350
- Signed by the Speaker and transmitted to the Governor . . . . . 985

**H.B. 219** — TRAFFIC ENFORCEMENT AMENDMENTS (*R. McGee*)

- Read the first time by short title and referred to the Rules Committee. . . . . 88
- Substituted . . . . . 424

**1st Sub. H.B. 219** — TRAFFIC ENFORCEMENT AMENDMENTS (*R. McGee*)

- Assigned to standing committee . . . . . 424
- Returned to Rules Committee . . . . . 796
- Enacting Clause Stricken . . . . . 1113

**H.B. 220** — SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION (*D. Bourdeaux*)

- Read the first time by short title and referred to the Rules Committee. . . . . 100
- Assigned to standing committee . . . . . 189
- Read the second time . . . . . 261
- Read the third time . . . . . 476
- Transmitted to the Senate . . . . . 477
- Enacting Clause Stricken . . . . . 1108

**H.B. 221** — ELECTRONIC COMMUNICATION HARASSMENT (*J. Dougall*)

- Read the first time by short title and referred to the Rules Committee. . . . . 100
- Assigned to standing committee . . . . . 145
- Read the second time . . . . . 209
- Read the third time . . . . . 352
- Transmitted to the Senate . . . . . 352
- Placed on Concurrence Calendar . . . . . 613
- Concurrence . . . . . 653
- Signed by the Speaker and transmitted to the Governor . . . . . 685

**H.B. 222** — PILOT PROGRAM REPEAL CLEAN-UP (*R. Romero*)

- Read the first time by short title and referred to the Rules Committee. . . . . 100
- Assigned to standing committee . . . . . 124
- Read the second time . . . . . 194
- Read the third time . . . . . 263
- Transmitted to the Senate . . . . . 263
- Signed by the Speaker and transmitted to the Governor . . . . . 557

**H.B. 223** — AMENDMENTS TO DRIVER LICENSE AND IDENTIFICATION CARDS (*C. Oda*)

- Read the first time by short title and referred to the Rules Committee. . . . . 100
- Assigned to standing committee . . . . . 292
- Amendments . . . . . 447
- Read the second time . . . . . 448
- Read the third time . . . . . 543
- Transmitted to the Senate . . . . . 544
- Placed on Concurrence Calendar . . . . . 930
- Concurrence . . . . . 948
- Signed by the Speaker and transmitted to the Governor . . . . . 985

**H.B. 224** — PERMANENT COMMUNITY IMPACT FUND – BOARD MEMBERSHIP (*J. Mathis*)

- Read the first time by short title and referred to the Rules Committee. . . . . 100
- Assigned to standing committee . . . . . 145
- Amendments . . . . . 241
- Read the second time . . . . . 242
- Read the third time . . . . . 406
- Transmitted to the Senate . . . . . 406
- Signed by the Speaker and transmitted to the Governor . . . . . 784

**H.B. 225** — BOAT REGISTRATION FEE (*B. Goodfellow*)

- Read the first time by short title and referred to the Rules Committee. . . . . 100
- Assigned to standing committee . . . . . 172
- Read the second time . . . . . 212
- Read the third time . . . . . 390
- Failed . . . . . 391
- Reconsideration . . . . . 415
- Circled . . . . . 415
- Uncircled . . . . . 514
- Transmitted to the Senate . . . . . 515
- Enacting Clause Stricken . . . . . 1108

**H.B. 226** — GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT  
 REQUIREMENTS REGARDING ANIMAL IDENTIFICATION PROGRAM  
*(C. Buttars)*

- Read the first time by short title and referred to the Rules Committee. . . . . 101
- Assigned to standing committee . . . . . 172
- Read the second time . . . . . 280
- Read the third time . . . . . 515
- Amendments . . . . . 515
- Transmitted to the Senate . . . . . 516
- Signed by the Speaker and transmitted to the Governor . . . . . 1009

<b>H.B. 227</b> — CORPORATE FRANCHISE AND INCOME TAXES – EXEMPTION FOR BANKS ( <i>W. Harper</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	101
Assigned to standing committee . . . . .	145
Returned to Rules Committee . . . . .	800
Enacting Clause Stricken . . . . .	1113
<b>H.B. 228</b> — REMOVAL OR DEFACEMENT OF POLITICAL SIGNS ( <i>G. Hughes</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	115
Assigned to standing committee . . . . .	250
Read the second time . . . . .	366
Read the third time . . . . .	625
Failed . . . . .	625
Enacting Clause Stricken . . . . .	1113
<b>H.B. 229</b> — WATER RIGHTS IN IRRIGATION COMPANIES ( <i>P. Painter</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	131
Assigned to standing committee . . . . .	189
Returned to Rules Committee . . . . .	797
Enacting Clause Stricken . . . . .	1113
<b>H.B. 230</b> — RECYCLING OF WASTE TIRES ( <i>D. Ure</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	131
Assigned to standing committee . . . . .	292
Amendments . . . . .	380
Read the second time . . . . .	381
Read the third time . . . . .	626
Transmitted to the Senate . . . . .	626
Signed by the Speaker and transmitted to the Governor . . . . .	999
<b>H.B. 231</b> — SCHOOL DISTRICT BOUNDARIES ( <i>M. Noel</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	131
Assigned to standing committee . . . . .	235
Read the second time . . . . .	385
Read the third time . . . . .	658
Transmitted to the Senate . . . . .	659
Enacting Clause Stricken . . . . .	1109
<b>H.B. 232</b> — UTAH BASIC SKILLS COMPETENCY TEST ALTERNATIVES ( <i>P. Ray</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	131
Substituted . . . . .	576

**1st Sub. H.B. 232** — UTAH BASIC SKILLS COMPETENCY TEST ALTERNATIVES (*P. Ray*)

- Assigned to standing committee . . . . . 576
- Amendments . . . . . 777
- Read the second time . . . . . 778, 821
- Returned to Rules Committee . . . . . 778, 962
- Enacting Clause Stricken . . . . . 1113

**H.B. 233** — ADOPTION LAW REVISIONS (*R. McGee*)

- Read the first time by short title and referred to the Rules Committee. . . . . 131
- Assigned to standing committee . . . . . 363
- Amendments . . . . . 513
- Read the second time . . . . . 514
- Read the third time . . . . . 635
- Transmitted to the Senate . . . . . 635
- Signed by the Speaker and transmitted to the Governor . . . . . 1107

**H.B. 234** — TELEPHONE SURCHARGE FOR EDUCATION AND TRAINING PROGRAMS AT PRISON (*B. Goodfellow*)

- Read the first time by short title and referred to the Rules Committee. . . . . 131
- Assigned to standing committee . . . . . 251
- Amendments . . . . . 339
- Read the second time . . . . . 340
- Read the third time . . . . . 598
- Transmitted to the Senate . . . . . 599

**1st Sub. H.B. 234** — TELEPHONE SURCHARGE FOR EDUCATION AND TRAINING PROGRAMS AT PRISON (*B. Goodfellow*)

- Placed on Concurrence Calendar . . . . . 875
- Other Action . . . . . 936
- Concurrence . . . . . 938
- Signed by the Speaker and transmitted to the Governor . . . . . 985

**H.B. 235** — INSURANCE AMENDMENTS (*S. Urquhart*)

- Read the first time by short title and referred to the Rules Committee. . . . . 131
- Assigned to standing committee . . . . . 189
- Substituted . . . . . 341

**1st Sub. H.B. 235** — INSURANCE ARBITRATION AMENDMENTS (*S. Urquhart*)

- Amendments . . . . . 341
- Read the second time . . . . . 344
- Read the third time . . . . . 602
- Circled . . . . . 602
- Uncircled . . . . . 642
- Amendments . . . . . 642
- Transmitted to the Senate . . . . . 644
- Signed by the Speaker and transmitted to the Governor . . . . . 1107

<b>H.B. 236</b> — HEALTH INSURANCE LAW AMENDMENTS ( <i>J. Dumnigan</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	131
Assigned to standing committee . . . . .	235
Amendments . . . . .	296
Read the second time . . . . .	298
Read the third time . . . . .	519
Amendments . . . . .	519
Transmitted to the Senate . . . . .	520
Signed by the Speaker and transmitted to the Governor . . . . .	930
<b>H.B. 237</b> — STATE BENEFIT PROVIDER REVISIONS ( <i>P. Ray</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	163
Enacting Clause Stricken . . . . .	1114
<b>H.B. 238</b> — UTAH TECHNOLOGY COMMISSION MEMBERSHIP ( <i>J. Dougall</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	177
Assigned to standing committee . . . . .	236
Amendments . . . . .	296
Read the second time . . . . .	296
Read the third time . . . . .	518
Transmitted to the Senate . . . . .	518
Enacting Clause Stricken . . . . .	1109
<b>H.B. 239</b> — REPEAL OF EXEMPTION FROM NONRESIDENT TUITION ( <i>G. Donnelson</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	198
Assigned to standing committee . . . . .	329
Substituted . . . . .	697
Returned to Rules Committee . . . . .	444 , 778
<b>1st Sub. H.B. 239</b> — HIGHER EDUCATION TUITION AND RESIDENCY LEGISLATIVE TASK FORCE ( <i>G. Donnelson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	697
Assigned to standing committee . . . . .	697
Read the second time . . . . .	778 , 821
Returned to Rules Committee . . . . .	778, 962
Enacting Clause Stricken . . . . .	1114
<b>H.B. 240</b> — DISASTER LOAN PROGRAM ( <i>R. Bigelow</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	198
Read the second time . . . . .	204
Time Certain . . . . .	204
Read the third time . . . . .	226
Amendments . . . . .	226
Transmitted to the Senate . . . . .	228
Signed by the Speaker and transmitted to the Governor . . . . .	238

<b>H.B. 241</b> — VETERANS NURSING HOME ( <i>D. G. Buxton</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	215
Assigned to standing committee . . . . .	313
Read the second time . . . . .	443, 699
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	768
Transmitted to the Senate . . . . .	768
Enacting Clause Stricken . . . . .	1109
<b>H.B. 242</b> — CRIMINAL PENALTY FOR ANIMAL CRUELTY ( <i>S. Wyatt</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	215
Assigned to standing committee . . . . .	329
Amendments . . . . .	449
Read the second time . . . . .	454, 699
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	771
Amendments . . . . .	771
Transmitted to the Senate . . . . .	773
Enacting Clause Stricken . . . . .	1109
<b>H.B. 243</b> — REPEAL OF GERIATRIC CARE MANAGER ( <i>R. Lockhart</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	215
Assigned to standing committee . . . . .	291
Amendments . . . . .	338
Read the second time . . . . .	339
Read the third time . . . . .	597
Amendments . . . . .	597
Transmitted to the Senate . . . . .	597
Signed by the Speaker and transmitted to the Governor . . . . .	994
<b>H.B. 244</b> — TRANSFER OF PRESCRIPTIONS ( <i>N. Hansen</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	215
Enacting Clause Stricken . . . . .	1114
<b>H.B. 245</b> — COMPENSATION OF CONSTITUTIONAL OFFICERS – BENEFITS AND INSURANCE ( <i>M. Noel</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	215
Assigned to standing committee . . . . .	314
Read the second time . . . . .	513, 733
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	809
Failed . . . . .	810
Enacting Clause Stricken . . . . .	1114

<b>H.B. 246</b> — WASTE FEES AMENDMENTS ( <i>S. Urquhart</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	216
Assigned to standing committee . . . . .	396
Amendments . . . . .	451
Read the second time . . . . .	454, 669
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	683
Amendments . . . . .	683
Circled . . . . .	683, 771
Uncircled . . . . .	754, 818
Amendments . . . . .	754
Transmitted to the Senate . . . . .	756, 820
Reconsideration . . . . .	769
Amendments . . . . .	770, 818
Failed . . . . .	986
Enacting Clause Stricken . . . . .	1114
<b>H.B. 247</b> — CREDIT OR REFUND FOR TAX PAID ON CIGARETTE OR TOBACCO PRODUCT DESTROYED OR RETURNED TO THE MANUFACTURER ( <i>E. Hutchings</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	216
Assigned to standing committee . . . . .	363
Substituted . . . . .	444
<b>1st Sub. H.B. 247</b> — CREDIT OR REFUND FOR TAX PAID ON CIGARETTE OR TOBACCO PRODUCT DESTROYED OR RETURNED TO THE MANUFACTURER ( <i>E. Hutchings</i> )	
Amendments . . . . .	444
Read the second time . . . . .	445, 733
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	808
Transmitted to the Senate . . . . .	809
Signed by the Speaker and transmitted to the Governor . . . . .	994
<b>H.B. 248</b> — CHILD SUPPORT OBLIGATIONS ( <i>E. Hutchings</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	216
Assigned to standing committee . . . . .	329
Amendments . . . . .	411
Read the second time . . . . .	412
Read the third time . . . . .	662
Circled . . . . .	662
Uncircled . . . . .	663
Amendments . . . . .	663
Failed . . . . .	664
Enacting Clause Stricken . . . . .	1114

- H.B. 249** — CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS (*M. Newbold*)
- Read the first time by short title and referred to the Rules Committee. . . . . 216
  - Assigned to standing committee . . . . . 423
  - Amendments . . . . . 560 , 593
  - Read the second time . . . . . 562 , 595 , 669
  - Returned to Rules Committee . . . . . 668
  - Read the third time . . . . . 679
  - Amendments . . . . . 679
  - Transmitted to the Senate . . . . . 682
  - Signed by the Speaker and transmitted to the Governor . . . . . 875
- H.B. 250** — CAPITOL COMPLEX SPACE (*J. Alexander*)
- Read the first time by short title and referred to the Rules Committee. . . . . 216
  - Assigned to standing committee . . . . . 292
  - Read the second time . . . . . 355
  - Read the third time . . . . . 602
  - Transmitted to the Senate . . . . . 603
  - Signed by the Speaker and transmitted to the Governor . . . . . 994
- H.B. 251** — AMENDMENTS RELATED TO PUBLIC UTILITIES (*A. Tilton*)
- Read the first time by short title and referred to the Rules Committee. . . . . 216
  - Enacting Clause Stricken . . . . . 1114
- H.B. 252** — MARRIAGE PREPARATION EDUCATION (*R. McGee*)
- Read the first time by short title and referred to the Rules Committee. . . . . 216
  - Assigned to standing committee . . . . . 510
  - Amendments . . . . . 542
  - Read the second time . . . . . 543 , 821
  - Returned to Rules Committee . . . . . 668 , 962
  - Enacting Clause Stricken . . . . . 1114
- H.B. 253** — TAX AMENDMENTS (*W. Harper*)
- Read the first time by short title and referred to the Rules Committee. . . . . 216
  - Enacting Clause Stricken . . . . . 1114
- H.B. 254** — TAX CREDIT FOR TUITION (*S. Mascaro*)
- Read the first time by short title and referred to the Rules Committee. . . . . 216
  - Enacting Clause Stricken . . . . . 1114



<b>H.B. 255</b> — INVESTMENT OF HIGHER EDUCATION INSTITUTION ENDOWMENT FUNDS	
<i>(D. Clark)</i>	
Read the first time by short title and referred to the Rules Committee. . . . .	216
Assigned to standing committee . . . . .	363
Amendments . . . . .	527
Read the second time . . . . .	530 , 699
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	744
Transmitted to the Senate . . . . .	745
Signed by the Speaker and transmitted to the Governor . . . . .	994
<b>H.B. 256</b> — LOCAL GOVERNMENT ACQUISITION OF REAL PROPERTY <i>(A. Hardy)</i>	
Read the first time by short title and referred to the Rules Committee. . . . .	216
Assigned to standing committee . . . . .	363
Amendments . . . . .	619
Read the second time . . . . .	620 , 699
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	731
Circled . . . . .	731 , 848
Uncircled . . . . .	848 , 855
Substituted . . . . .	855
<b>2nd Sub. H.B. 256</b> — LOCAL GOVERNMENT AUTHORITY <i>(A. Hardy)</i>	
Transmitted to the Senate . . . . .	856
Placed on Concurrence Calendar . . . . .	1006
Concurrence . . . . .	1017
Signed by the Speaker and transmitted to the Governor . . . . .	1038
<b>H.B. 257</b> — TRANSPORTATION GENERAL OBLIGATION BONDS AUTHORIZATION	
<i>(S. Urquhart)</i>	
Read the first time by short title and referred to the Rules Committee. . . . .	216
Enacting Clause Stricken . . . . .	1114
<b>H.B. 258</b> — INDIVIDUAL INCOME TAX CREDIT FOR EMPLOYMENT-RELATED EXPENSES	
<i>(D. Litvack)</i>	
Read the first time by short title and referred to the Rules Committee. . . . .	216
Assigned to standing committee . . . . .	314
Returned to Rules Committee . . . . .	800
Enacting Clause Stricken . . . . .	1114

**H.B. 259** — ADOPTION AMENDMENTS (*A. Hardy*)

- Read the first time by short title and referred to the Rules Committee. . . . . 216
- Assigned to standing committee . . . . . 329
- Read the second time . . . . . 543 , 669
- Returned to Rules Committee . . . . . 668
- Read the third time . . . . . 705
- Amendments . . . . . 705
- Transmitted to the Senate . . . . . 707
- Placed on Concurrence Calendar . . . . . 1076
- Concurrence . . . . . 1084
- Signed by the Speaker and transmitted to the Governor . . . . . 1107

**H.B. 260** — AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS  
(*J. Dougall*)

- Read the first time by short title and referred to the Rules Committee. . . . . 217
- Assigned to standing committee . . . . . 698
- Substituted . . . . . 722

**1st Sub. H.B. 260** — AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS (*J. Dougall*)

- Read the second time . . . . . 722 , 732
- Returned to the Rules Committee . . . . . 722
- Read the third time . . . . . 786
- Circled . . . . . 786
- Uncircled . . . . . 815
- Substituted . . . . . 815

**2nd Sub. H.B. 260** — AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS (*J. Dougall*)

- Transmitted to the Senate . . . . . 816

**3rd Sub. H.B. 260** — AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS (*J. Dougall*)

- Placed on Concurrence Calendar . . . . . 1076
- Concurrence . . . . . 1085
- Signed by the Speaker and transmitted to the Governor . . . . . 1107

**H.B. 261** — MOTORBOAT LIABILITY INSURANCE AND UNINSURED MOTORIST AND MOTORBOAT IDENTIFICATION DATABASE PROGRAM AMENDMENTS  
(*K. Gibson*)

- Read the first time by short title and referred to the Rules Committee. . . . . 217
- Assigned to standing committee . . . . . 364
- Substituted . . . . . 649

<b>1st Sub. H.B. 261</b> — MOTORBOAT LIABILITY INSURANCE AMENDMENTS ( <i>K. Gibson</i> )	
Amendments	649
Read the first time by short title and referred to Rules Committee	650
Read the second time	650, 698
Returned to Rules Committee	668
Read the third time	729
Amendments	729
Transmitted to the Senate	730
Enacting Clause Stricken	1109
<b>H.B. 262</b> — LICENSURE OF ATHLETIC TRAINERS ( <i>P. Ray</i> )	
Read the first time by short title and referred to the Rules Committee.	217
Assigned to standing committee	577
Amendments	687
Read the second time	689, 821
Returned to Rules Committee	689, 962
Enacting Clause Stricken	1114
<b>H.B. 263</b> — INSURERS REHABILITATION AND LIQUIDATION ( <i>J. Dougall</i> )	
Read the first time by short title and referred to the Rules Committee.	217
Assigned to standing committee	313
Amendments	382
Read the second time	383, 669
Returned to Rules Committee	668
Read the third time	640, 676
Circled	640, 676, 915
Uncircled	915, 916
Substituted	916
<b>3rd Sub. H.B. 263</b> — INSURERS REHABILITATION AND LIQUIDATION ( <i>J. Dougall</i> )	
Transmitted to the Senate	917
Enacting Clause Stricken	1109
<b>H.B. 264</b> — STATE LAND USE MANAGEMENT PLANS AMENDMENTS ( <i>M. Noel</i> )	
Read the first time by short title and referred to the Rules Committee.	217
Assigned to standing committee	423
Amendments	589
Read the second time	593, 699
Returned to Rules Committee	668
Read the third time	756
Substituted	756
<b>1st Sub. H.B. 264</b> — STATE LAND USE MANAGEMENT PLANS AMENDMENTS ( <i>M. Noel</i> )	
Circled	756
Uncircled	816
Substituted	817

<b>2nd Sub. H.B. 264</b> — STATE LAND USE MANAGEMENT PLANS AMENDMENTS ( <i>M. Noel</i> )	
Amendments . . . . .	817
Transmitted to the Senate . . . . .	818
Signed by the Speaker and transmitted to the Governor . . . . .	994
<b>H.B. 265</b> — RESTRICTIONS ON RIDERS IN THE BACK OF OPEN VEHICLE ( <i>C. Buttars</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	217
Enacting Clause Stricken . . . . .	1114
<b>H.B. 266</b> — CHANGES TO QUALITY GROWTH COMMISSION ( <i>C. Buttars</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	217
Assigned to standing committee . . . . .	423
Amendments . . . . .	486
Read the second time . . . . .	489, 669
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	690
Transmitted to the Senate . . . . .	691
Signed by the Speaker and transmitted to the Governor . . . . .	999
<b>H.B. 267</b> — ELECTION DAY VOTER REGISTRATION ( <i>N. Hansen</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	217
Assigned to standing committee . . . . .	510
Returned to Rules Committee . . . . .	803
Enacting Clause Stricken . . . . .	1114
<b>H.B. 268</b> — DRUG UTILIZATION REVIEW COMMITTEE AMENDMENTS ( <i>R. Lockhart</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	217
Assigned to standing committee . . . . .	577
Read the second time . . . . .	672, 733
Returned to Rules Committee . . . . .	672
Read the third time . . . . .	842
Transmitted to the Senate . . . . .	843
Signed by the Speaker and transmitted to the Governor . . . . .	1107
<b>H.B. 269</b> — SALES MARKETING REQUIREMENTS ( <i>M. Noel</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	217
Assigned to standing committee . . . . .	313
Read the second time . . . . .	383
Read the third time . . . . .	640
Amendments . . . . .	640
Transmitted to the Senate . . . . .	642
<b>1st Sub. H.B. 269</b> — SALES MARKETING REQUIREMENTS ( <i>M. Noel</i> )	
Failed in Senate . . . . .	1107
Enacting Clause Stricken . . . . .	1114

**H.B. 270** — TEMPORARY ROAD CLOSURES (*M. Noel*)

- Read the first time by short title and referred to the Rules Committee. . . . . 217
- Assigned to standing committee . . . . . 292
- Amendments . . . . . 340
- Read the second time . . . . . 340
- Read the third time . . . . . 599
- Transmitted to the Senate . . . . . 600
- Enacting Clause Stricken . . . . . 1109

**H.B. 271** — COMMITMENT TO MENTAL HEALTH AUTHORITY (*M. Noel*)

- Read the first time by short title and referred to the Rules Committee. . . . . 217
- Assigned to standing committee . . . . . 667
- Substituted . . . . . 799

**1st Sub. H.B. 271** — COMMITMENT TO MENTAL HEALTH AUTHORITY (*M. Noel*)

- Returned to Rules Committee . . . . . 799
- Enacting Clause Stricken . . . . . 1114

**H.B. 272** — PATIENT ACCESS TO PROVIDERS AND CONTRACTING AMENDMENTS  
(*R. Lockhart*)

- Read the first time by short title and referred to the Rules Committee. . . . . 217
- Assigned to standing committee . . . . . 630
- Amendments . . . . . 630
- Read the second time . . . . . 719, 821
- Returned to Rules Committee . . . . . 719
- Read the third time . . . . . 909
- Amendments . . . . . 909
- Transmitted to the Senate . . . . . 911
- Enacting Clause Stricken . . . . . 1109

**H.B. 273** — REAL ESTATE AND MECHANICS LIENS – SECURITY ALTERNATIVES  
(*M. Morley*)

- Read the first time by short title and referred to the Rules Committee. . . . . 217
- Assigned to standing committee . . . . . 459
- Read the second time . . . . . 530
- Read the third time . . . . . 636
- Transmitted to the Senate . . . . . 637
- Signed by the Speaker and transmitted to the Governor . . . . . 1006

<b>H.B. 274</b> — REFERENDUM PROCEDURE ( <i>D. Hogue</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	218
Assigned to standing committee . . . . .	423
Amendments . . . . .	487
Read the second time . . . . .	489, 820
Returned to Rules Committee . . . . .	668, 962
Read the third time . . . . .	860
Circled . . . . .	860
Enacting Clause Stricken . . . . .	1114
<b>H.B. 275</b> — BUSINESS ENTITY AMENDMENTS ( <i>R. Romero</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	218
Assigned to standing committee . . . . .	577
Read the second time . . . . .	649, 669
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	722
Amendments . . . . .	722
Transmitted to the Senate . . . . .	723
Placed on Concurrence Calendar . . . . .	999
Concurrence . . . . .	1016
Signed by the Speaker and transmitted to the Governor . . . . .	1038
<b>H.B. 276</b> — DIVISION OF CRIMINAL INVESTIGATION AND TECHNICAL SERVICES AMENDMENTS ( <i>C. Oda</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	218
Assigned to standing committee . . . . .	329
Read the second time . . . . .	448
Read the third time . . . . .	544
Transmitted to the Senate . . . . .	544
Amendments . . . . .	1090
Placed on Concurrence Calendar . . . . .	1099
Concurrence . . . . .	1100
Signed by the Speaker and transmitted to the Governor . . . . .	1107
<b>H.B. 277</b> — REVISIONS TO THE UTAH CREDIT UNION ACT ( <i>L. Christensen</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	218
Assigned to standing committee . . . . .	697
Returned to Rules Committee . . . . .	731, 795
Returned to standing committee . . . . .	733
Enacting Clause Stricken . . . . .	1114
<b>H.B. 278</b> — TERMINATION OF PARENTAL RIGHTS FOR MURDER OR ATTEMPTED MURDER ( <i>J. Biskupski</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	218
Enacting Clause Stricken . . . . .	1114

<b>H.B. 279</b> — CLINICAL COUNSELOR – TITLE CHANGE ( <i>L. Fowlke</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	218
Assigned to standing committee . . . . .	291
Read the second time . . . . .	339
Read the third time . . . . .	431
Transmitted to the Senate . . . . .	432
Signed by the Speaker and transmitted to the Governor . . . . .	685
<b>H.B. 280</b> — JOINT CUSTODY AMENDMENTS ( <i>L. Christensen</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	218
Assigned to standing committee . . . . .	363
Read the second time . . . . .	427, 698
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	728
Amendments . . . . .	728
Transmitted to the Senate . . . . .	729
Placed on Concurrence Calendar . . . . .	946
Concurrence . . . . .	1011
Intent Language . . . . .	1012
Signed by the Speaker and transmitted to the Governor . . . . .	1034
<b>H.B. 281</b> — TASK FORCE ON LEGISLATIVE REFORMS ( <i>N. Hansen</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	218
Assigned to standing committee . . . . .	313
Read the second time . . . . .	356
Read the third time . . . . .	621
Amendments . . . . .	621
Failed . . . . .	621
Enacting Clause Stricken . . . . .	1114
<b>H.B. 282</b> — STATE EMPLOYEE ETHICS AMENDMENTS ( <i>J. Dougall</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	218
Assigned to standing committee . . . . .	423
Substituted . . . . .	533
<b>1st Sub. H.B. 282</b> — STATE EMPLOYEE ETHICS AMENDMENTS ( <i>J. Dougall</i> )	
Amendments . . . . .	533
Read the second time . . . . .	533
Returned to Rules Committee . . . . .	668
Enacting Clause Stricken . . . . .	1114

<b>H.B. 283</b> — REAL ESTATE AMENDMENTS ( <i>G. Snow</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	218
Assigned to standing committee . . . . .	313
Read the second time . . . . .	383
Read the third time . . . . .	464
Transmitted to the Senate . . . . .	465
Signed by the Speaker and transmitted to the Governor . . . . .	749
<b>H.B. 284</b> — RESTRUCTURE OF STATE UTILITY REGULATORY ENTITIES ( <i>A. Tilton</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	218
Enacting Clause Stricken . . . . .	1114
<b>H.B. 285</b> — CERTIFIED MEDICATION AIDE ( <i>R. Lockhart</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	218
<b>H.B. 285</b> — NURSE PRACTICE ACT AMENDMENTS ( <i>R. Lockhart</i> ) (Title Change)	
Enacting Clause Stricken . . . . .	1114
<b>H.B. 286</b> — USE OF PUBLIC EDUCATION MONIES ( <i>P. Jones</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	218
Enacting Clause Stricken . . . . .	1114
<b>H.B. 287</b> — REVENUE BONDS AND CAPITAL FACILITIES AUTHORIZATIONS	
( <i>D. G. Buxton</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	218
Read the second time . . . . .	669
Read the third time . . . . .	676
Circled . . . . .	676
Uncircled . . . . .	677
Amendments . . . . .	677
Transmitted to the Senate . . . . .	678
Signed by the Speaker and transmitted to the Governor . . . . .	875
<b>H.B. 288</b> — EXECUTIVE COMPENSATION AMENDMENTS ( <i>J. Alexander</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	219
Read the second time . . . . .	949
Read the third time . . . . .	951
Circled . . . . .	951
Uncircled . . . . .	961
Amendments . . . . .	961
Transmitted to the Senate . . . . .	962
Placed on Concurrence Calendar . . . . .	1046
Refuse to Concur . . . . .	1077
Other Action . . . . .	1088
Enacting Clause Stricken . . . . .	1109



**H.B. 289** — AUTHORITY FOR DESIGN BUILD CONSTRUCTION FOR POLITICAL SUBDIVISIONS (*M. Morley*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 219

**H.B. 289** — AUTHORITY FOR DESIGN–BUILD CONSTRUCTION (*M. Morley*) (Title Change)  
 Assigned to standing committee . . . . . 510  
 Returned to Rules Committee . . . . . 795  
 Enacting Clause Stricken . . . . . 1114

**H.B. 290** — RESTRICTIONS ON GIFTS (*J. Ferrin*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 219  
 Enacting Clause Stricken . . . . . 1114

**H.B. 291** — CAPITOL PRESERVATION BOARD MODIFICATIONS (*J. Alexander*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 219  
 Assigned to standing committee . . . . . 313  
 Read the second time . . . . . 356, 732  
 Returned to Rules Committee . . . . . 668  
 Read the third time . . . . . 622, 790  
 Circled . . . . . 622, 790  
 Uncircled . . . . . 907  
 Substituted . . . . . 907

**1st Sub. H.B. 291** — CAPITOL PRESERVATION BOARD MODIFICATIONS (*J. Alexander*)  
 Transmitted to the Senate . . . . . 908  
 Enacting Clause Stricken . . . . . 1109

**H.B. 292** — COMMISSION ON RACIAL AND ETHNIC FAIRNESS (*D. Bourdeaux*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 219  
 Assigned to standing committee . . . . . 631  
 Amendments . . . . . 701  
 Read the second time . . . . . 702, 733  
 Returned to Rules Committee . . . . . 702  
 Read the third time . . . . . 806  
 Amendments . . . . . 806  
 Transmitted to the Senate . . . . . 807  
 Enacting Clause Stricken . . . . . 1109

**H.B. 293** — MATERIALS HARMFUL TO MINORS (*D. Hogue*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 219  
 Enacting Clause Stricken . . . . . 1114

**H.B. 294** — REGULATION OF ASSISTED LIVING FACILITY AMENDMENTS (*R. Lockhart*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 219  
 Enacting Clause Stricken . . . . . 1114

**H.B. 295** — DEFERRED DEPOSIT LENDING REVISIONS (*L. Fowlke*)

- Read the first time by short title and referred to the Rules Committee. . . . . 219
- Enacting Clause Stricken . . . . . 1114

**H.B. 296** — CONDOMINIUM OWNERSHIP ACT AMENDMENTS (*C. Moss*)

- Read the first time by short title and referred to the Rules Committee. . . . . 219
- Assigned to standing committee . . . . . 630
- Read the second time . . . . . 777, 820
- Returned to Rules Committee . . . . . 777
- Read the third time . . . . . 843
- Amendments . . . . . 843
- Failed . . . . . 844
- Enacting Clause Stricken . . . . . 1114

**H.B. 297** — AGGRAVATED MURDER AMENDMENTS (*S. Wyatt*)

- Read the first time by short title and referred to the Rules Committee. . . . . 219
- Assigned to standing committee . . . . . 510
- Read the second time . . . . . 543, 669
- Returned to Rules Committee . . . . . 668
- Read the third time . . . . . 705
- Transmitted to the Senate . . . . . 705
- Signed by the Speaker and transmitted to the Governor . . . . . 994

**H.B. 298** — FOSTER PLACEMENTS (*N. Hansen*)

- Read the first time by short title and referred to the Rules Committee. . . . . 219
- Enacting Clause Stricken . . . . . 1115

**H.B. 299** — MOTOR VEHICLE BUSINESS LICENSING AMENDMENTS (*P. Ray*)

- Read the first time by short title and referred to the Rules Committee. . . . . 219
- Assigned to standing committee . . . . . 396
- Amendments . . . . . 448
- Read the second time . . . . . 449, 732
- Returned to Rules Committee . . . . . 668
- Read the third time . . . . . 790
- Amendments . . . . . 791
- Transmitted to the Senate . . . . . 791
- Signed by the Speaker and transmitted to the Governor . . . . . 1034

**H.B. 300** — HEALTH CARE SAVINGS ACCOUNT ACT (*M. Dayton*)

- Read the first time by short title and referred to the Rules Committee. . . . . 219
- Enacting Clause Stricken . . . . . 1115

<b>H.B. 301</b> — SUPPLEMENTAL APPROPRIATIONS III ( <i>R. Bigelow</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	219
Read the second time . . . . .	856
Read the third time . . . . .	856
Amendments . . . . .	856
Transmitted to the Senate . . . . .	859
Concurrence . . . . .	908
Signed by the Speaker and transmitted to the Governor . . . . .	947
Recalled . . . . .	987
Reconsideration . . . . .	987
Circled . . . . .	987
Uncircled . . . . .	1042
Transmitted to the Senate . . . . .	1042
Signed by the Speaker and transmitted to the Governor . . . . .	1065 , 1107
<b>H.B. 302</b> — REGULATION OF CONSTRUCTION INDUSTRY ( <i>J. S. Adams</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	220
Assigned to standing committee . . . . .	459
Substituted . . . . .	563
<b>1st Sub. H.B. 302</b> — REGULATION OF CONSTRUCTION INDUSTRY ( <i>J. S. Adams</i> )	
Read the second time . . . . .	564 , 669
Returned to Rules Committee . . . . .	668, 962
Read the third time . . . . .	707
Circled . . . . .	707
Enacting Clause Stricken . . . . .	1115
<b>H.B. 303</b> — CRIME OF CHILD ENDANGERMENT ( <i>E. Hutchings</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	220
<b>H.B. 303</b> — SHELTER HEARING AMENDMENTS ( <i>E. Hutchings</i> ) (Title Change)	
Read the first time by short title and referred to the Rules Committee. . . . .	462
Assigned to standing committee . . . . .	510
Read the second time . . . . .	563 , 699
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	753
Transmitted to the Senate . . . . .	754
Enacting Clause Stricken . . . . .	1109
<b>H.B. 304</b> — PREMIUM ASSISTANCE PROGRAM FOR COVERED-AT-WORK ( <i>K. Holdaway</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	220
Assigned to standing committee . . . . .	577
Substituted . . . . .	720
Amendments . . . . .	720

**1st Sub. H.B. 304** — PREMIUM ASSISTANCE PROGRAM FOR COVERED-AT-WORK

*(K. Holdaway)*

Read the second time	721 , 821
Returned to Rules Committee	721 , 962
Enacting Clause Stricken	1115

**H.B. 305** — COLLECTION PRACTICES AMENDMENTS *(D. Bourdeaux)*

Read the first time by short title and referred to the Rules Committee.	220
Enacting Clause Stricken	1115

**H.B. 306** — AMENDMENT REGARDING CONTROLLED SUBSTANCES *(C. Oda)*

Read the first time by short title and referred to the Rules Committee.	220
Assigned to standing committee	423
Amendments	492
Read the second time	494 , 669
Returned to Rules Committee	668
Read the third time	693
Transmitted to the Senate	694
Enacting Clause Stricken	1109

**H.B. 307** — REDEVELOPMENT AGENCY CHANGES *(J. Dougall)*

Read the first time by short title and referred to the Rules Committee.	220
Assigned to standing committee	577
Read the second time	686 , 699
Returned to Rules Committee	686 , 962
Read the third time	743
Circled	743
Enacting Clause Stricken	1115

**H.B. 308** — ARCHEOLOGICAL RESOURCES AMENDMENTS *(B. Johnson)*

Read the first time by short title and referred to the Rules Committee.	220
Assigned to standing committee	510
Substituted	649

**1st Sub. H.B. 308** — ARCHEOLOGICAL RESOURCES AMENDMENTS *(B. Johnson)*

Read the second time	649 , 669
Returned to Rules Committee	668
Read the third time	723
Substituted	723

**3rd Sub. H.B. 308** — ARCHEOLOGICAL RESOURCES AMENDMENTS *(B. Johnson)*

Amendments	723
Transmitted to the Senate	725
Placed on Concurrence Calendar	1076
Concurrence	1087
Signed by the Speaker and transmitted to the Governor	1107

<b>H.B. 309</b> — MUNICIPAL BUDGET AMENDMENTS ( <i>M. Walker</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	220
Assigned to standing committee . . . . .	631
Read the second time . . . . .	686, 698
Returned to Rules Committee . . . . .	686
Circled . . . . .	704
Uncircled . . . . .	727
Transmitted to the Senate . . . . .	728, 742
Reconsideration . . . . .	741
Signed by the Speaker and transmitted to the Governor . . . . .	930
<b>H.B. 310</b> — AGING AND ADULT SERVICES PROGRAM AMENDMENTS ( <i>E. Hutchings</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	220
Assigned to standing committee . . . . .	459
Amendments . . . . .	562
Read the second time . . . . .	563
Returned to Rules Committee . . . . .	668
Enacting Clause Stricken . . . . .	1115
<b>H.B. 311</b> — GENERAL GOVERNMENT AMENDMENTS ( <i>B. Dee</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	220
<b>H.B. 311</b> — CONTROLLED SUBSTANCE LAW AMENDMENTS ( <i>B. Dee</i> ) (Title Change)	
Read the first time by short title and referred to the Rules Committee. . . . .	462
Read the first time by short title and referred to Rules Committee . . . . .	511
Assigned to standing committee . . . . .	511
Read the second time . . . . .	620
Read the third time . . . . .	704
Transmitted to the Senate . . . . .	704
Placed on Concurrence Calendar . . . . .	1006
Concurrence . . . . .	1018
Signed by the Speaker and transmitted to the Governor . . . . .	1038
<b>H.B. 312</b> — MUNICIPAL ELECTRICAL ENTITIES AMENDMENTS ( <i>A. Tilton</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	220
Assigned to standing committee . . . . .	578
Returned to Rules Committee . . . . .	722
Enacting Clause Stricken . . . . .	1115
<b>H.B. 313</b> — ECONOMIC DEVELOPMENT INITIATIVE FOR HIGHER EDUCATION ( <i>K. Holdaway</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	220
Assigned to standing committee . . . . .	632
Substituted . . . . .	690

**1st Sub. H.B. 313** — ECONOMIC DEVELOPMENT INITIATIVE FOR HIGHER EDUCATION

*(K. Holdaway)*

Read the second time	690 , 733
Returned to Rules Committee	690
Read the third time	823
Circled	823
Uncircled	848
Substituted	849

**2nd Sub. H.B. 313** — ECONOMIC DEVELOPMENT INITIATIVE FOR HIGHER EDUCATION

*(K. Holdaway)*

Transmitted to the Senate	850
Placed on Concurrence Calendar	1065
Concurrence	1078
Signed by the Speaker and transmitted to the Governor	1107

**H.B. 314** — DRIVING UNDER THE INFLUENCE REVISIONS *(M. Noel)*

Read the first time by short title and referred to the Rules Committee.	220
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**H.B. 314** — DRIVING WITH ANY MEASURABLE CONTROLLED SUBSTANCE IN THE BODY REVISIONS *(M. Noel)* (Title Change)

Read the first time by short title and referred to the Rules Committee.	535
Assigned to standing committee	668
Read the second time	703 , 732
Returned to Rules Committee	703
Read the third time	805
Transmitted to the Senate	806
Enacting Clause Stricken	1109

**H.B. 315** — DEPARTMENT OF COMMUNITY DEVELOPMENT AND ARTS RESTRUCTURE

*(D. G. Buxton)*

Read the first time by short title and referred to the Rules Committee.	220
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**H.B. 316** — DRIVER LICENSE REQUIREMENTS FOR ILLEGAL ALIENS *(A. Tilton)*

Read the first time by short title and referred to the Rules Committee.	221
Enacting Clause Stricken	1115

**H.B. 317** — VEHICLE IMPOUND AMENDMENTS *(J. Gowans)*

Read the first time by short title and referred to the Rules Committee.	221
Enacting Clause Stricken	1115

**H.B. 318** — EXPANSION OF GOVERNOR’S OVERSIGHT (*C. Buttars*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 221

**H.B. 318** — COMMUNITY AND ECONOMIC DEVELOPMENT RESTRUCTURING (*C. Buttars*)  
 (Title Change)  
 Read the first time by short title and referred to the Rules Committee. . . . . 703  
 Assigned to standing committee . . . . . 698 , 704  
 Amendments . . . . . 734  
 Read the second time . . . . . 735 , 820  
 Returned to Rules Committee . . . . . 735  
 Read the third time . . . . . 843  
 Circled . . . . . 843  
 Uncircled . . . . . 850  
 Amendments . . . . . 850  
 Transmitted to the Senate . . . . . 853  
 Amendments . . . . . 1090  
 Placed on Concurrence Calendar . . . . . 1099  
 Concurrence . . . . . 1102  
 Signed by the Speaker and transmitted to the Governor . . . . . 1107

**H.B. 319** — EXPANSION OF DEPARTMENT OF ADMINISTRATIVE SERVICES OVERSIGHT  
 TO INCLUDE HUMAN RESOURCE MANAGEMENT (*D. G. Buxton*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 221  
 Assigned to standing committee . . . . . 667  
 Amendments . . . . . 689  
 Read the second time . . . . . 689 , 699  
 Returned to Rules Committee . . . . . 689  
 Read the third time . . . . . 768  
 Transmitted to the Senate . . . . . 769  
 Signed by the Speaker and transmitted to the Governor . . . . . 1107

**H.B. 320** — UTILITY REGULATORY REFORM (*J. Gowans*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 221  
 Enacting Clause Stricken . . . . . 1115

**H.B. 321** — CRIMINAL BACKGROUND CHECK AMENDMENTS (*B. Last*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 221

**H.B. 321** — BACKGROUND CHECKS FOR BOARDING SCHOOLS (*B. Last*) (Title Change)  
 Read the first time by short title and referred to the Rules Committee. . . . . 535  
 Assigned to standing committee . . . . . 667  
 Returned to Rules Committee . . . . . 804  
 Enacting Clause Stricken . . . . . 1115

**H.B. 322** — MOTOR VEHICLE REPAIRS – CONSUMER RIGHTS (*T. Kiser*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 221  
 Substituted . . . . . 731

**Sub. H.B. 322** — MOTOR VEHICLE REPAIRS – CONSUMER RIGHTS (*T. Kiser*)

- Assigned to standing committee . . . . . 731
- Returned to Rules Committee . . . . . 795
- Enacting Clause Stricken . . . . . 1115

**H.B. 323** — ACCESS TO EMPLOYMENT DATA (*J. Mathis*)

- Read the first time by short title and referred to the Rules Committee. . . . . 221
- Enacting Clause Stricken . . . . . 1115

**H.B. 324** — REAL PROPERTY – REASSESSMENT AFTER A NATURAL DISASTER (*B. Last*)

- Read the first time by short title and referred to the Rules Committee. . . . . 221

**H.B. 324** — TAXABLE VALUE ADJUSTMENT FOR PROPERTY DAMAGED BY A NATURAL DISASTER (*B. Last*) (Title Change)

- Read the first time by short title and referred to the Rules Committee. . . . . 462
- Assigned to standing committee . . . . . 511
- Amendments . . . . . 614, 707
- Read the second time . . . . . 616, 669
- Returned to Rules Committee . . . . . 668
- Read the third time . . . . . 707
- Transmitted to the Senate . . . . . 708
- Amendments . . . . . 1075
- Placed on Concurrence Calendar . . . . . 1076
- Concurrence . . . . . 1086
- Signed by the Speaker and transmitted to the Governor . . . . . 1107

**H.B. 325** — OPEN ENROLLMENT AMENDMENTS (*D. Bourdeaux*)

- Read the first time by short title and referred to the Rules Committee. . . . . 221
- Enacting Clause Stricken . . . . . 1115

**H.B. 326** — EARLY HIGH SCHOOL GRADUATION (*B. Daw*)

- Read the first time by short title and referred to the Rules Committee. . . . . 221

**H.B. 326** — HIGH SCHOOL CURRICULUM AND EARLY GRADUATION (*B. Daw*)

- (Title Change)
- Read the first time by short title and referred to the Rules Committee. . . . . 535
- Assigned to standing committee . . . . . 631



<b>H.B. 326</b> — HIGH SCHOOL CURRICULUM ( <i>B. Daw</i> ) (Title Change)	
Read the first time by short title and referred to Rules Committee . . . . .	805
Amendments . . . . .	719
Read the second time . . . . .	720 , 732 , 805
Returned to Rules Committee . . . . .	720
Read the third time . . . . .	805
Failed . . . . .	805
Circled . . . . .	816
Uncircled . . . . .	845
Reconsideration . . . . .	816
Substituted . . . . .	845
<b>1st Sub. H.B. 326</b> — HIGH SCHOOL CURRICULUM ( <i>B. Daw</i> )	
Transmitted to the Senate . . . . .	845
Enacting Clause Stricken . . . . .	1109
<b>H.B. 327</b> — DEPARTMENT OF COMMERCE – DEMOGRAPHIC DATA TRACKING ( <i>M. Wheatley</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	221
Assigned to standing committee . . . . .	698
Read the second time . . . . .	750
Returned to Rules Committee . . . . .	750
Enacting Clause Stricken . . . . .	1115
<b>H.B. 328</b> — RURAL HEALTH CARE INFRASTRUCTURE AMENDMENTS ( <i>M. Noel</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	221
<b>H.B. 328</b> — RURAL HEALTH CARE INFRASTRUCTURE ( <i>M. Noel</i> ) (Title Change)	
Assigned to standing committee . . . . .	732
Returned to Rules Committee . . . . .	774
Enacting Clause Stricken . . . . .	1115
<b>H.B. 329</b> — COUNTY CONTRACTED SERVICES ( <i>K. Holdaway</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	221
Assigned to standing committee . . . . .	631
Returned to Rules Committee . . . . .	798
Enacting Clause Stricken . . . . .	1115
<b>H.B. 330</b> — DRIVER LICENSE QUALIFICATIONS AMENDMENTS ( <i>G. Donnelson</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	222
Assigned to standing committee . . . . .	698
Returned to Rules Committee . . . . .	740
Enacting Clause Stricken . . . . .	1115

- H.B. 331** — DISASTER RELIEF PROVISIONS (*D. Clark*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 222  
 Enacting Clause Stricken . . . . . 1115
- H.B. 332** — POSSESSION OF A DANGEROUS WEAPON IN A VEHICLE (*M. Morley*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 222  
 Assigned to standing committee . . . . . 698  
 Returned to Rules Committee . . . . . 796  
 Enacting Clause Stricken . . . . . 1115
- H.B. 333** — OPEN SPACE DENSITY CREDIT (*D. Cox*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 222
- H.B. 333** — DENSITY CREDIT FOR LAND DONATED TO SCHOOL DISTRICT (*D. Cox*)  
 (Title Change)  
 Read the first time by short title and referred to the Rules Committee. . . . . 462  
 Assigned to standing committee . . . . . 423  
 Returned to Rules Committee . . . . . 620  
 Enacting Clause Stricken . . . . . 1115
- H.B. 334** — DIVORCE EDUCATION FOR CHILDREN (*R. McGee*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 222
- H.B. 335** — DISCONNECTING TERRITORY FROM A MUNICIPALITY (*C. Frank*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 222  
 Assigned to standing committee . . . . . 577  
 Substituted . . . . . 736
- 1st Sub. H.B. 335** — DISCONNECTING TERRITORY FROM A MUNICIPALITY (*C. Frank*)  
 Amendments . . . . . 736  
 Read the second time . . . . . 736, 821  
 Returned to Rules Committee . . . . . 736  
 Read the third time . . . . . 927  
 Amendments . . . . . 927  
 Transmitted to the Senate . . . . . 928  
 Enacting Clause Stricken . . . . . 1109
- H.B. 336** — VOTING REQUIREMENTS (*L. Shurtliff*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 222  
 Enacting Clause Stricken . . . . . 1115

**H.B. 337** — GOLF CARTS ALLOWED ON CERTAIN HIGHWAYS (*C. Moss*)

- Read the first time by short title and referred to the Rules Committee. . . . . 222
- Assigned to standing committee . . . . . 668
- Read the second time . . . . . 703
- Returned to Rules Committee . . . . . 703
- Enacting Clause Stricken . . . . . 1115

**H.B. 338** — CHILD AND FAMILY WELFARE REVISIONS (*L. Christensen*)

- Read the first time by short title and referred to the Rules Committee. . . . . 222
- Assigned to standing committee . . . . . 510
- Substituted . . . . . 566

**1st Sub. H.B. 338** — CHILD AND FAMILY WELFARE REVISIONS (*L. Christensen*)

- Read the second time . . . . . 566 , 699
- Returned to Rules Committee . . . . . 668
- Read the third time . . . . . 757
- Amendments . . . . . 757
- Transmitted to the Senate . . . . . 760
- Placed on Concurrence Calendar . . . . . 1065
- Concurrence . . . . . 1079
- Signed by the Speaker and transmitted to the Governor . . . . . 1107

**H.B. 339** — SCHOOL TRUST LANDS REVISIONS (*D. Clark*)

- Read the first time by short title and referred to the Rules Committee. . . . . 222
- Enacting Clause Stricken . . . . . 1115

**H.B. 340** — OFFICE OF RECOVERY SERVICES FEE (*A. Tilton*)

- Read the first time by short title and referred to the Rules Committee. . . . . 222
- Assigned to standing committee . . . . . 698
- Read the second time . . . . . 739 , 821
- Returned to Rules Committee . . . . . 739 , 962
- Enacting Clause Stricken . . . . . 1115

**H.B. 341** — CHILD AND FAMILY SERVICES RECORDS (*S. Mascaro*)

- Read the first time by short title and referred to the Rules Committee. . . . . 222
- Enacting Clause Stricken . . . . . 1115

**H.B. 342** — CIVIL LEGAL AID FOR VICTIMS OF DOMESTIC VIOLENCE (*S. Mascaro*)

- Read the first time by short title and referred to the Rules Committee. . . . . 222
- Assigned to standing committee . . . . . 459
- Read the second time . . . . . 494 , 669
- Returned to Rules Committee . . . . . 668
- Read the third time . . . . . 694
- Transmitted to the Senate . . . . . 695
- Enacting Clause Stricken . . . . . 1109

- H.B. 343** — IMPROVING ACCESS TO PRENATAL CARE AND STRENGTHENING SELF SUFFICIENCY (*M. Wheatley*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 222
- H.B. 343** — MEDICAID – PREGNANT WOMEN RESOURCE TEST (*M. Wheatley*) (Title Change)  
 Read the first time by short title and referred to the Rules Committee. . . . . 462  
 Assigned to standing committee . . . . . 631  
 Read the second time . . . . . 721  
 Returned to Rules Committee . . . . . 721  
 Enacting Clause Stricken . . . . . 1115
- H.B. 344** — REGULATION OF PHLEBOTOMISTS (*M. Wheatley*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 222  
 Enacting Clause Stricken . . . . . 1115
- H.B. 345** — STATE SCHOOL BOARD AMENDMENTS (*K. Morgan*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 223  
 Enacting Clause Stricken . . . . . 1115
- H.B. 346** — SCHOOLS FOR THE DEAF AND THE BLIND SALARY ADJUSTMENTS  
 (*K. Morgan*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 223  
 Assigned to standing committee . . . . . 459  
 Read the second time . . . . . 562  
 Read the third time . . . . . 675  
 Transmitted to the Senate . . . . . 676  
 Enacting Clause Stricken . . . . . 1109
- H.B. 347** — FAMILY IMPACT STATEMENT (*C. Frank*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 223  
 Enacting Clause Stricken . . . . . 1115
- H.B. 348** — REVISING GENERAL GOVERNMENT (*J. S. Adams*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 223
- H.B. 348** — EMPLOYMENT AGENCY REVISIONS (*J. S. Adams*) (Title Change)  
 Read the first time by short title and referred to the Rules Committee. . . . . 462  
 Assigned to standing committee . . . . . 459  
 Read the second time . . . . . 535  
 Read the third time . . . . . 639  
 Transmitted to the Senate . . . . . 639  
 Signed by the Speaker and transmitted to the Governor . . . . . 1006

**H.B. 349** — MONEY MANAGEMENT ACT AMENDMENTS (*D. Clark*)

- Read the first time by short title and referred to the Rules Committee. . . . . 223
- Assigned to standing committee . . . . . 363
- Amendments . . . . . 526
- Read the second time . . . . . 530
- Read the third time . . . . . 637
- Transmitted to the Senate . . . . . 638
- Signed by the Speaker and transmitted to the Governor . . . . . 930

**H.B. 350** — STATE BUILDING ENERGY EFFICIENCY PROGRAM (*F. Hunsaker*)

- Read the first time by short title and referred to the Rules Committee. . . . . 223
- Enacting Clause Stricken . . . . . 1115

**H.B. 351** — HEALTH INSURANCE DISCLOSURE REQUIREMENTS (*B. Last*)

- Read the first time by short title and referred to the Rules Committee. . . . . 223
- Enacting Clause Stricken . . . . . 1115

**H.B. 352** — MANDATORY MINIMUM SENTENCING FOR CHILD MOLESTERS (*C. Frank*)

- Read the first time by short title and referred to the Rules Committee. . . . . 223
- Enacting Clause Stricken . . . . . 1116

**H.B. 353** — GOVERNMENT OPERATIONS (*J. Gowans*)

- Read the first time by short title and referred to the Rules Committee. . . . . 223
- Enacting Clause Stricken . . . . . 1116

**H.B. 354** — LICENSURE OF WHOLESALE DISTRIBUTORS OF PRESCRIPTION DRUGS  
(*B. Last*)

- Read the first time by short title and referred to the Rules Committee. . . . . 223
- Assigned to standing committee . . . . . 698
- Returned to Rules Committee . . . . . 774
- Enacting Clause Stricken . . . . . 1116

**H.B. 355** — AMENDMENTS TO WORKERS COMPENSATION FUND (*D. Ure*)

- Read the first time by short title and referred to the Rules Committee. . . . . 223
- Enacting Clause Stricken . . . . . 1116

**H.B. 356** — STATE GOVERNMENT LAW REVISIONS (*D. Ure*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 223

**H.B. 356** — STATE GOVERNMENT LAW REVISIONS – WITHDRAWAL FROM EDUCATION COMPACT (*M. Dayton*) (Title Change)  
 Read the first time by short title and referred to the Rules Committee. . . . . 462  
 Assigned to standing committee . . . . . 631  
 Read the second time . . . . . 720  
 Read the third time . . . . . 822  
 Transmitted to the Senate . . . . . 823  
 Enacting Clause Stricken . . . . . 1109

**H.B. 357** — AMENDMENTS TO INDEPENDENT ENTITIES (*D. Ure*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 223  
 Enacting Clause Stricken . . . . . 1116

**H.B. 358** — TUITION AND BOOKS ASSISTANCE(*E. Hutchings*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 822  
 Enacting Clause Stricken . . . . . 1116

**H.B. 359** — PROFESSIONAL LICENSING AMENDMENTS (*M. Wheatley*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 223  
 Enacting Clause Stricken . . . . . 1116

**H.B. 360** — PROTECTIVE ORDER AMENDMENTS (*E. Hutchings*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 224  
 Enacting Clause Stricken . . . . . 1116

**H.B. 361** — MUNICIPAL AUTHORITY TO USE COLLECTION AGENCIES (*M. Walker*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 224  
 Assigned to standing committee . . . . . 459  
 Read the second time . . . . . 534 , 699  
 Returned to Rules Committee . . . . . 668  
 Read the third time . . . . . 751  
 Amendments . . . . . 751  
 Failed . . . . . 753  
 Enacting Clause Stricken . . . . . 1116

**H.B. 362** — APPROPRIATION FOR HIGHLY QUALIFIED TEACHERS (*K. Holdaway*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 224  
 Assigned to standing committee . . . . . 363  
 Read the second time . . . . . 562 , 732  
 Returned to Rules Committee . . . . . 668  
 Read the third time . . . . . 791  
 Transmitted to the Senate . . . . . 792  
 Enacting Clause Stricken . . . . . 1109

**H.B. 363** — TRANSPORTATION AMENDMENTS (*K. Gibson*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 224  
 Enacting Clause Stricken . . . . . 1116

**H.B. 364** — ABUSIVE ATTORNEYS FEES (*B. Last*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 224  
 Enacting Clause Stricken . . . . . 1116

**H.B. 365** — REVOLVING DOOR LIMITATION FOR PUBLIC OFFICIALS TO BECOME LOBBYISTS (*C. Moss*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 224  
 Enacting Clause Stricken . . . . . 1116

**H.B. 366** — ETHICS COMMISSION (*D. Litvack*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 224  
 Enacting Clause Stricken . . . . . 1116

**H.B. 367** — RESTRICTIONS ON HIGH OCCUPANCY VEHICLE LANE (*D. Litvack*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 224  
 Assigned to standing committee . . . . . 578  
 Amendments . . . . . 737  
 Returned to Rules Committee . . . . . 738  
 Enacting Clause Stricken . . . . . 1116

**H.B. 368** — SPECIAL FUNCTION OFFICERS FOR DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING (*N. Hendrickson*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 224  
 Assigned to standing committee . . . . . 330  
 Read the second time . . . . . 413, 669  
 Returned to Rules Committee . . . . . 668  
 Read the third time . . . . . 678  
 Failed . . . . . 679  
 Enacting Clause Stricken . . . . . 1116

**H.B. 369** — LOBBYIST REGULATION (*J. Ferrin*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 224  
 Assigned to standing committee . . . . . 631  
 Amendments . . . . . 738  
 Read the second time . . . . . 739  
 Returned to Rules Committee . . . . . 739  
 Enacting Clause Stricken . . . . . 1116

**H.B. 370** — CONTRIBUTION LIMITS ON GOVERNOR’S CAMPAIGN (*J. Ferrin*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 224  
 Enacting Clause Stricken . . . . . 1116

- H.B. 371** — DESIGNATION OF NEXT OF KIN WITH DEPARTMENT OF HEALTH (*J. Biskupski*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 224  
 Enacting Clause Stricken . . . . . 1116
- H.B. 372** — POWER OF ATTORNEY AMENDMENTS (*M. Newbold*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 224  
 Enacting Clause Stricken . . . . . 1116
- H.B. 373** — EDUCATION TECHNOLOGY TASK FORCE (*E. Hutchings*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 224  
 Assigned to standing committee . . . . . 577  
 Read the second time . . . . . 689, 820  
 Returned to Rules Committee . . . . . 689  
 Read the third time . . . . . 906  
 Transmitted to the Senate . . . . . 907  
 Enacting Clause Stricken . . . . . 1109
- H.B. 374** — IMPLEMENTS OF HUSBANDRY PERMIT STICKERS (*J. Mathis*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 225  
 Enacting Clause Stricken . . . . . 1116
- H.B. 375** — REVISIONS TO GENERAL STATE GOVERNMENT (*B. King*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 225
- H.B. 375** — REVISIONS TO GENERAL STATE GOVERNMENT – NOTARY LAW  
 AMENDMENTS (*B. King*) (Title Change)  
 Read the first time by short title and referred to the Rules Committee. . . . . 703  
 Assigned to standing committee . . . . . 731  
 Amendments . . . . . 776  
 Read the second time . . . . . 777, 820  
 Returned to Rules Committee . . . . . 777  
 Read the third time . . . . . 904  
 Transmitted to the Senate . . . . . 905  
 Enacting Clause Stricken . . . . . 1109
- H.B. 376** — HILL AIR FORCE MUSEUM (*D. G. Buxton*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 225  
 Enacting Clause Stricken . . . . . 1116
- H.B. 377** — COUNTY OPTION FUNDING FOR BOTANICAL, CULTURAL, RECREATION,  
 AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES (*E. Hutchings*)  
 Read the first time by short title and referred to the Rules Committee. . . . . 225  
 Enacting Clause Stricken . . . . . 1116



<b>H.B. 378</b> — 911 EMERGENCY RESPONSE AMENDMENTS ( <i>E. Hutchings</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	225
Enacting Clause Stricken . . . . .	1116
<b>H.B. 379</b> — YOUNG ARTIST PROVISIONS ( <i>G. Hughes</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	225
Assigned to standing committee . . . . .	631
Amendments . . . . .	689
Read the second time . . . . .	689
Returned to Rules Committee . . . . .	689
Enacting Clause Stricken . . . . .	1116
<b>H.B. 380</b> — AMENDMENTS TO LOCAL DISTRICTS ( <i>K. Morgan</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	225
Assigned to standing committee . . . . .	577
Read the second time . . . . .	686, 698
Returned to Rules Committee . . . . .	686
Circled . . . . .	704
Uncircled . . . . .	727
Transmitted to the Senate . . . . .	727, 743
Reconsideration . . . . .	742
Signed by the Speaker and transmitted to the Governor . . . . .	1010
<b>H.B. 381</b> — NONRESIDENT TUITION WAIVERS ( <i>C. Buttars</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	726
Assigned to standing committee . . . . .	731
Substituted . . . . .	778
<b>1st Sub. H.B. 381</b> — NONRESIDENT TUITION WAIVERS ( <i>C. Buttars</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	905
Read the second time . . . . .	778, 820, 905
Returned to Rules Committee . . . . .	778
Read the third time . . . . .	861, 905
Circled . . . . .	861
Uncircled . . . . .	905
Transmitted to the Senate . . . . .	906
Enacting Clause Stricken . . . . .	1109
<b>H.B. 382</b> — SUPPLEMENTAL MINIMUM SCHOOL PROGRAM FINANCE ACT ( <i>G. Snow</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	928
Read the second time . . . . .	949
Read the third time . . . . .	950
Amendments . . . . .	950
Transmitted to the Senate . . . . .	951
Placed on Concurrence Calendar . . . . .	1065
Refuse to Concur . . . . .	1079
Signed by the Speaker and transmitted to the Governor . . . . .	1107

**H.C.R. 1** — RESOLUTION PROMOTING MODERATELY SIZED SCHOOLS (*D. Cox*)

- Read the first time by short title and referred to the Rules Committee. . . . . 48
- Assigned to standing committee . . . . . 64
- Read the second time . . . . . 128
- Read the third time . . . . . 244
- Transmitted to the Senate . . . . . 245
- Signed by the Speaker and transmitted to the Governor . . . . . 612

**H.C.R. 2** — COWBOY HALL OF FAME RESOLUTION (*L. Shurtliff*)

- Read the first time by short title and referred to the Rules Committee. . . . . 48
- Assigned to standing committee . . . . . 65
- Read the second time . . . . . 151
- Read the third time . . . . . 288
- Transmitted to the Senate . . . . . 288
- Signed by the Speaker and transmitted to the Governor . . . . . 589

**H.C.R. 3** — RESOLUTION REGARDING WASHINGTON COUNTY WASTE FACILITY  
(*B. Last*)

- Read the first time by short title and referred to the Rules Committee. . . . . 225
- Assigned to standing committee . . . . . 396
- Read the second time . . . . . 462, 732
- Returned to Rules Committee . . . . . 668
- Read the third time . . . . . 789
- Transmitted to the Senate . . . . . 789
- Signed by the Speaker and transmitted to the Governor . . . . . 1107

**H.C.R. 4** — UTAH ATHLETIC FOUNDATION RESOLUTION (*D. Ure*)

- Read the first time by short title and referred to the Rules Committee. . . . . 48
- Assigned to standing committee . . . . . 53
- Read the second time . . . . . 83
- Read the third time . . . . . 133, 248
- Lifted from Consent . . . . . 133
- Circled . . . . . 249
- Returned to Rules Committee . . . . . 668
- Enacting Clause Stricken . . . . . 1116

**H.C.R. 5** — RESOLUTION HONORING UTAH MILITARY SERVICE PERSONNEL  
(*F. Hunsaker*)

- Read the first time by short title and referred to the Rules Committee. . . . . 48
- Read the second time . . . . . 50
- Read the third time . . . . . 54
- Transmitted to the Senate . . . . . 55
- Signed by the Speaker and transmitted to the Governor . . . . . 58

**H.C.R. 6** — RESOLUTION RECOGNIZING UTAH'S LEGISLATORS BACK TO SCHOOLPROGRAM (*M. Dayton*)

Read the first time by short title and referred to the Rules Committee. . . . .	48
Assigned to standing committee . . . . .	52
Amendments . . . . .	128
Read the second time . . . . .	128
Read the third time . . . . .	200
Transmitted to the Senate . . . . .	200
Signed by the Speaker and transmitted to the Governor . . . . .	589

**H.C.R. 7** — CONCURRENT RESOLUTION OPPOSING NUCLEAR TESTING (*M. Noel*)

Read the first time by short title and referred to the Rules Committee. . . . .	48
Assigned to standing committee . . . . .	52
Read the second time . . . . .	84
Read the third time . . . . .	168
Transmitted to the Senate . . . . .	169
Signed by the Speaker and transmitted to the Governor . . . . .	409

**H.C.R. 8** — RESOLUTION RECOGNIZING UTAH MANUFACTURERS ASSOCIATION(*J. Alexander*)

Read the first time by short title and referred to the Rules Committee. . . . .	76
Assigned to standing committee . . . . .	79
Read the second time . . . . .	111
Time Certain . . . . .	111
Read the third time . . . . .	117
Transmitted to the Senate . . . . .	118
Signed by the Speaker and transmitted to the Governor . . . . .	126

**H.C.R. 9** — RESOLUTION HONORING OUTGOING USU PRESIDENT KERMIT L. HALL(*F. Hunsaker*)

Read the first time by short title and referred to the Rules Committee. . . . .	95
Assigned to standing committee . . . . .	97
Read the second time . . . . .	97
Read the third time . . . . .	109
Transmitted to the Senate . . . . .	110
Concurrence . . . . .	437
Signed by the Speaker and transmitted to the Governor . . . . .	1107

**H.C.R. 10** — CONCURRENT RESOLUTION HONORING WALDO WILCOX FOR PRESERVATION OF RANGE CREEK AREA (*B. King*)

Read the first time by short title and referred to the Rules Committee. . . . .	163
Assigned to standing committee . . . . .	189
Amendments . . . . .	241
Read the second time . . . . .	242
Read the third time . . . . .	407
Transmitted to the Senate . . . . .	407
Signed by the Speaker and transmitted to the Governor . . . . .	763

<b>H.C.R. 11</b> — RESOLUTION HONORING THE UNIVERSITY OF UTAH FOOTBALL TEAM <i>(J. Alexander)</i>	
Read the first time by short title and referred to the Rules Committee . . . . .	225
Read the second time . . . . .	697
Read the third time . . . . .	747
Transmitted to the Senate . . . . .	748
Signed by the Speaker and transmitted to the Governor . . . . .	749
<b>H.C.R. 12</b> — RESOLUTION URGING CONGRESS TO PROVIDE SUFFICIENT FUNDING OF MEDICAID <i>(R. Bigelow)</i>	
Read the first time by short title and referred to the Rules Committee . . . . .	225
Enacting Clause Stricken . . . . .	1116
<b>H.C.R. 13</b> — CONCURRENT RESOLUTION PROMOTING UTAH SAVES STRATEGIC INITIATIVE <i>(D. Hogue)</i>	
Read the first time by short title and referred to the Rules Committee . . . . .	225
Assigned to standing committee . . . . .	395
Read the second time . . . . .	719, 821
Returned to Rules Committee . . . . .	719
Read the third time . . . . .	925
Transmitted to the Senate . . . . .	926
Enacting Clause Stricken . . . . .	1109
<b>H.C.R. 14</b> — CONCURRENT RESOLUTION HONORING AMERICA'S MILITARY WAR DOGS <i>(S. Mascaro)</i>	
Read the first time by short title and referred to the Rules Committee . . . . .	399
Assigned to standing committee . . . . .	396
Other Action . . . . .	399
Read the second time . . . . .	494
Read the third time . . . . .	595
Transmitted to the Senate . . . . .	596
Enacting Clause Stricken . . . . .	1109

<b>H.J.R. 1</b> — JOINT RESOLUTION RELATED TO FINANCIAL INSTITUTIONS ( <i>J. Alexander</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	48
Assigned to standing committee . . . . .	51
Read the second time . . . . .	67
Read the third time . . . . .	105
Amendments . . . . .	105
Circled . . . . .	108
Uncircled . . . . .	141
Amendments . . . . .	141
Transmitted to the Senate . . . . .	144
Signed by the Speaker and transmitted to the Governor . . . . .	685
<b>H.J.R. 2</b> — JOINT RULES RESOLUTION – FAMILY IMPACT STATEMENT ON LEGISLATION ( <i>C. Frank</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	48
Enacting Clause Stricken . . . . .	1116
<b>H.J.R. 3</b> — RESOLUTION REGARDING FEDERAL NO CHILD LEFT BEHIND ( <i>K. Holdaway</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	49
Assigned to standing committee . . . . .	123
Read the second time . . . . .	299
Read the third time . . . . .	520
Transmitted to the Senate . . . . .	521
Signed by the Speaker and transmitted to the Governor . . . . .	875
<b>H.J.R. 4</b> — JOINT RULES RESOLUTION – CONFLICT OF INTEREST AMENDMENTS ( <i>D. Ure</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	49
Enacting Clause Stricken . . . . .	1116
<b>H.J.R. 5</b> — RESOLUTION CLARIFYING REMOVAL PROVISIONS ( <i>D. Hogue</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	49
Assigned to standing committee . . . . .	78
Substituted . . . . .	426
<b>1st Sub. H.J.R. 5</b> — RESOLUTION CLARIFYING REMOVAL PROVISIONS ( <i>D. Hogue</i> )	
Read the second time . . . . .	427, 733
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	823
Failed . . . . .	824
Enacting Clause Stricken . . . . .	1116

<b>H.J.R. 6</b> — RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES ( <i>M. Newbold</i> )	
Read the first time by short title and referred to the Rules Committee . . . . .	49
Read the second time . . . . .	50
Read the third time . . . . .	61
Circled . . . . .	61
Uncircled . . . . .	75
Amendments . . . . .	75
Transmitted to the Senate . . . . .	76
Signed by the Speaker and transmitted to the Governor . . . . .	193
<b>H.J.R. 7</b> — RESOLUTION AMENDING STATE AUDITOR QUALIFICATIONS ( <i>R. Romero</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	49
Assigned to standing committee . . . . .	172
Read the second time . . . . .	686
Returned to Rules Committee . . . . .	686
Enacting Clause Stricken . . . . .	1117
<b>H.J.R. 8</b> — JOINT RULES RESOLUTION – USE OF LEGISLATIVE SEALS ( <i>R. Lockhart</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	49
Read the second time . . . . .	50
Read the third time . . . . .	62
Circled . . . . .	62
Uncircled . . . . .	74
Transmitted to the Senate . . . . .	75
Signed by the Speaker and transmitted to the Governor . . . . .	193
<b>H.J.R. 9</b> — RESOLUTION AMENDING JOINT RULES REGARDING CONFLICTS OF INTEREST ( <i>J. Dougall</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	49
Read the second time . . . . .	50
Read the third time . . . . .	62
Circled . . . . .	62, 77
Uncircled . . . . .	77, 94
Transmitted to the Senate . . . . .	95
Signed by the Speaker and transmitted to the Governor . . . . .	193
<b>H.J.R. 10</b> — JOINT RULES RESOLUTION – AMENDMENTS IN CONTEXT ( <i>R. Lockhart</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	49
Read the second time . . . . .	50
Read the third time . . . . .	62
Circled . . . . .	62
Uncircled . . . . .	118
Transmitted to the Senate . . . . .	118
Signed by the Speaker and transmitted to the Governor . . . . .	193

<b>H.J.R. 11</b> — RESOLUTION ENCOURAGING SCHOOLS TO ADOPT NUTRITION AND PHYSICAL ACTIVITY POLICIES ( <i>P. Jones</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	101
Assigned to standing committee . . . . .	123
Amendments . . . . .	256
Read the second time . . . . .	256
Read the third time . . . . .	421
Amendments . . . . .	421
Transmitted to the Senate . . . . .	422
Signed by the Speaker and transmitted to the Governor . . . . .	685
<b>H.J.R. 12</b> — RESOLUTION ELIMINATING PROPERTY TAX ON PERSONAL PROPERTY ( <i>J. Dougall</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	131
Assigned to standing committee . . . . .	172
Returned to Rules Committee . . . . .	800
Enacting Clause Stricken . . . . .	1117
<b>H.J.R. 13</b> — RESOLUTION SUPPORTING NATIONAL BEAR RIVER HERITAGE AREA ACT ( <i>C. Buttars</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	198
Assigned to standing committee . . . . .	235
Read the second time . . . . .	280
Top of Third Reading Calendar . . . . .	466
Read the third time . . . . .	516
Transmitted to the Senate . . . . .	517
Enacting Clause Stricken . . . . .	1110
<b>H.J.R. 14</b> — RESOLUTION ESTABLISHING REDISTRICTING COMMISSION ( <i>R. McGee</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	225
Enacting Clause Stricken . . . . .	1117
<b>H.J.R. 15</b> — RESOLUTION REGARDING UNITED STATES TRADE NEGOTIATIONS ( <i>S. Allen</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	225
Assigned to standing committee . . . . .	313
Read the second time . . . . .	340
Read the third time . . . . .	432
Transmitted to the Senate . . . . .	433
Placed on Concurrence Calendar . . . . .	686
Concurrence . . . . .	725
Signed by the Speaker and transmitted to the Governor . . . . .	749
<b>H.J.R. 16</b> — JOINT RESOLUTION RELATED TO THE UTAH ATHLETIC FOUNDATION ( <i>D. Ure</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	225
Enacting Clause Stricken . . . . .	1117

<b>H.J.R. 17</b> — RESOLUTION HONORING CELEBRATION OF MARRIAGE WEEK ( <i>L. Fowlke</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	226
Assigned to standing committee . . . . .	396
Read the second time . . . . .	427
Circled . . . . .	466
Uncircled . . . . .	467
Read the third time . . . . .	467
Transmitted to the Senate . . . . .	468
Placed on Concurrence Calendar . . . . .	812
Concurrence . . . . .	876
Signed by the Speaker and transmitted to the Governor . . . . .	918
<b>H.J.R. 18</b> — JOINT RESOLUTION SUPPORTING COUNTIES EXPANSION OF CORRECTIONAL FACILITIES ( <i>D. Hogue</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	226
Assigned to standing committee . . . . .	667
Read the second time . . . . .	736 , 821
Returned to Rules Committee . . . . .	736
Read the third time . . . . .	926
Transmitted to the Senate . . . . .	927
Enacting Clause Stricken . . . . .	1110
<b>H.J.R. 19</b> — JOINT RESOLUTION URGING HEALTH CARE FOR UTAH'S INDIGENT AND NEEDY UNINSURED ( <i>L. Fowlke</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	226
Assigned to standing committee . . . . .	396
Read the second time . . . . .	514 , 669
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	682
Transmitted to the Senate . . . . .	683
Signed by the Speaker and transmitted to the Governor . . . . .	1107
<b>H.J.R. 20</b> — MASTER STUDY RESOLUTION ( <i>J. Alexander</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	226
Read the second time . . . . .	1010
Read the third time . . . . .	1041
Amendments . . . . .	1041 , 1061
Circled . . . . .	1042
Uncircled . . . . .	1061
Transmitted to the Senate . . . . .	1063
Signed by the Speaker and transmitted to the Governor . . . . .	1107



**H.J.R. 21** — RESOLUTION HONORING JADE PUSEY (*D. Ure*)

Read the first time by short title and referred to the Rules Committee. . . . .	300
Read the second time . . . . .	314
Time Certain . . . . .	314
Read the third time . . . . .	323
Transmitted to the Senate . . . . .	324
Signed by the Speaker and transmitted to the Governor . . . . .	332

<b>H.R. 1</b> — HOUSE RULES RESOLUTION – LOBBYIST CODE OF ETHICS AMENDMENTS ( <i>D. Ure</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	49
Enacting Clause Stricken . . . . .	1117
<b>H.R. 2</b> — RESOLUTION SUPPORTING PERMANENT REPEAL OF FEDERAL INHERITANCE TAX ( <i>M. Morley</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	49
Assigned to standing committee . . . . .	65
Read the second time . . . . .	115
Read the third time . . . . .	231
Signed by the Speaker and transmitted to the Lt. Governor . . . . .	232
<b>H.R. 3</b> — RESOLUTION SUPPORTING CONGRESSIONAL PRIVATIZATION OF SOCIAL SECURITY ( <i>M. Morley</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	49
Assigned to standing committee . . . . .	96
Amendments . . . . .	149
Read the second time . . . . .	150
Read the third time . . . . .	271
Signed by the Speaker and transmitted to the Lt. Governor . . . . .	272
<b>H.R. 4</b> — RESOLUTION URGING UNITED STATES SENATE SUPPORT OF PRESIDENT’S SUPREME COURT NOMINEES ( <i>M. Morley</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	71
Assigned to standing committee . . . . .	96
Read the second time . . . . .	150
Read the third time . . . . .	272
Signed by the Speaker and transmitted to the Lt. Governor . . . . .	273
<b>H.R. 5</b> — HOUSE RULES RESOLUTION – ORAL DECLARATION OF CONFLICT OF INTEREST ( <i>D. Ure</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	71
Amendments . . . . .	80
Read the second time . . . . .	81
Read the third time . . . . .	139
Circled . . . . .	139
Returned to Rules Committee . . . . .	668
Enacting Clause Stricken . . . . .	1117

<b>H.R. 6</b> — HOUSE RULES RESOLUTION – ELECTRONIC VOTING BOARD ( <i>D. Ure</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	71
Read the second time . . . . .	81
Read the third time . . . . .	139
Circled . . . . .	139
Uncircled . . . . .	352
Amendments . . . . .	352
Failed . . . . .	354
Enacting Clause Stricken . . . . .	1117
<b>H.R. 7</b> — HOUSE RULES RESOLUTION – MINORITY REPORT ( <i>D. Ure</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	198
Substituted . . . . .	398
<b>2nd Sub. H.R. 7</b> — HOUSE RULES RESOLUTION – COMMITTEE REPORT ( <i>D. Ure</i> )	
Amendments . . . . .	398
Read the first time by short title and referred to Rules Committee . . . . .	399
Read the second time . . . . .	399, 698
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	659, 726
Circled . . . . .	659, 726
Uncircled . . . . .	779
Signed by the Speaker and transmitted to the Governor . . . . .	731
<b>H.R. 8</b> — RESOLUTION ENCOURAGING STATE RESEARCH UNIVERSITIES TO FOCUS ON ENHANCING STATE TRUST LANDS ( <i>E. Hutchings</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	226
Enacting Clause Stricken . . . . .	1117
<b>H.R. 9</b> — HOUSE RESOLUTION DISCOURAGING PARTICIPATION IN FREE TRADE AREAS OF THE AMERICAS ( <i>G. Donnelson</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	226
Assigned to standing committee . . . . .	395
Read the second time . . . . .	530
Read the third time . . . . .	638
Signed by the Speaker and transmitted to the Governor . . . . .	639
<b>H.R. 10</b> — RESOLUTION SUPPORTING PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION ( <i>B. Last</i> )	
Read the first time by short title and referred to the Rules Committee. . . . .	226
Assigned to standing committee . . . . .	396
Read the second time . . . . .	443, 698
Returned to Rules Committee . . . . .	668
Time Certain . . . . .	716
Read the third time . . . . .	716
Signed by the Speaker and transmitted to the Lt. Governor . . . . .	717

**H.R. 11** — RESOLUTION URGING CONGRESS TO PASS BALANCED BUDGETAMENDMENT (*N. Hansen*)

Read the first time by short title and referred to the Rules Committee . . . . .	226
Assigned to standing committee . . . . .	577
Read the second time . . . . .	689, 732
Returned to Rules Committee . . . . .	689
Read the third time . . . . .	804
Signed by the Speaker and transmitted to the Lt. Governor . . . . .	804

**H.R. 12** — RESOLUTION HONORING HOLLACE (HOLLY) PARKER (*K. Holdaway*)

Read the first time by short title and referred to Rules Committee . . . . .	986
Read the second time . . . . .	986
Read the third time . . . . .	986
Signed by the Speaker and transmitted to the Governor . . . . .	987

**PAGE**  
**INDEX**

SENATE BILLS

**2005 GENERAL SESSION**



<b>S.B. 1</b> — SUPPLEMENTAL APPROPRIATIONS ACT ( <i>L. Hillyard</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	871
Read the second time . . . . .	871
Read the third time . . . . .	880
Circled . . . . .	880
Uncircled . . . . .	899
Amendments . . . . .	899
Returned to the Senate . . . . .	903
Refuse to Recede . . . . .	908
Conference Committee may meet . . . . .	929
Conference Committee Report . . . . .	1035
Signed by the Speaker and returned to the Senate . . . . .	1046
<b>S.B. 3</b> — SUPPLEMENTAL APPROPRIATIONS ACT II ( <i>L. Hillyard</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	1064
Read the second time . . . . .	1067
Read the third time . . . . .	1067
Amendments . . . . .	1067
Returned to the Senate . . . . .	1072
Intent Language . . . . .	1072
Signed by the Speaker and returned to the Senate . . . . .	1105
<b>S.B. 4</b> — UNINSURED MOTORIST PROPERTY DAMAGE COVERAGE AMENDMENTS ( <i>D. Eastman</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	237
Assigned to standing committee . . . . .	250
Read the second time . . . . .	334
Read the third time . . . . .	429
Signed by the Speaker and returned to the Senate . . . . .	430
<b>S.B. 5</b> — TRAFFIC CODE RECODIFICATION AND REVISIONS ( <i>S. Killpack</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	66
Read the second time . . . . .	79
Read the third time . . . . .	115
Amendments . . . . .	116
Circled . . . . .	116
Uncircled . . . . .	133
Returned to the Senate . . . . .	134
Signed by the Speaker and returned to the Senate . . . . .	190
<b>S.B. 6</b> — SALES AND USE TAX AGRICULTURE EXEMPTIONS ( <i>R. Allen</i> )	
Read the first time by short title and referred to the Rules Committee . . . . .	66
Assigned to standing committee . . . . .	96
Read the second time . . . . .	176
Read the third time . . . . .	265
Signed by the Speaker and returned to the Senate . . . . .	266

<b>S.B. 7 — FUNDING FOR TOURISM</b> ( <i>S. Jenkins</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	114 , 1043
Assigned to standing committee . . . . .	251
Read the second time . . . . .	317 , 1043
Referred to Rules Committee due to fiscal impact . . . . .	317
Read the third time . . . . .	1050
Returned to the Senate . . . . .	1050
Signed by the Speaker and returned to the Senate . . . . .	1105
<b>1st Sub. S.B. 8 — LOCAL CORRIDOR PRESERVATION FUNDING</b> ( <i>S. Killpack</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	261
Assigned to standing committee . . . . .	274
Read the second time . . . . .	344 , 1044
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	388 , 1059
Circled . . . . .	388 , 1059
Uncircled . . . . .	1082
Amendments . . . . .	1082
Returned to the Senate . . . . .	1083
Signed by the Speaker and returned to the Senate . . . . .	1105
<b>S.B. 9 — AEROSPACE AND AVIATION DEVELOPMENT ZONE MODIFICATIONS</b>	
( <i>M. Dmitrich</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	80
Assigned to standing committee . . . . .	96
Read the second time . . . . .	148
Read the third time . . . . .	228
Signed by the Speaker . . . . .	229
<b>1st Sub. S.B. 10 — LIABILITY REFORM ACT AMENDMENTS</b> ( <i>G. Bell</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	398
Assigned to standing committee . . . . .	423
Read the second time . . . . .	494
Read the third time . . . . .	551
Signed by the Speaker and returned to the Senate . . . . .	552
<b>S.B. 11 — INITIATIVE PETITIONS AMENDMENTS</b> ( <i>B. Evans</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	114
Assigned to standing committee . . . . .	124
Read the second time . . . . .	150
Read the third time . . . . .	181
Circled . . . . .	181
Uncircled . . . . .	264
Signed by the Speaker and returned to the Senate . . . . .	265



<b>S.B. 12</b> — DEPARTMENT OF WORKFORCE SERVICES AMENDMENTS ( <i>S. Jenkins</i> )	
Read the first time by short title and referred to the Rules Committee . . . . .	66
Assigned to standing committee . . . . .	96
Read the second time . . . . .	162
Read the third time . . . . .	184
Signed by the Speaker and returned to the Senate . . . . .	184
<b>1st Sub. S.B. 13</b> — INDIVIDUAL INCOME TAX SUBTRACTION FOR CERTAIN MILITARY INCOME AND TUITION WAIVER FOR QUALIFYING MILITARY SERVICE MEMBERS ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	749
Substituted . . . . .	932
<b>2nd Sub. S.B. 13</b> — INDIVIDUAL INCOME TAX SUBTRACTION FOR CERTAIN MILITARY INCOME ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	932
Read the second time . . . . .	932
Read the third time . . . . .	973
Amendments . . . . .	973
Returned to the Senate . . . . .	975
Signed by the Speaker and returned to the Senate . . . . .	1033
<b>S.B. 14</b> — UNIFORM PARENTAGE ACT ( <i>L. Hillyard</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	174
Assigned to standing committee . . . . .	396
Amendments . . . . .	489
Read the second time . . . . .	494
Read the third time . . . . .	552
Circled . . . . .	553, 570
Uncircled . . . . .	570, 572
Amendments . . . . .	572
Returned to the Senate . . . . .	576
Signed by the Speaker and returned to the Senate . . . . .	648
<b>S.B. 15</b> — CHILDREN'S JUSTICE CENTER AMENDMENTS ( <i>D. C. Buttars</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	174
Assigned to standing committee . . . . .	189
Amendments . . . . .	341
Read the second time . . . . .	344, 860
Referred to Rules Committee due to fiscal impact . . . . .	344
Read the third time . . . . .	861
Amendments . . . . .	861
Circled . . . . .	863
Uncircled . . . . .	865
Returned to the Senate . . . . .	866
Signed by the Speaker and returned to the Senate . . . . .	929

<b>S.B. 16</b> — DEPARTMENT OF WORKFORCE SERVICES – ACCESS TO FINANCIAL RECORDS ( <i>S. Jenkins</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	114
Assigned to standing committee . . . . .	124
Read the second time . . . . .	162
Read the third time . . . . .	183
Signed by the Speaker and returned to the Senate . . . . .	184
<b>S.B. 17</b> — FOSTER CARE CITIZEN REVIEW BOARD ( <i>D. Eastman</i> )	
Read the first time by short title and referred to the Rules Committee . . . . .	66
Assigned to standing committee . . . . .	96
Read the second time . . . . .	154
Read the third time . . . . .	181
Circled . . . . .	181
Uncircled . . . . .	263
Signed by the Speaker and returned to the Senate . . . . .	264
<b>S.B. 18</b> — REGULATING PROPRIETARY POSTSECONDARY SCHOOLS ( <i>D. Eastman</i> )	
Read the first time by short title and referred to the Rules Committee . . . . .	66
Assigned to standing committee . . . . .	95
Read the second time . . . . .	128
Read the third time . . . . .	163
Signed by the Speaker and returned to the Senate . . . . .	164
<b>S.B. 19</b> — DISEASE TESTING OF INDIVIDUALS EXPOSED TO BLOOD BORNE PATHOGENS ( <i>P. Arent</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	525
Assigned to standing committee . . . . .	577
Read the second time . . . . .	721, 1009
Returned to the Rules Committee . . . . .	722
Read the third time . . . . .	1032
Signed by the Speaker and returned to the Senate . . . . .	1032
<b>S.B. 20</b> — OFFICE OF LEGISLATIVE AUDITOR – ACCESS TO INFORMATION ( <i>M. Waddoups</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	80
Assigned to standing committee . . . . .	96
Read the second time . . . . .	150
Read the third time . . . . .	179
Signed by the Speaker and returned to the Senate . . . . .	180

**S.B. 21 — LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS***(D. Eastman)*

Read the first time by short title and referred to Rules Committee . . . . .	147
Assigned to standing committee . . . . .	171
Read the second time . . . . .	239
Read the third time . . . . .	271
Circled . . . . .	271
Uncircled . . . . .	372
Amendments . . . . .	372
Returned to the Senate . . . . .	373
Signed by the Speaker and returned to the Senate . . . . .	408

**S.B. 22 — DRUG OFFENDER REFORM ACT *(D. C. Buttars)***

Read the first time by short title and referred to Rules Committee . . . . .	98
Assigned to standing committee . . . . .	112
Read the second time . . . . .	153
Returned to Rules Committee . . . . .	153
Enacting Clause Stricken . . . . .	1110

**1st Sub. S.B. 23 — PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY***(C. Bramble)*

Read the first time by short title and referred to Rules Committee . . . . .	114
Assigned to standing committee . . . . .	124
Amendments . . . . .	175
Read the second time . . . . .	176
Read the third time . . . . .	265
Circled . . . . .	265
Uncircled . . . . .	267
Returned to the Senate . . . . .	268
Signed by the Speaker and returned to the Senate . . . . .	315

**1st Sub. S.B. 24 — WASTE AMENDMENTS *(C. Bramble)***

Read the first time by short title and referred to Rules Committee . . . . .	277
Assigned to standing committee . . . . .	292
Read the second time . . . . .	340
Read the third time . . . . .	377
Signed by the Speaker and returned to the Senate . . . . .	378
Intent Language . . . . .	378

**1st Sub. S.B. 25 — TRANSPORTATION AMENDMENTS AND HIGHWAY JURISDICTIONAL TRANSFER TASK FORCE *(C. Walker)***

Read the first time by short title and referred to Rules Committee . . . . .	762
Read the second time . . . . .	1009
Read the third time . . . . .	1028
Circled . . . . .	1028
Uncircled . . . . .	1048
Signed by the Speaker and returned to the Senate . . . . .	1049

**1st Sub. S.B. 26** — PUBLIC UTILITIES AMENDMENTS (*G. Bell*)

Read the first time by short title and referred to Rules Committee . . . . .	252
Assigned to standing committee . . . . .	274
Read the second time . . . . .	382
Read the third time . . . . .	413
Signed by the Speaker and returned to the Senate . . . . .	414

**S.B. 27** — SUNSET REAUTHORIZATIONS (*L. A. Mansell*)

Read the first time by short title and referred to Rules Committee . . . . .	147
Assigned to standing committee . . . . .	172
Amendments . . . . .	212
Read the second time . . . . .	213
Read the third time . . . . .	268
Amendments . . . . .	268
Returned to the Senate . . . . .	270
Signed by the Speaker and returned to the Senate . . . . .	354

**S.B. 29** — LICENSING OF CRANE OPERATORS (*G. Davis*)

Read the first time by short title and referred to Rules Committee . . . . .	648
Assigned to standing committee . . . . .	666
Returned to Rules Committee . . . . .	795
Read the second time . . . . .	932
Read the third time . . . . .	976
Amendments . . . . .	977
Circled . . . . .	976
Uncircled . . . . .	977
Failed . . . . .	983
Returned to the Senate . . . . .	983

**S.B. 30** — AMENDMENTS TO SEARCH WARRANTS (*D. Thomas*)

Read the first time by short title and referred to Rules Committee . . . . .	192
Assigned to standing committee . . . . .	235
Read the second time . . . . .	366
Read the third time . . . . .	462
Signed by the Speaker and transmitted to the Governor . . . . .	463

**1st Sub. S.B. 31** — LOCAL GOVERNMENT AMENDMENTS (*D. Thomas*)

Read the first time by short title and referred to Rules Committee . . . . .	380
Assigned to standing committee . . . . .	631
Read the second time . . . . .	686, 1045
Returned to Rules Committee . . . . .	686
Enacting Clause Stricken . . . . .	1110

<b>S.B. 32</b> — LIMITATION OF LANDOWNER LIABILITY FOR PUBLIC RECREATION ( <i>G. Bell</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	147
Assigned to standing committee . . . . .	171
Read the second time . . . . .	279
Read the third time . . . . .	367
Signed by the Speaker and returned to the Senate . . . . .	367
<b>2nd Sub. S.B. 34</b> — PATIENT ACCESS REFORM ( <i>D. C. Buttars</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	440
Assigned to standing committee . . . . .	576
Returned to Rules Committee . . . . .	795
Enacting Clause Stricken . . . . .	1110
<b>1st Sub. S.B. 35</b> — RELATIONSHIPS WITH VENTURE CAPITAL ENTITIES ( <i>D. Thomas</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	174
Assigned to standing committee . . . . .	236
Read the second time . . . . .	262
Read the third time . . . . .	320
Signed by the Speaker and returned to the Senate . . . . .	320
<b>S.B. 36</b> — SALES AND USE TAXATION OF PAWN TRANSACTIONS ( <i>R. Allen</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	114
Assigned to standing committee . . . . .	124
Read the second time . . . . .	176
Read the third time . . . . .	266
Signed by the Speaker and returned to the Senate . . . . .	267
<b>S.B. 37</b> — MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS ( <i>D. Eastman</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	174
Assigned to standing committee . . . . .	188
Amendments . . . . .	297
Read the second time . . . . .	298
Read the third time . . . . .	369
Returned to the Senate . . . . .	370
Signed by the Speaker and returned to the Senate . . . . .	408
<b>1st Sub. S.B. 39</b> — CONSUMER CREDIT PROTECTION ( <i>C. Walker</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	461
Assigned to standing committee . . . . .	631
Read the second time . . . . .	777
Returned to Rules Committee . . . . .	777
Substituted . . . . .	1066
<b>2nd Sub. S.B. 39</b> — CONSUMER CREDIT PROTECTION ( <i>C. Walker</i> )	
Read the second time . . . . .	1066
Enacting Clause Stricken . . . . .	1110

<b>S.B. 40</b> — REGULATION OF TITLE INSURANCE INDUSTRY ( <i>T. Hatch</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	192
Assigned to standing committee . . . . .	235
Read the second time . . . . .	298
Read the third time . . . . .	370
Signed by the Speaker and returned to the Senate . . . . .	371
<b>S.B. 41</b> — SCHOOL AND INSTITUTIONAL TRUST LANDS MANAGEMENT ACT REVISIONS ( <i>M. Dmitrich</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	525
Assigned to standing committee . . . . .	577
Returned to Rules Committee . . . . .	802
Read the second time . . . . .	871
Read the third time . . . . .	883
Signed by the Speaker and returned to the Senate . . . . .	884, 1033
<b>S.B. 42</b> — ALCOHOL RESTRICTED DRIVERS ( <i>C. Walker</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	277
Assigned to standing committee . . . . .	292
Substituted . . . . .	381
<b>1st Sub. S.B. 42</b> — ALCOHOL RESTRICTED DRIVERS ( <i>C. Walker</i> )	
Read the second time . . . . .	382
Read the third time . . . . .	400
Circled . . . . .	400
Uncircled . . . . .	414
Returned to the Senate . . . . .	415
Signed by the Speaker and returned to the Senate . . . . .	440
<b>2nd Sub. S.B. 43</b> — PENALTY FOR PROVIDING FALSE INFORMATION TO STATE AGENCY ( <i>P. Hellewell</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	261
Assigned to standing committee . . . . .	274
Read the second time . . . . .	318
Read the third time . . . . .	428
Signed by the Speaker and returned to the Senate . . . . .	428
<b>1st Sub. S.B. 44</b> — GOVERNMENT RECORDS AMENDMENTS ( <i>C. Walker</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	252
Assigned to standing committee . . . . .	274
Read the second time . . . . .	318
Read the third time . . . . .	373
Circled . . . . .	373
Uncircled . . . . .	552
Signed by the Speaker and returned to the Senate . . . . .	552

**S.B. 47** — WRONGFUL LIEN OFFENSES (*B. Evans*)

Read the first time by short title and referred to Rules Committee . . . . .	277
Assigned to standing committee . . . . .	291
Read the second time . . . . .	334
Read the third time . . . . .	375
Circled . . . . .	375
Uncircled . . . . .	544
Amendments . . . . .	545
Returned to the Senate . . . . .	546
Signed by the Speaker and returned to the Senate . . . . .	610

**1st Sub. S.B. 48** — INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS*(P. Arent)*

Read the first time by short title and referred to Rules Committee . . . . .	440
Assigned to standing committee . . . . .	459
Amendments . . . . .	528
Read the second time . . . . .	530
Read the third time . . . . .	556
Circled . . . . .	556
Uncircled . . . . .	571
Substituted . . . . .	572

**2nd Sub. S.B. 48** — INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS*(P. Arent)*

Returned to the Senate . . . . .	572
Signed by the Speaker and returned to the Senate . . . . .	648

**S.B. 49** — MOTOR VEHICLE LIABILITY COVERAGE AMENDMENTS (*D. Eastman*)

Read the first time by short title and referred to Rules Committee . . . . .	481
Assigned to standing committee . . . . .	511
Read the second time . . . . .	650, 932
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	989
Circled . . . . .	989
Enacting Clause Stricken . . . . .	1110

**S.B. 50** — CONTROLLED SUBSTANCE AMENDMENTS (*P. Arent*)

Read the first time by short title and referred to Rules Committee . . . . .	408
Assigned to standing committee . . . . .	423
Read the second time . . . . .	514
Read the third time . . . . .	555
Circled . . . . .	556
Uncircled . . . . .	580
Signed by the Speaker and returned to the Senate . . . . .	581

<b>S.B. 51</b> — NEW MOTOR VEHICLE FRANCHISE ACT AMENDMENTS ( <i>D. Eastman</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	542
Assigned to standing committee . . . . .	578
Amendments . . . . .	702
Read the second time . . . . .	703 , 1009
Returned to Rules Committee . . . . .	703
Read the third time . . . . .	1028
Returned to the Senate . . . . .	1029
Signed by the Speaker and returned to the Senate . . . . .	1046
<b>S.B. 52</b> — PRICE CONTROLS DURING EMERGENCIES ACT ( <i>P. Arent</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	461
Read the second time . . . . .	932
Read the third time . . . . .	1006
Signed by the Speaker and returned to the Senate . . . . .	1007
<b>S.B. 53</b> — LAND VALUE PROPERTY TAX STUDY ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	380
Assigned to standing committee . . . . .	396
Read the second time . . . . .	534
Read the third time . . . . .	566
Circled . . . . .	566
Uncircled . . . . .	567
Signed by the Speaker and returned to the Senate . . . . .	568
<b>S.B. 54</b> — PROPERTY TAX CONFIDENTIALITY AMENDMENTS ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	380
Assigned to standing committee . . . . .	396
Read the second time . . . . .	486
Read the third time . . . . .	550
Signed by the Speaker and returned to the Senate . . . . .	551
<b>S.B. 55</b> — ACCESS TO PATIENT MEDICAL RECORDS ( <i>P. Arent</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	440
Assigned to standing committee . . . . .	459
Read the second time . . . . .	514
Read the third time . . . . .	635
Signed by the Speaker and returned to the Senate . . . . .	636
<b>2nd Sub. S.B. 56</b> — REAL ESTATE – EXCLUSIVE BROKERAGE AGREEMENTS ( <i>L. A. Mansell</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	610
Assigned to standing committee . . . . .	666
Returned to Rules Committee . . . . .	795
Read the second time . . . . .	871
Read the third time . . . . .	884
Signed by the Speaker and returned to the Senate . . . . .	885



**S.B. 57** — USE OF STATE SALES AND USE TAX REVENUES FOR BUSINESS

DEVELOPMENT IN DISADVANTAGED RURAL COMMUNITIES (*P. Knudson*)

Read the first time by short title and referred to Rules Committee . . . . . 610

Assigned to standing committee . . . . . 667

Read the second time . . . . . 690, 860

Returned to Rules Committee . . . . . 690

Read the third time . . . . . 863

Circled . . . . . 863

Uncircled . . . . . 893

Substituted . . . . . 893

**1st Sub. S.B. 57** — FUNDING FOR BUSINESS DEVELOPMENT IN DISADVANTAGED

RURAL COMMUNITIES (*P. Knudson*)

Returned to the Senate . . . . . 894

Signed by the Speaker and returned to the Senate . . . . . 929

**1st Sub. S.B. 58** — LIABILITY PROTECTION OF EDUCATORS (*H. Stephenson*)

Read the first time by short title and referred to Rules Committee . . . . . 588

Assigned to standing committee . . . . . 667

Read the second time . . . . . 739, 871

Returned to Rules Committee . . . . . 739

Read the third time . . . . . 881

Signed by the Speaker and returned to the Senate . . . . . 881

**S.B. 59** — HOME SCHOOL AMENDMENTS (*M. Madsen*)

Read the first time by short title and referred to Rules Committee . . . . . 588

Assigned to standing committee . . . . . 667

Returned to Rules Committee . . . . . 802

Read the second time . . . . . 872

Read the third time . . . . . 890

Amendments . . . . . 890

Signed by the Speaker and returned to the Senate . . . . . 891

**1st Sub. S.B. 60** — LOCAL LAND USE DEVELOPMENT AND MANAGEMENT

AMENDMENTS (*G. Bell*)

Read the first time by short title and referred to Rules Committee . . . . . 762

Read the second time . . . . . 904

Read the third time . . . . . 923

Circled . . . . . 923

Uncircled . . . . . 967

Substituted . . . . . 967

**2nd Sub. S.B. 60** — LOCAL LAND USE DEVELOPMENT AND MANAGEMENT

AMENDMENTS (*G. Bell*)

Amendments . . . . . 967

Returned to the Senate . . . . . 972

Signed by the Speaker and returned to the Senate . . . . . 994

<b>5th Sub. S.B. 61</b> — PRIVATELY OWNED HEALTH CARE ORGANIZATION TASK FORCE ( <i>M. Waddoups</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	811
Read the second time . . . . .	904
Read the third time . . . . .	965
Amendments . . . . .	965
Returned to the Senate . . . . .	967
Signed by the Speaker and returned to the Senate . . . . .	994
<b>S.B. 62</b> — PERSONAL PROPERTY TRANSACTIONS AMENDMENTS ( <i>M. Waddoups</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	846
Read the second time . . . . .	871
Read the third time . . . . .	882
Circled . . . . .	882
Uncircled . . . . .	891
Signed by the Speaker and returned to the Senate . . . . .	892
<b>1st Sub. S.B. 63</b> — SEVERANCE TAX AMENDMENTS ( <i>B. Evans</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	846
Enacting Clause Stricken . . . . .	1110
<b>1st Sub. S.B. 64</b> — REAL ESTATE TRANSACTIONS AND SECURITIES ( <i>L. A. Mansell</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	634
Assigned to standing committee . . . . .	666
Returned to Rules Committee . . . . .	795
Read the second time . . . . .	932
Read the third time . . . . .	995
Substituted . . . . .	995
<b>2nd Sub. S.B. 64</b> — REAL ESTATE TRANSACTIONS AND SECURITIES ( <i>L. A. Mansell</i> )	
Returned to the Senate . . . . .	996
Signed by the Speaker and returned to the Senate . . . . .	1029
<b>1st Sub. S.B. 65</b> — ALCOHOLIC BEVERAGE CONTROL AMENDMENTS ( <i>P. Knudson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	648
Assigned to standing committee . . . . .	666
Returned to Rules Committee . . . . .	795
Read the second time . . . . .	904
Read the third time . . . . .	944
Signed by the Speaker and returned to the Senate . . . . .	944
<b>S.B. 67</b> — ELECTION LAW – VOTER REQUIREMENTS ( <i>M. Madsen</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	846
Enacting Clause Stricken . . . . .	1110

<b>S.B. 71</b> — SECURITY PERSONNEL LICENSING AMENDMENTS ( <i>G. Davis</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	671
Assigned to standing committee . . . . .	697
Returned to Rules Committee . . . . .	795
Read the second time . . . . .	1044
Read the third time . . . . .	1050
Signed by the Speaker and returned to the Senate . . . . .	1051
<b>S.B. 72</b> — CHILD WELFARE AMENDMENTS ( <i>D. Eastman</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	481
Assigned to standing committee . . . . .	510
Read the second time . . . . .	563, 860
Read the third time . . . . .	863
Circled . . . . .	863
Uncircled . . . . .	866
Signed by the Speaker and returned to the Senate . . . . .	867
<b>S.B. 73</b> — TAMPERING WITH EVIDENCE ( <i>D. C. Buttars</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	277
Assigned to standing committee . . . . .	313
Read the second time . . . . .	448
Read the third time . . . . .	549
Signed by the Speaker and returned to the Senate . . . . .	550
<b>S.B. 74</b> — MEDICAL RESERVE CORPS ( <i>L. Hillyard</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	331
Assigned to standing committee . . . . .	363
Amendments . . . . .	443
Read the second time . . . . .	443
Read the third time . . . . .	548
Returned to the Senate . . . . .	549
Signed by the Speaker and returned to the Senate . . . . .	610
<b>S.B. 75</b> — PUBLIC SAFETY DATABASE AMENDMENTS ( <i>M. Waddoups</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	557
Read the second time . . . . .	1044
Read the third time . . . . .	1057
Circled . . . . .	1058
Uncircled . . . . .	1063
Amendments . . . . .	1063
Failed . . . . .	1064
Returned to the Senate . . . . .	1064

<b>S.B. 76</b> — AMENDMENTS TO NAVAJO TRUST FUND ( <i>B. Evans</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	114
Assigned to standing committee . . . . .	124
Read the second time . . . . .	150
Read the third time . . . . .	181
Signed by the Speaker and returned to the Senate . . . . .	182
<b>S.B. 77</b> — AMENDMENTS TO INDOOR CLEAN AIR ACT ( <i>M. Waddoups</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	634
Assigned to standing committee . . . . .	666
Returned to Rules Committee . . . . .	795
Read the second time . . . . .	1010
Read the third time . . . . .	1033
Circled . . . . .	1033
Other Action . . . . .	1049
Enacting Clause Stricken . . . . .	1110
<b>S.B. 78</b> — OPTIONAL FORMS OF COUNTY GOVERNMENT AMENDMENT ( <i>D. Thomas</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	114
Assigned to standing committee . . . . .	172
Read the second time . . . . .	213
Read the third time . . . . .	282
Signed by the Speaker and returned to the Senate . . . . .	283
<b>S.B. 79</b> — EXTENSION OF SUNSET DATE ON RESOURCE DEVELOPMENT COORDINATING COMMITTEE ( <i>B. Evans</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	174
Assigned to standing committee . . . . .	189
Read the second time . . . . .	212
Read the third time . . . . .	281
Signed by the Speaker and returned to the Senate . . . . .	282
<b>1st Sub. S.B. 80</b> — SPECIAL SERVICE DISTRICTS – SERVICE EXPANSION ( <i>M. Dmitrich</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	525
Assigned to standing committee . . . . .	578
Read the second time . . . . .	736, 1044
Returned to Rules Committee . . . . .	736
Read the third time . . . . .	1080
Signed by the Speaker and returned to the Senate . . . . .	1081
<b>S.B. 81</b> — LOCAL GOVERNMENT APPROVAL FOR SOLID NONHAZARDOUS AND HAZARDOUS WASTE DISPOSAL ( <i>B. Evans</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	174
Assigned to standing committee . . . . .	189
Read the second time . . . . .	262
Read the third time . . . . .	286
Signed by the Speaker and returned to the Senate . . . . .	287

**S.B. 83** — MEDICAL DECISIONS OF A PARENT OR GUARDIAN (*D. Thomas*)

- Read the first time by short title and referred to Rules Committee . . . . . 147
- Assigned to standing committee . . . . . 313
- Amendments . . . . . 336
- Read the second time . . . . . 339
- Read the third time . . . . . 376
- Returned to the Senate . . . . . 376
- Signed by the Speaker and returned to the Senate . . . . . 408

**S.B. 86** — 2004 GENERAL OBLIGATION BOND AMENDMENTS (*P. Knudson*)

- Read the first time by short title and referred to Rules Committee . . . . . 192
- Assigned to standing committee . . . . . 274
- Read the second time . . . . . 318 , 871
- Returned to Rules Committee . . . . . 668
- Read the third time . . . . . 373 , 880
- Circled . . . . . 374 , 880
- Uncircled . . . . . 881
- Substituted . . . . . 881

**1st Sub. S.B. 86** — 2004 GENERAL OBLIGATION BOND AMENDMENTS (*P. Knudson*)

- Returned to the Senate . . . . . 882
- Signed by the Speaker and returned to the Senate . . . . . 929

**S.B. 87** — RESIDENCE LIEN RESTRICTION AND LIEN RECOVERY FUND AMENDMENTS  
(*D. Thomas*)

- Read the first time by short title and referred to Rules Committee . . . . . 192
- Assigned to standing committee . . . . . 235
- Amendments . . . . . 794
- Returned to Rules Committee . . . . . 795
- Enacting Clause Stricken . . . . . 1110

**S.B. 88** — CREATION OF LOCAL DISTRICTS (*C. Walker*)

- Read the first time by short title and referred to Rules Committee . . . . . 192
- Assigned to standing committee . . . . . 235
- Read the second time . . . . . 262
- Read the third time . . . . . 319 , 374
- Moved to Third Reading Calendar . . . . . 319
- Signed by the Speaker and returned to the Senate . . . . . 375

**S.B. 90** — COUNTY OFFICERS SERVING ON BOARDS OF COUNTY MENTAL HEALTH AND  
SUBSTANCE ABUSE PROVIDERS (*D. Thomas*)

- Read the first time by short title and referred to Rules Committee . . . . . 192
- Assigned to standing committee . . . . . 235
- Read the second time . . . . . 300
- Read the third time . . . . . 366
- Moved to Third Reading Calendar . . . . . 367
- Signed by the Speaker and returned to the Senate . . . . . 389

<b>S.B. 91</b> — INTERSTATE JUVENILE COMPACT ( <i>L. Hillyard</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	192
Assigned to standing committee . . . . .	235
Read the second time . . . . .	279, 860
Referred to Rules Committee due to fiscal impact . . . . .	279
Read the third time . . . . .	863
Signed by the Speaker and returned to the Senate . . . . .	864
<b>S.B. 93</b> — CHILDREN'S JUSTICE CENTER ADDITION ( <i>T. Hatch</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	192
Assigned to standing committee . . . . .	235
Read the second time . . . . .	300, 860
Referred to Rules Committee due to fiscal impact . . . . .	300
Read the third time . . . . .	864
Signed by the Speaker and returned to the Senate . . . . .	865
<b>S.B. 94</b> — RESTITUTION AMENDMENTS ( <i>G. Bell</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	192
Assigned to standing committee . . . . .	235
Read the second time . . . . .	279
Read the third time . . . . .	368
Signed by the Speaker and returned to the Senate . . . . .	368
<b>S.B. 95</b> — OFFICE OF MUSEUM SERVICES AMENDMENTS ( <i>R. Allen</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	114
Assigned to standing committee . . . . .	124
Read the second time . . . . .	162
Read the third time . . . . .	182
Signed by the Speaker and returned to the Senate . . . . .	183
<b>S.B. 96</b> — COMMERCE SERVICE FUND AMENDMENTS ( <i>G. Bell</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	749
Read the second time . . . . .	932
Read the third time . . . . .	997
Signed by the Speaker and returned to the Senate . . . . .	998
<b>S.B. 97</b> — CONSOLIDATION OF CITY AND COUNTY LIBRARY ( <i>G. Bell</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	192
Assigned to standing committee . . . . .	236
Read the second time . . . . .	262
Read the third time . . . . .	287
Signed by the Speaker and returned to the Senate . . . . .	288

<b>S.B. 98</b> — MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS ( <i>S. Killpack</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	252
Assigned to standing committee . . . . .	274
Read the second time . . . . .	344
Read the third time . . . . .	386
Circled . . . . .	386
Uncircled . . . . .	387
Signed by the Speaker and returned to the Senate . . . . .	388
<b>S.B. 100</b> — ACCESS TO HIGH SPEED INTERNET AT STATE CAPITOL COMPLEX ( <i>S. Killpack</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	58
Read the second time . . . . .	59
Read the third time . . . . .	60
Signed by the Speaker and returned to the Senate . . . . .	61
<b>S.B. 101</b> — UTAH ADMINISTRATIVE RULEMAKING ACT REVISION ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	80
Assigned to standing committee . . . . .	96
Read the second time . . . . .	150
Placed on Third Reading Calendar . . . . .	229
Read the third time . . . . .	229, 270
Signed by the Speaker and returned to the Senate . . . . .	271
<b>S.B. 103</b> — LIENS ON AIRCRAFT ( <i>T. Hatch</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	147
Assigned to standing committee . . . . .	171
Read the second time . . . . .	279
Read the third time . . . . .	368
Signed by the Speaker and returned to the Senate . . . . .	369
<b>1st Sub. S.B. 104</b> — JUDICIARY AMENDMENTS ( <i>L. Hillyard</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	252
Assigned to standing committee . . . . .	274
Read the second time . . . . .	344
Read the third time . . . . .	433
Signed by the Speaker and returned to the Senate . . . . .	433
<b>1st Sub. S.B. 106</b> — UTAH RELIGIOUS LAND USE ACT ( <i>D. Thomas</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	261
Assigned to standing committee . . . . .	274
Amendments . . . . .	316
Read the second time . . . . .	317
Read the third time . . . . .	371
Returned to the Senate . . . . .	372
Signed by the Speaker and returned to the Senate . . . . .	408

<b>S.B. 107</b> — LICENSURE AND REGULATION OF PROGRAMS AND FACILITIES ( <i>T. Hatch</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	277
Assigned to standing committee . . . . .	291
Read the second time . . . . .	339, 860
Referred to Rules Committee due to fiscal impact . . . . .	339
Read the third time . . . . .	867
Amendments . . . . .	867
Returned to the Senate . . . . .	871
Signed by the Speaker and returned to the Senate . . . . .	929
<b>1st Sub. S.B. 108</b> — TELECOMMUNICATIONS REVISIONS ( <i>C. Bramble</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	252
Assigned to standing committee . . . . .	274
Read the second time . . . . .	340
Read the third time . . . . .	376
Signed by the Speaker and returned to the Senate . . . . .	377
<b>1st Sub. S.B. 109</b> — SAFETY BELT ENFORCEMENT ( <i>K. Hale</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	700
Read the second time . . . . .	1010
Read the third time . . . . .	1036
Substituted . . . . .	1036
<b>2nd Sub. S.B. 109</b> — SAFETY BELT ENFORCEMENT ( <i>K. Hale</i> )	
Amendments . . . . .	1036
Returned to the Senate . . . . .	1038, 1066
Refuse to Recede . . . . .	1066
Enacting Clause Stricken . . . . .	1110
<b>2nd Sub. S.B. 110</b> — MEDICAL DEVICE NOTIFICATION AND LIABILITY ( <i>D. C. Buttars</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	315
Read the second time . . . . .	904
Read the third time . . . . .	962
Circled . . . . .	962
Uncircled . . . . .	963
Signed by the Speaker and returned to the Senate . . . . .	964
<b>1st Sub. S.B. 113</b> — EMPLOYEE NONCOMPETITION CONTRACTS ( <i>E. Mayne</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	873
Enacting Clause Stricken . . . . .	1110



<b>S.B. 114</b> — COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS ( <i>M. Waddoups</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	425
Assigned to standing committee . . . . .	459 , 511
Read the second time . . . . .	650 , 871
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	885
Amendments . . . . .	885
Circled . . . . .	886
Uncircled . . . . .	887
Returned to the Senate . . . . .	888
Signed by the Speaker and returned to the Senate . . . . .	929
<b>S.B. 115</b> — PERMANENT TOTAL DISABILITY AMENDMENTS ( <i>E. Mayne</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	208
Assigned to standing committee . . . . .	235
Read the second time . . . . .	334
Read the third time . . . . .	375
Circled . . . . .	376
Uncircled . . . . .	554
Signed by the Speaker and returned to the Senate . . . . .	554
<b>S.B. 116</b> — ARBITRATION – USE OF SUBPOENA AUTHORIZED ( <i>D. Eastman</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	252
Assigned to standing committee . . . . .	274
Read the second time . . . . .	344
Read the third time . . . . .	433
Signed by the Speaker and returned to the Senate . . . . .	434
<b>S.B. 117</b> — REPEAL OF UTAH TOMORROW STRATEGIC PLANNING COMMITTEE ( <i>M. Waddoups</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	252
Assigned to standing committee . . . . .	274
Read the second time . . . . .	318
Read the third time . . . . .	374
Signed by the Speaker and returned to the Senate . . . . .	374
<b>S.B. 118</b> — IDENTITY FRAUD AMENDMENTS ( <i>C. Walker</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	252
Assigned to standing committee . . . . .	274
Read the second time . . . . .	366
Read the third time . . . . .	463
Signed by the Speaker and transmitted to the Governor . . . . .	464

<b>S.B. 119</b> — RURAL MEDICAL RESIDENCY TRAINING PROGRAMS ( <i>P. Knudson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	331
Assigned to standing committee . . . . .	363
Read the second time . . . . .	443, 860
Referred to Rules Committee due to fiscal impact . . . . .	443
Read the third time . . . . .	878
Signed by the Speaker and returned to the Senate . . . . .	878
Other Action . . . . .	889
<b>S.B. 120</b> — ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS ( <i>T. Hatch</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	252
Assigned to standing committee . . . . .	273
Amendments . . . . .	384
Read the second time . . . . .	385
Read the third time . . . . .	415
Circled . . . . .	415
Uncircled . . . . .	546
Returned to the Senate . . . . .	547
Signed by the Speaker and returned to the Senate . . . . .	610
<b>S.B. 121</b> — PROPERTY TAX EXEMPTION AMENDMENTS ( <i>C. Bramble</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	380
Assigned to standing committee . . . . .	396
Read the second time . . . . .	534
Read the third time . . . . .	566
Signed by the Speaker and returned to the Senate . . . . .	567
<b>1st Sub. S.B. 122</b> — RESIDENT TUITION STATUS FOR JOB CORPS STUDENTS ( <i>G. Bell</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	237
Assigned to standing committee . . . . .	250
Read the second time . . . . .	532
Read the third time . . . . .	556
Circled . . . . .	556
Uncircled . . . . .	632
Signed by the Speaker and returned to the Senate . . . . .	633
<b>S.B. 123</b> — GOVERNMENTAL IMMUNITY ACT – TECHNICAL AMENDMENTS ( <i>G. Bell</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	252
Assigned to standing committee . . . . .	274
Read the second time . . . . .	318
Read the third time . . . . .	429
Signed by the Speaker and returned to the Senate . . . . .	429

<b>S.B. 125</b> — AMENDMENTS TO INDIVIDUAL INCOME TAX CREDIT FOR SPECIAL NEEDS	
ADOPTIONS ( <i>P. Hellewell</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	277
Assigned to standing committee . . . . .	292
Read the second time . . . . .	534
Read the third time . . . . .	579
Signed by the Speaker and returned to the Senate . . . . .	580
<b>S.B. 126</b> — MEDICAL BENEFITS RECOVERY ACT AMENDMENTS ( <i>S. Killpack</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	365
Assigned to standing committee . . . . .	396
Read the second time . . . . .	443, 871
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	549, 886
Circled . . . . .	549
Signed by the Speaker and returned to the Senate . . . . .	887
<b>S.B. 127</b> — TAX, FEE, OR CHARGE AMENDMENTS ( <i>L. Hillyard</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	440
Assigned to standing committee . . . . .	459
Amendments . . . . .	559
Read the second time . . . . .	559, 904
Referred to Rules Committee due to fiscal impact . . . . .	559
Read the third time . . . . .	921
Signed by the Speaker and returned to the Senate . . . . .	922, 994
<b>S.B. 128</b> — CALCULATION OF INTEREST ON TAX OVERPAYMENTS ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	277
Assigned to standing committee . . . . .	292
Read the second time . . . . .	356
Read the third time . . . . .	435
Signed by the Speaker and returned to the Senate . . . . .	436
<b>S.B. 129</b> — BRINE SHRIMP ROYALTY ACT AMENDMENTS ( <i>T. Hatch</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	277
Assigned to standing committee . . . . .	292
Read the second time . . . . .	486
Referred to Rules Committee due to fiscal impact . . . . .	486
Placed on calendar . . . . .	576
Read the third time . . . . .	578
Signed by the Speaker and returned to the Senate . . . . .	579

<b>S.B. 130</b> — RETIREMENT FOR AIRPORT POLICE ( <i>M. Dmitrich</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	331
Assigned to standing committee . . . . .	363
Read the second time . . . . .	513
Read the third time . . . . .	555
Signed by the Speaker and returned to the Senate . . . . .	555
<b>S.B. 131</b> — AUTHORIZATION FOR ADDITIONAL JUDICIAL POSITION ( <i>M. Madsen</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	277
Assigned to standing committee . . . . .	292
Read the second time . . . . .	427
Enacting Clause Stricken . . . . .	1110
<b>S.B. 132</b> — HEALTH CARE CONSUMER'S REPORT ( <i>A. Christensen</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	542
Read the second time . . . . .	932
Read the third time . . . . .	997
Signed by the Speaker and returned to the Senate . . . . .	997
<b>S.B. 133</b> — INDIVIDUAL INCOME TAX – RETURN FILING REQUIREMENTS ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	277
Assigned to standing committee . . . . .	314
Read the second time . . . . .	356
Read the third time . . . . .	436
Signed by the Speaker and returned to the Senate . . . . .	437
<b>S.B. 134</b> — POWERSPORT VEHICLE FRANCHISE ACT ( <i>D. Eastman</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	525
Assigned to standing committee . . . . .	578
Read the second time . . . . .	703, 872
Returned to Rules Committee . . . . .	703
Read the third time . . . . .	895
Signed by the Speaker and returned to the Senate . . . . .	896
<b>1st Sub. S.B. 135</b> — DRUG COURTS PILOT PROJECT ( <i>L. Hillyard</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	380
Assigned to standing committee . . . . .	396
Read the second time . . . . .	494
Read the third time . . . . .	553
Signed by the Speaker and returned to the Senate . . . . .	553
<b>S.B. 136</b> — JUSTICE COURT OPERATIONS AMENDMENTS ( <i>E. Mayne</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	380
Assigned to standing committee . . . . .	396
Returned to Rules Committee . . . . .	798
Enacting Clause Stricken . . . . .	1110

<b>1st Sub. S.B. 137</b> — TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES	
TAX AMENDMENTS ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to Rules Committee	846
Read the second time	932
Read the third time	989
Amendments	990
Returned to the Senate	992
Refuse to Recede	1033
Other Action	1045
Conference Committee Report	1056
Substituted	1056
Signed by the Speaker and returned to the Senate	1105
<b>S.B. 138</b> — JUDGMENT INTEREST AMENDMENTS ( <i>E. Mayne</i> )	
Read the first time by short title and referred to Rules Committee	525
Assigned to standing committee	577
Read the second time	649, 1009
Returned to Rules Committee	668
Read the third time	1031
Signed by the Speaker and returned to the Senate	1031
<b>S.B. 139</b> — MINIMUM WAGE PROVISIONS ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to Rules Committee	634
Assigned to standing committee	667
Returned to Rules Committee	798
Substituted	933
<b>1st Sub. S.B. 139</b> — WAGE PROVISIONS ( <i>H. Stephenson</i> )	
Read the second time	933
Read the third time	1007
Signed by the Speaker and returned to the Senate	1008, 1046
<b>S.B. 141</b> — MILITARY INSTALLATION PARTNERSHIPS ( <i>S. Killpack</i> )	
Read the first time by short title and referred to Rules Committee	525
Assigned to standing committee	577
Amendments	930
Read the second time	739, 930
Returned to Rules Committee	739
Read the third time	975
Returned to the Senate	976
Signed by the Speaker and returned to the Senate	1105
<b>S.B. 142</b> — PHARMACY PRACTICE ACT AMENDMENTS ( <i>P. Knudson</i> )	
Read the first time by short title and referred to Rules Committee	440
Read the second time	932
Read the third time	999
Signed by the Speaker and returned to the Senate	1000

<b>S.B. 144</b> — MOTOR VEHICLE STOPS AT PORT-OF-ENTRY ( <i>P. Knudson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	525
Assigned to standing committee . . . . .	578
Read the second time . . . . .	737 , 1009
Returned to Rules Committee . . . . .	737
Read the third time . . . . .	1027
Substituted . . . . .	1027
<b>1st Sub. S.B. 144</b> — MOTOR VEHICLE STOPS AT PORT-OF-ENTRY ( <i>P. Knudson</i> )	
Returned to the Senate . . . . .	1028
Signed by the Speaker and returned to the Senate . . . . .	1066
<b>S.B. 145</b> — PROHIBITION AGAINST CERTAIN MEDICAL NONCOMPETITION AGREEMENTS ( <i>A. Christensen</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	512
Enacting Clause Stricken . . . . .	1110
<b>S.B. 146</b> — AVOIDING APPREHENSION AMENDMENT ( <i>M. Waddoups</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	481
Assigned to standing committee . . . . .	510
Read the second time . . . . .	566 , 1044
Referred to Rules Committee due to fiscal impact . . . . .	566
Read the third time . . . . .	1058
Signed by the Speaker and returned to the Senate . . . . .	1058
<b>S.B. 147</b> — PSYCHOLOGIST LICENSING ACT AMENDMENTS ( <i>E. Mayne</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	512
Assigned to standing committee . . . . .	576
Returned to Rules Committee . . . . .	795
Enacting Clause Stricken . . . . .	1110
<b>S.B. 148</b> — CONSERVATION EASEMENT ENDOWMENT RESTRICTED ACCOUNT ( <i>B. Evans</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	525
Assigned to standing committee . . . . .	577
Read the second time . . . . .	739 , 1045
Returned to Rules Committee . . . . .	739
Enacting Clause Stricken . . . . .	1110
<b>1st Sub. S.B. 149</b> — PETE SUAZO ATHLETIC COMMISSION AMENDMENTS ( <i>E. Mayne</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	557
Assigned to standing committee . . . . .	631
Read the second time . . . . .	739 , 872
Returned to Rules Committee . . . . .	739
Read the third time . . . . .	898
Signed by the Speaker and returned to the Senate . . . . .	899

**1st Sub. S.B. 150** — FOOD SAFETY MANAGER CERTIFICATION (*D. Peterson*)

- Read the first time by short title and referred to Rules Committee . . . . . 557
- Assigned to standing committee . . . . . 631
- Read the second time . . . . . 776 , 872
- Returned to Rules Committee . . . . . 776
- Read the third time . . . . . 888
- Signed by the Speaker and returned to the Senate . . . . . 889

**S.B. 151** — DRIVER EDUCATION AMENDMENTS (*T. Hatch*)

- Read the first time by short title and referred to Rules Committee . . . . . 588
- Assigned to standing committee . . . . . 668
- Returned to Rules Committee . . . . . 797
- Enacting Clause Stricken . . . . . 1110

**1st Sub. S.B. 152** — BUSINESS LICENSE FEES (*M. Waddoups*)

- Read the first time by short title and referred to Rules Committee . . . . . 557
- Assigned to standing committee . . . . . 631
- Read the second time . . . . . 672 , 872
- Returned to Rules Committee . . . . . 672
- Read the third time . . . . . 892
- Signed by the Speaker and returned to the Senate . . . . . 893

**S.B. 153** — TAX REFORM TASK FORCE (*C. Bramble*)

- Read the first time by short title and referred to Rules Committee . . . . . 512
- Assigned to standing committee . . . . . 578
- Read the second time . . . . . 690 , 904
- Returned to Rules Committee . . . . . 690
- Read the third time . . . . . 972
- Signed by the Speaker and returned to the Senate . . . . . 973

**S.B. 154** — PUBLIC SAFETY RETIREMENT AMENDMENTS (*D. C. Buttars*)

- Read the first time by short title and referred to Rules Committee . . . . . 749
- Enacting Clause Stricken . . . . . 1110

**S.B. 157** — UTAH CONSUMER CREDIT CODE AMENDMENTS (*P. Knudson*)

- Read the first time by short title and referred to Rules Committee . . . . . 557
- Assigned to standing committee . . . . . 631
- Read the second time . . . . . 672 , 1044
- Returned to Rules Committee . . . . . 672
- Read the third time . . . . . 1059
- Signed by the Speaker and returned to the Senate . . . . . 1060

<b>S.B. 158</b> — DISHONORED INSTRUMENT AMENDMENTS ( <i>P. Knudson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	557
Assigned to standing committee . . . . .	631
Read the second time . . . . .	672 , 1044
Returned to Rules Committee . . . . .	672
Read the third time . . . . .	1060
Signed by the Speaker and returned to the Senate . . . . .	1061
<b>S.B. 159</b> — ASSESSMENT OFFSET FOR DONATIONS PROMOTING OCCUPATIONAL HEALTH AND SAFETY ( <i>E. Mayne</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	588
Assigned to standing committee . . . . .	698
Read the second time . . . . .	735 , 872
Returned to Rules Committee . . . . .	735
Read the third time . . . . .	894
Signed by the Speaker and returned to the Senate . . . . .	895
<b>S.B. 161</b> — AMENDMENTS TO THE PROPERTY TAX VALUATION AGENCY FUND ASSESSING AND COLLECTING LEVY ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	557
Assigned to standing committee . . . . .	632
Read the second time . . . . .	690 , 872
Returned to Rules Committee . . . . .	690
Read the third time . . . . .	896
Signed by the Speaker and returned to the Senate . . . . .	897
<b>S.B. 162</b> — CHANGES TO 2004 GENERAL OBLIGATION BOND ( <i>R. Allen</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	648
Enacting Clause Stricken . . . . .	1110
<b>S.B. 163</b> — CAPITOL PRESERVATION BOARD AMENDMENTS ( <i>B. Evans</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	525
Assigned to standing committee . . . . .	577
Read the second time . . . . .	739 , 872
Returned to Rules Committee . . . . .	739
Read the third time . . . . .	920
Signed by the Speaker and returned to the Senate . . . . .	921
<b>1st Sub. S.B. 164</b> — INDIVIDUAL INCOME TAX – TAX CREDIT FOR LIVE ORGAN DONATION EXPENSES ( <i>K. Hale</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	648
Assigned to standing committee . . . . .	667
Read the second time . . . . .	738 , 860
Returned to Rules Committee . . . . .	738
Read the third time . . . . .	878
Signed by the Speaker and returned to the Senate . . . . .	879
Other Action . . . . .	889



**1st Sub. S.B. 167** — PENALTIES FOR FALSE DRIVER LICENSES AND IDENTIFICATIONCARDS (*C. Walker*)

Read the first time by short title and referred to Rules Committee	648
Assigned to standing committee	668
Read the second time	703, 860
Returned to Rules Committee	703
Read the third time	879
Signed by the Speaker and returned to the Senate	880
Other Action	889

**1st Sub. S.B. 168** — CONSTRUCTION TRADE RELATED AMENDMENTS (*S. Jenkins*)

Read the first time by short title and referred to Rules Committee	811
Enacting Clause Stricken	1110

**1st Sub. S.B. 170** — STATE TAX COMMISSION COLLECTION AND LICENSING PRACTICES(*C. Bramble*)

Read the first time by short title and referred to Rules Committee	811
Read the second time	872
Read the third time	897
Signed by the Speaker and returned to the Senate	898

**S.B. 172** — DIVISION OF REAL ESTATE AMENDMENTS (*M. Waddoups*)

Read the first time by short title and referred to Rules Committee	718
Assigned to standing committee	731
Returned to Rules Committee	795
Read the second time	872
Read the third time	898
Circled	898
Uncircled	919
Amendments	919
Returned to the Senate	920
Signed by the Speaker and returned to the Senate	994

**S.B. 173** — BROWNFIELDS REVISION (*L. A. Mansell*)

Read the first time by short title and referred to Rules Committee	671
Assigned to standing committee	698
Read the second time	735, 932
Returned to Rules Committee	735
Read the third time	996
Signed by the Speaker and returned to the Senate	997

**S.B. 174** — SECURITY SERVICE AMENDMENTS (*R. Allen*)

Read the first time by short title and referred to Rules Committee	557
Assigned to standing committee	631
Read the second time	719, 1067
Returned to Rules Committee	719
Enacting Clause Stricken	1111

<b>1st Sub. S.B. 177</b> — INCREASE STATUTE OF LIMITATIONS ON RAPE ( <i>E. Mayne</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	700
Assigned to standing committee . . . . .	732
Read the second time . . . . .	776, 904
Returned to Rules Committee . . . . .	776
Read the third time . . . . .	925
Circled . . . . .	925
Uncircled . . . . .	942
Amendments . . . . .	925, 942
Returned to the Senate . . . . .	944
Signed by the Speaker and returned to the Senate . . . . .	994
<b>1st Sub. S.B. 178</b> — CHARTER SCHOOL AMENDMENTS ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	718
Assigned to standing committee . . . . .	731
Returned to Rules Committee . . . . .	802
Read the second time . . . . .	932
Read the third time . . . . .	1000
Substituted . . . . .	1000
<b>2nd Sub. S.B. 178</b> — CHARTER SCHOOL AMENDMENTS ( <i>H. Stephenson</i> )	
Amendments . . . . .	1000
Returned to the Senate . . . . .	1003
Receded from amendments . . . . .	1039
Signed by the Speaker and returned to the Senate . . . . .	1040
<b>S.B. 179</b> — PROTECTION OF GOVERNMENT RECORDS ( <i>G. Bell</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	718
Read the second time . . . . .	1009
Read the third time . . . . .	1030
Signed by the Speaker and returned to the Senate . . . . .	1031
<b>S.B. 180</b> — WORKERS COMPENSATION – COMPETITIVE BID REQUIREMENTS ( <i>M. Waddoups</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	671
Assigned to standing committee . . . . .	698
Returned to Rules Committee . . . . .	797
Enacting Clause Stricken . . . . .	1110
<b>S.B. 182</b> — VETERINARY PRACTICE ACT – EXEMPTIONS ( <i>M. Dmitrich</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	557
Enacting Clause Stricken . . . . .	1111
<b>5th Sub. S.B. 183</b> — PUBLIC TRANSIT DISTRICT ANNEXATION AND FUNDING AMENDMENTS ( <i>G. Bell</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	1064
Enacting Clause Stricken . . . . .	1111

**2nd Sub. S.B. 184** — REDEVELOPMENT AGENCY AMENDMENTS (*C. Bramble*)

Read the first time by short title and referred to Rules Committee . . . . .	873
Read the second time . . . . .	932
Read the third time . . . . .	1003
Amendments . . . . .	1003
Returned to the Senate . . . . .	1005
Signed by the Speaker and returned to the Senate . . . . .	1046

**1st Sub. S.B. 187** — SPECIAL HUNTING PERMITS FOR ANTELOPE ISLAND (*J. Hickman*)

Read the first time by short title and referred to Rules Committee . . . . .	749
Read the second time . . . . .	1067
Enacting Clause Stricken . . . . .	1111

**S.B. 188** — CLASSIFYING OFF-HIGHWAY VEHICLES AS ALLOWED ON DESIGNATED ROADS (*T. Hatch*)

Read the first time by short title and referred to Rules Committee . . . . .	648
Assigned to standing committee . . . . .	668
Read the second time . . . . .	737 , 1067
Returned to Rules Committee . . . . .	737
Enacting Clause Stricken . . . . .	1111

**S.B. 190** — COUNTY OFFICER AMENDMENTS (*C. Bramble*)

Read the first time by short title and referred to Rules Committee . . . . .	648
Assigned to standing committee . . . . .	667
Returned to Rules Committee . . . . .	798
Read the second time . . . . .	1044
Read the third time . . . . .	1081
Signed by the Speaker and returned to the Senate . . . . .	1082

**S.B. 191** — POLITICAL SUBDIVISIONS – TRUTH IN GOVERNMENT COMPETITION (*R. Allen*)

Read the first time by short title and referred to Rules Committee . . . . .	700
Enacting Clause Stricken . . . . .	1111

**2nd Sub. S.B. 192** — HIGH TECHNOLOGY ECONOMIC DEVELOPMENT APPROPRIATION (*L. A. Mansell*)

Read the first time by short title and referred to Rules Committee . . . . .	873
Read the second time . . . . .	1009
Read the third time . . . . .	1025
Circled . . . . .	1026
Uncircled . . . . .	1074
Substituted . . . . .	1074

**4th Sub. S.B. 192** — HIGH TECHNOLOGY ECONOMIC DEVELOPMENT APPROPRIATION (*L. A. Mansell*)

Returned to the Senate . . . . .	1075
Signed by the Speaker and returned to the Senate . . . . .	1105

<b>S.B. 194</b> — SALES AND USE TAX EXEMPTION FOR ITEMS RELATING TO DIRECT MAIL ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	684
Read the second time . . . . .	904
Read the third time . . . . .	962
Signed by the Speaker and returned to the Senate . . . . .	963
<b>1st Sub. S.B. 195</b> — TAX REVISIONS ( <i>C. Bramble</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	762
Enacting Clause Stricken . . . . .	1111
<b>2nd Sub. S.B. 199</b> — OFFICE OF ENERGY – OVERSIGHT ( <i>T. Hatch</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	684
Assigned to standing committee . . . . .	732
Read the second time . . . . .	763, 1009
Returned to Rules Committee . . . . .	763
Read the third time . . . . .	1026
Amendments . . . . .	1026
Returned to the Senate . . . . .	1027
Signed by the Speaker and returned to the Senate . . . . .	1046
<b>S.B. 201</b> — CENTER FOR MULTICULTURAL HEALTH ( <i>D. C. Buttars</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	762
Enacting Clause Stricken . . . . .	1111
<b>S.B. 203</b> — PROPERTY TAX – COUNTY SERVICE AREAS ( <i>M. Waddoups</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	684
Read the second time . . . . .	1067
Enacting Clause Stricken . . . . .	1111
<b>1st Sub. S.B. 204</b> — SALES AND USE TAX DIVERSIONS ( <i>D. Peterson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	749
Enacting Clause Stricken . . . . .	1111
<b>S.B. 205</b> — INDIVIDUAL INCOME TAX – OFFICE OF STATE DEBT COLLECTION RULEMAKING AUTHORITY ( <i>M. Dmitrich</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	749
Read the second time . . . . .	1067
Enacting Clause Stricken . . . . .	1111

<b>S.B. 206</b> — NONPARTICIPATING TOBACCO MANUFACTURER AMENDMENTS ( <i>S. Killpack</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	684
Assigned to standing committee . . . . .	732
Amendments . . . . .	774
Read the second time . . . . .	776, 932
Returned to Rules Committee . . . . .	776
Read the third time . . . . .	976
Returned to the Senate . . . . .	977
Signed by the Speaker and returned to the Senate . . . . .	1029
<b>S.B. 207</b> — MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS ( <i>D. Eastman</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	648
Assigned to standing committee . . . . .	668
Read the second time . . . . .	737, 1044
Returned to Rules Committee . . . . .	737
Read the third time . . . . .	1058
Signed by the Speaker and returned to the Senate . . . . .	1059
<b>2nd Sub. S.B. 209</b> — INTERLOCAL COOPERATION AMENDMENTS ( <i>C. Bramble</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	873
Read the second time . . . . .	1066
Enacting Clause Stricken . . . . .	1111
<b>1st Sub. S.B. 211</b> — FUNDING FOR CONVENTION FACILITIES ( <i>M. Waddoups</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	889
Read the second time . . . . .	932
Read the third time . . . . .	1007
Circled . . . . .	1007
Uncircled . . . . .	1051
Amendments . . . . .	1051
Returned to the Senate . . . . .	1055
Signed by the Speaker and returned to the Senate . . . . .	1105
<b>1st Sub. S.B. 212</b> — CHILD CARE INVESTIGATIONS ( <i>P. Hellewell</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	749
Read the second time . . . . .	904
Read the third time . . . . .	923
Amendments . . . . .	923
Returned to the Senate . . . . .	924
Signed by the Speaker and returned to the Senate . . . . .	994

<b>1st Sub. S.B. 215</b> — FINANCIAL INSTITUTIONS AS LIMITED LIABILITY COMPANIES ( <i>L. Hillyard</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	648
Assigned to standing committee . . . . .	667
Returned to Rules Committee . . . . .	795
Read the second time . . . . .	904
Read the third time . . . . .	945
Signed by the Speaker and returned to the Senate . . . . .	945
<b>S.B. 216</b> — AMENDMENTS TO UTAH EMERGENCY MEDICAL SERVICES ACT ( <i>C. Bramble</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	846
Read the second time . . . . .	1009
Read the third time . . . . .	1032
Circled . . . . .	1032
Uncircled . . . . .	1047
Signed by the Speaker and returned to the Senate . . . . .	1047
Intent Language . . . . .	1048
<b>S.B. 219</b> — SECURITY IN CONSTRUCTION PROJECTS ( <i>C. Bramble</i> )	
Returned to Rules Committee . . . . .	721
<b>S.B. 223</b> — OVERSIGHT AND ENFORCEMENT OF WORK DONE ON MOBILE HOMES ( <i>E. Mayne</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	648
Assigned to standing committee . . . . .	667
Returned to Rules Committee . . . . .	795
Read the second time . . . . .	932
Read the third time . . . . .	988
Signed by the Speaker and returned to the Senate . . . . .	989
<b>1st Sub. S.B. 225</b> — CHANGES TO GENERAL GOVERNMENT – SALES AND USE TAX AMENDMENTS ( <i>G. Davis</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	846
Read the second time . . . . .	1067
Enacting Clause Stricken . . . . .	1111
<b>S.B. 227</b> — PUBLIC SAFETY DRIVING PRIVILEGE AND IDENTIFICATION CARD AMENDMENTS ( <i>C. Bramble</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	718
Read the second time . . . . .	872
Read the third time . . . . .	921
Circled . . . . .	921
Uncircled . . . . .	951
Amendments . . . . .	951
Returned to the Senate . . . . .	960
Signed by the Speaker and returned to the Senate . . . . .	994

<b>1st Sub. S.B. 231</b> — COMPENSATION OF LIEUTENANT GOVERNOR AND OTHER STATE OFFICERS ( <i>M. Madsen</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	873
Returned to the Senate . . . . .	877
<b>2nd Sub. S.B. 231</b> — COMPENSATION OF LIEUTENANT GOVERNOR AND OTHER STATE OFFICERS ( <i>M. Madsen</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	946
Enacting Clause Stricken . . . . .	1111
<b>S.B. 232</b> — EXECUTIVE DIRECTOR OF DEPARTMENT OF HEALTH ISSUES ( <i>S. Killpack</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	648
Assigned to standing committee . . . . .	667
Amendments . . . . .	775
Read the second time . . . . .	776
Returned to Rules Committee . . . . .	776
Enacting Clause Stricken . . . . .	1111
<b>S.B. 239</b> — PUBLIC LANDS POLICY COORDINATION ( <i>T. Hatch</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	684
Assigned to standing committee . . . . .	731
Returned to Rules Committee . . . . .	802
Read the second time . . . . .	860
Read the third time . . . . .	880
Circled . . . . .	880
Uncircled . . . . .	882
Amendments . . . . .	882
Returned to the Senate . . . . .	883
Other Action . . . . .	889
Signed by the Speaker and returned to the Senate . . . . .	929

<b>S.C.R. 1</b> — RESOLUTION ENCOURAGING MANAGED LANES STUDY ( <i>C. Walker</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	58
Assigned to standing committee . . . . .	78
Read the second time . . . . .	151
Read the third time . . . . .	181
Circled . . . . .	181
Uncircled . . . . .	568
Signed by the Speaker and returned to the Senate . . . . .	569
<b>S.C.R. 2</b> — RESOLUTION APPROVING CLASS V LANDFILL ( <i>R. Allen</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	918
Read the second time . . . . .	1045
Read the third time . . . . .	1100
Circled . . . . .	1100
Uncircled . . . . .	1101
Signed by the Speaker and returned to the Senate . . . . .	1102
<b>S.C.R. 3</b> — RESOLUTION HONORING SEARCHERS ( <i>L. Hillyard</i> )	
Read the first time by short title . . . . .	56
Read the second time . . . . .	56
Read the third time . . . . .	56
Signed by the Speaker and transmitted to the Governor . . . . .	57
<b>S.C.R. 4</b> — RESOLUTION APPROVING UTAH RECREATIONAL LAND EXCHANGE ( <i>B. Evans</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	237
Assigned to standing committee . . . . .	250
Read the second time . . . . .	340
Read the third time . . . . .	385
Signed by the Speaker and returned to the Senate . . . . .	386
<b>S.C.R. 5</b> — RESOLUTION APPROVING SETTLEMENT OF LAWSUIT ( <i>P. Knudson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	525
Assigned to standing committee . . . . .	632
Read the second time . . . . .	703, 904
Returned to Rules Committee . . . . .	703
Read the third time . . . . .	922
Signed by the Speaker and returned to the Senate . . . . .	923
<b>S.C.R. 6</b> — RESOLUTION SUPPORTING THE GOLDEN RULE PROJECT ( <i>F. Fife</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	648
Assigned to standing committee . . . . .	668
Read the second time . . . . .	690, 932
Returned to Rules Committee . . . . .	690
Read the third time . . . . .	994
Signed by the Speaker and returned to the Senate . . . . .	995



**S.C.R. 8** — CONCURRENT RESOLUTION APPROVING CLASS V LANDFILL (*M. Dmitrich*)

- Read the first time by short title and referred to Rules Committee . . . . . 846
- Read the second time . . . . . 1044
- Read the third time . . . . . 1057
- Signed by the Speaker and returned to the Senate . . . . . 1057

**1st Sub. S.C.R. 9** — CONCURRENT RESOLUTION REGARDING DELTA AIR LINES  
(*D. Eastman*)

- Read the first time by short title and referred to Rules Committee . . . . . 570
- Read the second time . . . . . 571
- Read the third time . . . . . 571
- Signed by the Speaker and returned to the Senate . . . . . 571

**S.C.R. 10** — CONCURRENT RESOLUTION HONORING UTAH FOUNDATION (*L. A. Mansell*)

- Read the first time by short title and referred to Rules Committee . . . . . 634
- Assigned to standing committee . . . . . 667
- Returned to Rules Committee . . . . . 803
- Read the second time . . . . . 904
- Read the third time . . . . . 924
- Signed by the Speaker and returned to the Senate . . . . . 925

**S.C.R. 11** — CONCURRENT RESOLUTION ON MCGRUFF HOUSE (*D. Eastman*)

- Read the first time by short title and referred to Rules Committee . . . . . 788
- Amendments . . . . . 788
- Read the second time . . . . . 788
- Read the third time . . . . . 788
- Signed by the Speaker and returned to the Senate . . . . . 789

<b>S.J.R. 1</b> — JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE AUDITOR	
GENERAL ( <i>J. Valentine</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	58
Read the second time . . . . .	59
Read the third time . . . . .	60
Signed by the Speaker and returned to the Senate . . . . .	60
<b>S.J.R. 3</b> — RESOLUTION ENCOURAGING MEDIATION ( <i>C. Walker</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	192
Assigned to standing committee . . . . .	236
Read the second time . . . . .	262
Read the third time . . . . .	319
Signed by the Speaker and returned to the Senate . . . . .	320
<b>S.J.R. 4</b> — JOINT RULES RESOLUTION – INTERIM RULES RECODIFICATION	
( <i>M. Waddoups</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	114
Read the second time . . . . .	125
Read the third time . . . . .	163
Circled . . . . .	163
Uncircled . . . . .	180
Signed by the Speaker and returned to the Senate . . . . .	180
<b>S.J.R. 5</b> — RESOLUTION APPROVING CONTRACT FOR STATE CAPITOL RENOVATION	
( <i>L. A. Mansell</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	58
Read the second time . . . . .	75
Read the third time . . . . .	76
Signed by the Speaker and returned to the Senate . . . . .	77
<b>S.J.R. 6</b> — SPACE EXPLORATION RESOLUTION ( <i>P. Knudson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	252
Assigned to standing committee . . . . .	275
Read the second time . . . . .	317 , 904
Returned to Rules Committee . . . . .	668
Read the third time . . . . .	373 , 945
Circled . . . . .	373 , 946
Uncircled . . . . .	960
Signed by the Speaker and returned to the Senate . . . . .	961
<b>S.J.R. 7</b> — RESOLUTION RECOGNIZING RONALD REAGAN DAY ( <i>P. Knudson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	315
Read the second time . . . . .	328
Read the third time . . . . .	328
Signed by the Speaker and returned to the Senate . . . . .	329

<b>1st Sub. S.J.R. 8</b> — JOINT RULES RESOLUTION – APPEARANCE OF BILLS ( <i>C. Bramble</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	331
Read the second time . . . . .	399
Read the third time . . . . .	547
Circled . . . . .	547
Uncircled . . . . .	569
Signed by the Speaker and returned to the Senate . . . . .	570
<b>S.J.R. 9</b> — RESOLUTION RECOGNIZING 100 YEARS OF ROTARY INTERNATIONAL ( <i>P. Knudson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	853
Read the second time . . . . .	854
Read the third time . . . . .	854
Signed by the Speaker and returned to the Senate . . . . .	854
<b>S.J.R. 10</b> — RESOLUTION TO CONGRESS REGARDING OIL AND GAS DRILLING AND EXPLORATION ( <i>H. Stephenson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	331
Assigned to standing committee . . . . .	363
Read the second time . . . . .	412
Read the third time . . . . .	547
Signed by the Speaker and returned to the Senate . . . . .	548
<b>S.J.R. 11</b> — RESOLUTION LIMITING NUMBER OF GOVERNOR’S TERMS ( <i>C. Walker</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	512
Assigned to standing committee . . . . .	577
Read the second time . . . . .	739 , 1066
Returned to Rules Committee . . . . .	739
Enacting Clause Stricken . . . . .	1111
<b>S.J.R. 13</b> — JOINT RESOLUTION AMENDING INTERIM LEGISLATIVE RULES ( <i>M. Waddoups</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	315
Read the second time . . . . .	329
Read the third time . . . . .	367
Circled . . . . .	367
Uncircled . . . . .	386
Signed by the Speaker and returned to the Senate . . . . .	387
<b>S.J.R. 14</b> — JOINT RESOLUTION ON STROKE AWARENESS ( <i>P. Knudson</i> )	
Read the first time by short title and referred to Rules Committee . . . . .	648
Assigned to standing committee . . . . .	667
Read the second time . . . . .	776 , 1009
Returned to Rules Committee . . . . .	776
Read the third time . . . . .	1023
Signed by the Speaker and returned to the Senate . . . . .	1024

- S.J.R. 15** — JOINT RESOLUTION URGING MEDICAID REFORM (*P. Knudson*)
- Read the first time by short title and referred to Rules Committee . . . . . 648
  - Assigned to standing committee . . . . . 667
  - Read the second time . . . . . 776, 1009
  - Returned to Rules Committee . . . . . 776
  - Read the third time . . . . . 1024
  - Signed by the Speaker and returned to the Senate . . . . . 1024
- S.J.R. 16** — RESOLUTION URGING COMPREHENSIVE CANCER CONTROL PLAN FOR THE STATE (*K. Hale*)
- Read the first time by short title and referred to Rules Committee . . . . . 700
  - Assigned to standing committee . . . . . 732
  - Read the second time . . . . . 776, 932
  - Returned to Rules Committee . . . . . 776
  - Read the third time . . . . . 988
  - Signed by the Speaker and returned to the Senate . . . . . 988
- S.J.R. 17** — RESOLUTION RECOGNIZING HUNTSMAN CANCER INSTITUTE (*P. Knudson*)
- Read the first time by short title and referred to Rules Committee . . . . . 684
  - Assigned to standing committee . . . . . 732
  - Read the second time . . . . . 776, 904
  - Returned to Rules Committee . . . . . 776
  - Read the third time . . . . . 964
  - Signed by the Speaker and returned to the Senate . . . . . 965
- S.J.R. 18** — JOINT RESOLUTION APPROVING CONSOLIDATION OF WEST VALLEY AND SANDY DISTRICT COURTS (*P. Knudson*)
- Read the first time by short title and referred to Rules Committee . . . . . 784
  - Read the second time . . . . . 1009
  - Read the third time . . . . . 1025
  - Signed by the Speaker and returned to the Senate . . . . . 1025
- S.J.R. 19** — RESOLUTION RECOGNIZING GRANITE SCHOOL DISTRICT'S 100 YEARS (*G. Davis*)
- Read the first time by short title and referred to Rules Committee . . . . . 784
  - Read the second time . . . . . 1009
  - Read the third time . . . . . 1021
  - Signed by the Speaker and returned to the Senate . . . . . 1022
- S.J.R. 20** — JOINT RESOLUTION RECOGNIZING RETIRING PRESIDENT OF DIXIE STATE COLLEGE (*J. Hickman*)
- Read the first time by short title and referred to Rules Committee . . . . . 762
  - Read the second time . . . . . 1009
  - Read the third time . . . . . 1022
  - Signed by the Speaker and returned to the Senate . . . . . 1023

**FINAL ACTION**  
**INDEX**



HB 1	<b>Annual Appropriations Act</b> Governor Signed on 2/22/2005 Effective Date: 7/1/2005	R. Bigelow
HB 3	<b>Minimum School Program Act Amendments</b> Governor Signed on 2/22/2005 Effective Date: 7/1/2005	G. Snow
HB 4	<b>Divorce Mediation Program</b> Governor Signed on 3/21/2005 Effective Date: 5/2/2005	B. Ferry
HB 5	<b>Person with a Disability Motorcycle Parking</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	T. Kiser
HB 6	<b>Master Highway Designation Amendments</b> Governor Signed on 3/10/2005 Effective Date: 5/2/2005	J. Murray
HB 7	<b>Individual Income Tax – Contributions for Education</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	S. Allen
HB 8	<b>Child Protection Team Meetings</b> Governor Signed on 3/10/2005 Effective Date: 5/2/2005	A. Tilton
HB 9	<b>Sales and Use Tax – Agricultural Exemption Vehicle Limitation</b> Governor Signed on 3/18/2005 Effective Date: 7/1/2005	R. Menlove
HB 10	<b>Employment Security Act Amendments</b> Governor Signed on 3/1/2005 Effective Date: 3/1/2005	D. Cox
HB 11	<b>Economic Development Incentives</b> Governor Signed on 3/21/2005 Effective Date: 5/2/2005	B. Dee

HB 12	<b>Health Care Assistants</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	R. Lockhart
HB 13	<b>Occupational and Professional Licensing Sunset Amendment</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	R. Lockhart
HB 14	<b>Bond Election Process Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	F. Hunsaker
HB 15	<b>Repeal of State Debt Collection Advisory Board</b> Governor Signed on 3/10/2005 Effective Date: 5/2/2005	D. Aagard
HB 16	<b>Repeal of Vehicle Equipment Safety Commission</b> Governor Signed on 3/10/2005 Effective Date: 5/2/2005	N. Hendrickson
HB 17	<b>Motion Picture Incentive Fund</b> Governor Signed on 3/18/2005 Effective Date: 7/1/2005	S. Allen
HB 18	<b>Transportation Investment Act</b> House/ filed on 3/2/2005	R. Lockhart
HB 19	<b>Procurement Code Renumbering</b> Governor Signed on 3/10/2005 Effective Date: 5/2/2005	R. Bigelow
HB 20	<b>Calling Local Special Elections for Sales and Use Tax Purposes</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	S. Clark
HB 21	<b>Automobile Crime Prevention</b> House/ enacting clause struck on 3/2/2005	P. Ray



HB 22	<b>Intercountry Adoption Accreditation</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	R. McGee
HB 23	<b>Department of Workforce Services – Work Experience and Training Programs</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	D. Cox
HB 24	<b>Traffic Code Amendments</b> Governor Signed on 3/10/2005 Effective Date: 5/2/2005	J. Dunnigan
HB 25	<b>Direct–entry Midwife Act</b> Governor Signed on 3/22/2005 Effective Date: 5/2/2005	J. Biskupski
HB 26	<b>Conveyances of Property</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	J. Adams
HB 27	<b>Health Insurance Fair Marketing Standards</b> House/ enacting clause struck on 3/2/2005	S. Mascaro
HB 28	<b>Juvenile Justice Recodification and Revisions</b> Governor Signed on 3/1/2005 Effective Date: 3/1/2005	D. Aagard
HB 29	<b>State Engineer’s Powers and Duties Amendments</b> Governor Signed on 3/17/2005 Effective Date: 5/2/2005	D. Clark
HB 30	<b>Consumer Sales Practices Act Amendments</b> Governor Signed on 3/10/2005 Effective Date: 5/2/2005	T. Kiser
HB 31	<b>Vision Care for Medicaid Recipient</b> House/ enacting clause struck on 3/2/2005	S. Mascaro
HB 32	<b>Dental Services for Adults on Medicaid</b> House/ enacting clause struck on 3/2/2005	S. Mascaro

HB 33	<b>Assistance for People with Bleeding Disorders</b> Governor Signed on 3/21/2005 Effective Date: 5/2/2005	D. Litvack
HB 34	<b>Emergency Related Amendments</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	S. Allen
HB 35	<b>Telecommunications Amendments</b> House/ enacting clause struck on 3/2/2005	S. Urquhart
HB 36	<b>Charter School Construction Amendments</b> Governor Signed on 2/17/2005 Effective Date: 2/17/2005	J. Ferrin
HB 37	<b>Administrative Rules Reauthorization</b> Governor Signed on 3/21/2005 Effective Date: 5/1/2005	D. Ure
HB 38	<b>Water Law – Criminal Penalties Amendments</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	B. Ferry
HB 39	<b>Tuition Tax Credits</b> House/ filed on 2/25/2005	J. Ferrin
HB 40	<b>Sunset of Township Provision</b> Governor Signed on 3/10/2005 Effective Date: 5/2/2005	M. Lawrence
HB 41	<b>Special District for Police Services</b> House/ enacting clause struck on 3/2/2005	R. Romero
HB 42	<b>Medical Recommendations for Children</b> Governor Vetoed on 3/22/2005 Effective Date: 5/2/2005	M. Morley
HB 43	<b>School Land Trust Program Funding Amendments</b> Governor Signed on 3/17/2005 Effective Date: 7/1/2005	S. Urquhart

HB 44	<b>Additional State Retirement Benefit</b> House/ filed on 3/2/2005	L. Shurtliff
HB 45	<b>Property Affected by Access Interruption</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	G. Hughes
HB 46	<b>Public Education Capital Outlay Act Amendments</b> House/ filed on 3/2/2005	D. Cox
HB 47	<b>New Automobile Franchise Act Amendments</b> Governor Signed on 3/17/2005 Effective Date: 5/2/2005	S. Urquhart
HB 48	<b>Motor Vehicle Registration and Safety Inspection Amendments</b> House/ filed on 3/2/2005	B. Daw
HB 49	<b>Bicycle Safety Provisions</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	R. McGee
HB 50	<b>Criminal Penalty Amendment</b> House/ enacting clause struck on 3/2/2005	D. Litvack
HB 51	<b>Electronic Payments to Local Government Entities</b> Governor Signed on 3/10/2005 Effective Date: 5/2/2005	J. Murray
HB 52	<b>Fire Prevention Amendments</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	J. Murray
HB 53	<b>Tax Treatment of Personal Property</b> Governor Signed on 3/18/2005 Effective Date: 1/1/2006	L. Shurtliff
HB 54	<b>Criminal Appeal Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	S. Wyatt

HB 55	<b>Drug Offense Penalty Enhancements</b> Governor Signed on 3/10/2005 Effective Date: 5/2/2005	B. Dee
HB 56	<b>Divorce Task Force</b> House/ filed on 3/2/2005	P. Wallace
HB 57	<b>Tourism Task Force</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	D. Ure
HB 58	<b>Government Efficiency and Effectiveness Review Committee</b> House/ enacting clause struck on 3/2/2005	P. Wallace
HB 59	<b>Domestic Violence Enhancement</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	C. Moss
HB 60	<b>Insurance Licensing Amendments</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	J. Dunnigan
HB 61	<b>State School Board Elections and Filling of Vacancies</b> House/ enacting clause struck on 3/2/2005	J. Ferrin
HB 62	<b>Amendments to Intermediate Care Facilities for Mentally Retarded</b> Governor Signed on 3/10/2005 Effective Date: 7/1/2005	R. Lockhart
HB 63	<b>School District Amendments</b> House/ filed on 3/2/2005	D. Cox
HB 64	<b>Criminal Background Checks for Personal Care Attendants</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	F. Hunsaker
HB 65	<b>Driver License and Commercial Driver License Amendments</b> Governor Signed on 3/18/2005 Effective Date: 7/1/2005	D. Bowman

HB 66	<b>Naturopathic Physician Amendments</b> Governor Signed on 3/8/2005 Effective Date: 3/8/2005	J. Ferrin
HB 67	<b>Abandoned Vehicles Amendments</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	J. Gowans
HB 68	<b>Motor Vehicle Enforcement Division Amendments</b> Governor Signed on 3/11/2005 Effective Date: 7/1/2005	P. Ray
HB 69	<b>Federal Health Care Tax Credit Program Act</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	C. Oda
HB 70	<b>Health Discount Program Consumer Protection Act</b> Governor Signed on 3/11/2005 Effective Date: 9/1/2005	J. Dunnigan
HB 71	<b>Licensing of Estheticians and Nail Technicians</b> Governor Signed on 3/18/2005 Effective Date: 12/31/2005	J. Fisher
HB 72	<b>School Curriculum Amendments</b> House/ enacting clause struck on 3/2/2005	C. Moss
HB 73	<b>Local Referendum Requirements</b> House/ enacting clause struck on 3/2/2005	D. Hogue
HB 74	<b>Tuition Program for Students Seeking Teacher Licensure in Disability or Special Education</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	R. Menlove
HB 75	<b>Government Records Access and Management Task Force</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	D. Aagard

HB 76	<b>Habitual Violent Offenders Amendments</b> Governor Signed on 3/11/2005 Effective Date: 3/11/2005	P. Ray
HB 77	<b>Provisions for Emancipation of a Minor</b> House/ filed on 3/2/2005	R. McGee
HB 78	<b>Corporate Franchise and Income Tax Amendments</b> Governor Signed on 3/18/2005 Effective Date: 1/1/2006	W. Harper
HB 79	<b>Provision of Services for People with Disabilities</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	R. Lockhart
HB 80	<b>Services for People with Disabilities</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	R. Lockhart
HB 81	<b>Workers' Compensation Coverage of Fire Department Employees</b> House/ enacting clause struck on 3/2/2005	J. Murray
HB 82	<b>Contractors Bonds and Letters of Credit</b> House/ enacting clause struck on 3/2/2005	S. Clark
HB 83	<b>Weights and Measures Amendments</b> Governor Signed on 3/18/2005 Effective Date: 1/1/2006	D. Ure
HB 84	<b>Reading Requirements for Student Advancement</b> House/ filed on 3/2/2005	K. Morgan
HB 85	<b>Health Insurance High Risk Pool – Eligibility Amendments</b> House/ filed on 3/2/2005	D. Litvack
HB 86	<b>Utah College of Applied Technology Amendments</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	R. Bigelow

- HB 87      **Claims Against a County**      S. Clark  
Governor Signed on 3/18/2005  
Effective Date: 5/2/2005
- HB 88      **Air Conditioned Buses for Students with Disabilities**      D. Hogue  
House/ enacting clause struck on 3/2/2005
- HB 89      **Presumption of Responsibility for Abuse or Neglect**      L. Christensen  
Governor Signed on 3/22/2005  
Effective Date: 5/2/2005
- HB 90      **Search and Rescue Advisory Board – Amendments**      J. Adams  
Governor Signed on 3/11/2005  
Effective Date: 5/2/2005
- HB 91      **License Plate for Disabled Veterans**      R. Bigelow  
Governor Signed on 3/11/2005  
Effective Date: 10/1/2005
- HB 92      **Safety Belt Law Requirement Amendments**      M. Noel  
House/ enacting clause struck on 3/2/2005
- HB 93      **Emission Inspection Amendments**      K. Gibson  
Governor Signed on 3/18/2005  
Effective Date: 5/2/2005
- HB 94      **Youth Corrections Amendments**      C. Moss  
House/ enacting clause struck on 3/2/2005
- HB 95      **Sex Offender Registration Amendments**      M. Lawrence  
House/ filed on 3/2/2005
- HB 96      **Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels**      F. Hunsaker  
Governor Signed on 3/16/2005  
Effective Date: 5/2/2005
- HB 97      **State Budget Provisions**      G. Curtis  
House/ enacting clause struck on 3/2/2005

HB 98	<b>Offenses Committed Against Correctional and Peace Officers</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	C. Oda
HB 99	<b>State Fleet Vehicle Classification</b> House/ enacting clause struck on 3/2/2005	E. Hutchings
HB 100	<b>Consumer Credit Bureau Notice Requirements</b> House/ enacting clause struck on 3/2/2005	K. Morgan
HB 101	<b>Amendments to the Individual Income Tax</b> House/ enacting clause struck on 3/2/2005	W. Harper
HB 102	<b>Higher Education Savings Incentive Program Amendments</b> Governor Signed on 3/16/2005 Effective Date: 3/16/2005	S. Wyatt
HB 103	<b>Student Housing Built by Higher Education Institutions</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	S. Clark
HB 104	<b>Spyware Control Act Revisions</b> Governor Signed on 3/17/2005 Effective Date: 5/2/2005	S. Urquhart
HB 105	<b>Construction Filing Amendments</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	M. Morley
HB 106	<b>Regulation of Noncompete Agreements in Medical Practices</b> House/ enacting clause struck on 3/2/2005	R. McGee
HB 107	<b>Amendments to Taxes, Fees, or Charges</b> Governor Signed on 3/18/2005 Effective Date: 7/1/2005	W. Harper
HB 108	<b>Telecommunications Taxation</b> House/ enacting clause struck on 3/2/2005	G. Curtis



HB 109	<b>Information Technology Governance Amendments</b> Governor Signed on 3/17/2005 Effective Date: 7/1/2005	D. Clark
HB 110	<b>Emergency Administration of Epinephrine</b> House/ enacting clause struck on 3/2/2005	T. Kiser
HB 111	<b>Licensing of Child Care Centers – Oversight and Regulation</b> House/ enacting clause struck on 3/2/2005	D. Buxton
HB 112	<b>Background Checks in County Government</b> House/ enacting clause struck on 3/2/2005	B. Dee
HB 113	<b>Government Boundary Changes</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	K. Holdaway
HB 114	<b>Children’s Health Care Coverage Amendments</b> Governor Signed on 3/21/2005 Effective Date: 5/2/2005	D. Hogue
HB 115	<b>Utah Child Abuse Prevention Board</b> House/ filed on 3/2/2005	P. Ray
HB 116	<b>Private Activity Bond Amendments</b> Governor Signed on 3/17/2005 Effective Date: 3/17/2005	D. Clark
HB 117	<b>Revisions to State Government</b> House/ enacting clause struck on 3/2/2005	B. Ferry
HB 118	<b>Revise Utility Improvement Districts</b> House/ filed on 3/2/2005	D. Ure
HB 119	<b>Navajo Trust Fund Amendments</b> House/ filed on 3/2/2005	B. King
HB 120	<b>Crime of Soliciting Sex from a Child</b> House/ enacting clause struck on 3/2/2005	L. Fowlke

HB 121	<b>Property Exempt from Execution</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	J. Dunnigan
HB 122	<b>Bail Bond Amendments</b> House/ filed on 2/24/2005	K. Gibson
HB 123	<b>Restrictions of Advertising Illegal Activities</b> House/ enacting clause struck on 3/2/2005	S. Wyatt
HB 124	<b>Enrollment Growth Program Amendments</b> Governor Signed on 3/17/2005 Effective Date: 7/1/2005	B. Last
HB 125	<b>Small Business Economic Stimulus</b> House/ enacting clause struck on 3/2/2005	C. Frank
HB 126	<b>Amendments to Facilities with Regional Impact</b> House/ filed on 3/2/2005	G. Hughes
HB 127	<b>Offer of Settlement Provisions</b> House/ enacting clause struck on 3/2/2005	L. Christensen
HB 128	<b>Compensation of Executive Officers</b> Governor Signed on 3/21/2005 Effective Date: 5/2/2005	L. Christensen
HB 129	<b>School Uniforms</b> House/ filed on 3/2/2005	C. Frank
HB 130	<b>Income Tax Subtraction for Specialized Immigrant Services</b> House/ enacting clause struck on 3/2/2005	A. Tilton
HB 131	<b>Access to Health Care Facilities and Places of Worship</b> House/ enacting clause struck on 3/2/2005	D. Aagard
HB 132	<b>Internet Crimes Against Children</b> Governor Signed on 3/21/2005 Effective Date: 5/2/2005	T. Cosgrove

HB 133	<b>Mobile Home Park – Notice of Sale of Underlying Property</b> House/ enacting clause struck on 3/2/2005	M. Wheatley
HB 134	<b>Public Safety Officers – Critical Incident Shooting Provisions</b> House/ enacting clause struck on 3/2/2005	P. Ray
HB 135	<b>Implementing Federal Educational Programs</b> House/ filed on 3/2/2005	M. Dayton
HB 136	<b>Charter School Enrollment</b> Governor Signed on 3/22/2005 Effective Date: 5/2/2005	J. Ferrin
HB 137	<b>Repeal of Prior Amendments to the Voluntary Contributions Act</b> House/ enacting clause struck on 3/2/2005	N. Hansen
HB 138	<b>Nonresident Tuition for Higher Education Amendments</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	M. Lawrence
HB 139	<b>Local School Board Amendments</b> Governor Signed on 3/17/2005 Effective Date: 5/2/2005	M. Dayton
HB 140	<b>Individual Income Tax Contribution for Community Spay and Neuter Programs</b> House/ filed on 3/2/2005	M. Noel
HB 141	<b>School Breakfast Program</b> House/ enacting clause struck on 3/2/2005	D. Litvack
HB 142	<b>Issues Submitted to Voters</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	G. Hughes
HB 143	<b>National Guard Amendments</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	E. Hutchings

- HB 144     **Ban on Gifts to Elected Officials**     R. Becker  
House/ enacting clause struck on 3/2/2005
- HB 145     **Amendments to Hearing and Speech  
Impaired Telecommunications Program**     B. Goodfellow  
Governor Signed on 3/21/2005  
Effective Date: 5/2/2005
- HB 146     **Vaccine Restrictions**     E. Hutchings  
House/ enacting clause struck on 3/2/2005
- HB 147     **Property Tax Exemption for Veterans**     G. Hughes  
Governor Signed on 3/18/2005  
Effective Date: 5/2/2005
- HB 148     **School Truancy Amendments**     E. Hutchings  
House/ filed on 3/2/2005
- HB 149     **Vehicle Identification Number Inspectors**     C. Frank  
Governor Signed on 3/10/2005  
Effective Date: 5/2/2005
- HB 150     **Water Rights Fees**     J. Gowans  
Governor Signed on 3/11/2005  
Effective Date: 5/2/2005
- HB 151     **School Community Councils**     J. Dougall  
House/ filed on 3/2/2005
- HB 152     **County Option Sales and Use Tax for Agricultural  
Land, Open Land, and Recreational Facilities Act**     C. Buttars  
House/ enacting clause struck on 3/2/2005
- HB 153     **Security for Public Schools**     S. Allen  
House/ enacting clause struck on 3/2/2005
- HB 154     **School and Institutional Trust Lands Amendments**     E. Hutchings  
Governor Signed on 3/11/2005  
Effective Date: 5/2/2005

HB 155	<b>Agricultural Coop Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	C. Buttars
HB 156	<b>Dairy Promotion Act Amendments</b> Governor Signed on 3/17/2005 Effective Date: 5/2/2005	D. Ure
HB 157	<b>Water Enforcement Procedures and Penalties</b> Governor Signed on 3/10/2005 Effective Date: 5/2/2005	D. Ure
HB 158	<b>Election Requirements for County Candidates</b> House/ enacting clause struck on 3/2/2005	R. Romero
HB 159	<b>Motor Assisted Scooter and Mini-motorcycle Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	B. Dee
HB 160	<b>Wildlife License Agents Amendments</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	J. Fisher
HB 161	<b>Injury Reporting Requirement Amendments</b> House/ enacting clause struck on 3/2/2005	J. Murray
HB 162	<b>Municipal Abatement of Weeds and Other Neglected Items on Property</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	M. Morley
HB 163	<b>Garnishment Fees</b> House/ filed on 3/2/2005	S. Mascaro
HB 164	<b>Repeal of Utah Personal Introduction Services Protection Act</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	S. Allen
HB 165	<b>Utah Commission on Aging</b> Governor Signed on 3/21/2005 Effective Date: 5/2/2005	P. Jones

HB 166	<b>Utah Indoor Clean Air Act Amendments</b> House/ enacting clause struck on 3/2/2005	P. Ray
HB 167	<b>Elder Protection Provisions</b> House/ enacting clause struck on 3/2/2005	P. Jones
HB 168	<b>Cooperative Wildlife Management Unit Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	J. Gowans
HB 169	<b>Appropriation for School Districts Impacted by Fee Waivers</b> House/ enacting clause struck on 3/2/2005	L. Shurtliff
HB 170	<b>Extension of Utah Low-income Housing Tax Credits</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	S. Clark
HB 171	<b>Calculation of Mining Severance Tax on Beryllium</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	R. Wheeler
HB 172	<b>Notary Public Amendments</b> House/ filed on 2/25/2005	L. Shurtliff
HB 173	<b>State Employee Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	A. Hardy
HB 174	<b>Child Protection Registry Amendments</b> House/ filed on 3/2/2005	J. Dougall
HB 175	<b>Education Achievement Gap Task Force</b> House/ enacting clause struck on 3/2/2005	D. Litvack
HB 176	<b>Revisor's Statute</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	R. Lockhart

HB 177	<b>Wildlife License Refund Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	M. Dayton
HB 178	<b>Mental Health Services Coordinator</b> House/ enacting clause struck on 3/2/2005	D. Hogue
HB 179	<b>Utah Venture Capital Enhancement Act Amendments</b> Governor Signed on 3/1/2005 Effective Date: 3/1/2005	P. Wallace
HB 180	<b>Retirement Office Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	A. Hardy
HB 181	<b>Duplicate Wildlife Licensing Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	M. Dayton
HB 182	<b>Historical Livestock Trails</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	B. Johnson
HB 183	<b>Verification of Eligibility for Fee Waivers</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	W. Harper
HB 184	<b>Crime Victims – Change of Locks on Rental Property</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	L. Shurtliff
HB 185	<b>Utah Computer Crimes Act Amendments</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	B. Daw
HB 186	<b>Consumer Protection Amendments</b> Governor Signed on 3/8/2005 Effective Date: 3/8/2005	S. Allen

HB 187	<b>Capital Outlay Foundation Program – Participation Requirements</b> House/ enacting clause struck on 3/2/2005	J. Ferrin
HB 188	<b>Public Education Job Enhancement Program</b> Governor Signed on 3/17/2005 Effective Date: 5/2/2005	B. Johnson
HB 189	<b>Applied Technology Program Amendments</b> House/ filed on 2/15/2005	J. Ferrin
HB 190	<b>Individual Income Tax – Electronic Filing Requirements</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	S. Clark
HB 191	<b>Captive Insurance Law Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	J. Dunnigan
HB 192	<b>Utah High Cost Home Loan Act Amendments</b> House/ enacting clause struck on 3/2/2005	W. Harper
HB 193	<b>Deregulation of General Building Contractors</b> House/ enacting clause struck on 3/2/2005	G. Hughes
HB 194	<b>Fair Housing for Domestic Violence Victims and Landlord Protection Act</b> House/ enacting clause struck on 3/2/2005	L. Shurtliff
HB 195	<b>Insurance Law Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	J. Dunnigan
HB 196	<b>Legislators Involvement in Public Schools</b> House/ enacting clause struck on 3/2/2005	D. Bourdeaux
HB 197	<b>Individual Income Tax Amendments</b> House/ enacting clause struck on 3/2/2005	P. Jones



HB 198	<b>Naturopathic Formulary Peer Committee Amendments</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	J. Ferrin
HB 199	<b>Special Election Dates</b> House/ enacting clause struck on 3/2/2005	D. Hogue
HB 200	<b>Insurance Law Revisions</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	J. Dunnigan
HB 201	<b>Life Insurance and Annuities Law Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	J. Dunnigan
HB 202	<b>Revisions to Child Welfare</b> House/ filed on 3/2/2005	W. Harper
HB 203	<b>Agricultural Advisory Board</b> Governor Signed on 3/17/2005 Effective Date: 5/2/2005	M. Noel
HB 204	<b>Statute of Limitations Amendments</b> Senate/ to House on 3/2/2005	D. Clark
HB 205	<b>Deer Hunt Opening Season Date Amendments</b> House/ enacting clause struck on 3/2/2005	S. Clark
HB 206	<b>Charter School Reporting</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	C. Moss
HB 207	<b>Prescriptive Easements Act</b> House/ enacting clause struck on 3/2/2005	G. Hughes
HB 208	<b>Unclaimed Property Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	P. Ray

HB 209	<b>Administrative Rules – Impact on Small Businesses</b> House/ filed on 3/2/2005	G. Hughes
HB 210	<b>Residential Mortgages Practices – Employment Security Revisions</b> House/ enacting clause struck on 3/2/2005	M. Walker
HB 211	<b>Integrity of Election Results Amendments</b> Failed Due to Lack of Presentment on 4/4/2005	J. Dougall
HB 212	<b>Traffic Violations by Diplomats</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	D. Hogue
HB 213	<b>Unused Sick Leave At Retirement Amendments</b> Governor Signed on 3/1/2005 Effective Date: 1/1/2006	D. Clark
HB 214	<b>Emerging Technologies and Open Government</b> House/ filed on 3/2/2005	D. Clark
HB 215	<b>Property Tracking Amendments</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	P. Ray
HB 216	<b>Global Positioning Reference Network</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	K. Holdaway
HB 217	<b>Public Safety Retirement – Exemption of Certain Employees</b> Governor Signed on 3/17/2005 Effective Date: 5/2/2005	D. Clark
HB 218	<b>Second District Juvenile Judge</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	J. Adams
HB 219	<b>Traffic Enforcement Amendments</b> House/ enacting clause struck on 3/2/2005	R. McGee

- HB 220     **Sales and Use Tax Exemption for Textbooks  
for Higher Education**                             D. Bourdeaux  
House/ filed on 3/2/2005
- HB 221     **Electronic Communication Harassment**                             J. Dougall  
Governor Signed on 3/16/2005  
Effective Date: 5/2/2005
- HB 222     **Pilot Program Repeal Clean-up**                             R. Romero  
Governor Signed on 3/16/2005  
Effective Date: 5/2/2005
- HB 223     **Amendments to Driver License and  
Identification Cards**                                             C. Oda  
Governor Signed on 3/10/2005  
Effective Date: 7/1/2005
- HB 224     **Permanent Community Impact Fund –  
Board Membership**                                             J. Mathis  
Governor Signed on 3/16/2005  
Effective Date: 5/2/2005
- HB 225     **Boat Registration Fee**                                             B. Goodfellow  
House/ filed on 3/2/2005
- HB 226     **Government Records Access and Management  
Act Requirements Regarding Animal Identification  
Program**                                             C. Buttars  
Governor Signed on 3/16/2005  
Effective Date: 5/2/2005
- HB 227     **Corporate Franchise and Income Taxes –  
Exemption for Banks**                                             W. Harper  
House/ enacting clause struck on 3/2/2005
- HB 228     **Removal or Defacement of Political Signs**                             G. Hughes  
House/ filed on 2/17/2005
- HB 229     **Water Rights in Irrigation Companies**                             P. Painter  
House/ enacting clause struck on 3/2/2005

HB 230	<b>Recycling of Waste Tires</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	D. Ure
HB 231	<b>School District Boundaries</b> House/ filed on 3/2/2005	M. Noel
HB 232	<b>Utah Basic Skills Competency Test Alternatives</b> House/ enacting clause struck on 3/2/2005	P. Ray
HB 233	<b>Adoption Law Revisions</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	R. McGee
HB 234	<b>Telephone Surcharge for Education and Training Programs At Prison</b> Governor Signed on 3/22/2005 Effective Date: 7/1/2005	B. Goodfellow
HB 234	<b>Telephone Surcharge for Education and Training Programs At Prison</b> Governor Signed on 3/22/2005 Effective Date: 7/1/2005	B. Goodfellow
HB 235	<b>Insurance Arbitration Amendments</b> Governor Signed on 3/17/2005 Effective Date: 5/2/2005	S. Urquhart
HB 236	<b>Health Insurance Law Amendments</b> Governor Signed on 3/11/2005 Effective Date: 5/2/2005	J. Dunnigan
HB 237	<b>State Benefit Provider Revisions</b> House/ enacting clause struck on 3/2/2005	P. Ray
HB 238	<b>Utah Technology Commission Membership</b> House/ filed on 3/2/2005	J. Dougall
HB 239	<b>Higher Education Tuition and Residency Legislative Task Force</b> House/ enacting clause struck on 3/2/2005	G. Donnelson

HB 240	<b>Disaster Loan Program</b> Governor Signed on 2/2/2005 Effective Date: 2/2/2005	R. Bigelow
HB 241	<b>Veterans Nursing Home</b> House/ filed on 3/2/2005	D. Buxton
HB 242	<b>Criminal Penalty for Animal Cruelty</b> House/ filed on 3/2/2005	S. Wyatt
HB 243	<b>Repeal of Geriatric Care Manager</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	R. Lockhart
HB 244	<b>Transfer of Prescriptions</b> House/ enacting clause struck on 3/2/2005	N. Hansen
HB 245	<b>Compensation of Constitutional Officers – Benefits and Insurance</b> House/ filed on 2/24/2005	M. Noel
HB 246	<b>Waste Fees Amendments</b> House/ filed on 3/2/2005	S. Urquhart
HB 247	<b>Credit or Refund for Tax Paid on Cigarette or Tobacco Product Destroyed or Returned to the Manufacturer</b> Governor Signed on 3/16/2005 Effective Date: 7/1/2005	E. Hutchings
HB 248	<b>Child Support Obligations</b> House/ filed on 2/18/2005	E. Hutchings
HB 249	<b>Carson Smith Special Needs Scholarships</b> Governor Signed on 3/10/2005 Effective Date: 5/2/2005	M. Newbold
HB 250	<b>Capitol Complex Space</b> Governor Signed on 3/21/2005 Effective Date: 5/2/2005	J. Alexander

HB 251	<b>Amendments Related to Public Utilities</b> House/ enacting clause struck on 3/2/2005	A. Tilton
HB 252	<b>Marriage Preparation Education</b> House/ enacting clause struck on 3/2/2005	R. McGee
HB 253	<b>Tax Amendments</b> House/ enacting clause struck on 3/2/2005	W. Harper
HB 254	<b>Tax Credit for Tuition</b> House/ enacting clause struck on 3/2/2005	S. Mascaro
HB 255	<b>Investment of Higher Education Institution Endowment Funds</b> Governor Signed on 3/17/2005 Effective Date: 5/2/2005	D. Clark
HB 256	<b>Local Government Authority</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	A. Hardy
HB 257	<b>Transportation General Obligation Bonds Authorization</b> House/ enacting clause struck on 3/2/2005	S. Urquhart
HB 258	<b>Individual Income Tax Credit for Employment-related Expenses</b> House/ enacting clause struck on 3/2/2005	D. Litvack
HB 259	<b>Adoption Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	A. Hardy
HB 260	<b>Amendments Related to Pornographic and Harmful Materials</b> Governor Signed on 3/21/2005 Effective Date: 3/21/2005	J. Dougall
HB 261	<b>Motorboat Liability Insurance Amendments</b> House/ filed on 3/2/2005	K. Gibson

HB 262	<b>Licensure of Athletic Trainers</b> House/ enacting clause struck on 3/2/2005	P. Ray
HB 263	<b>Insurers Rehabilitation and Liquidation</b> House/ filed on 3/2/2005	J. Dougall
HB 264	<b>State Land Use Management Plans Amendments</b> Governor Signed on 3/17/2005 Effective Date: 5/2/2005	M. Noel
HB 265	<b>Restrictions on Riders in the Back of Open Vehicle</b> House/ enacting clause struck on 3/2/2005	C. Buttars
HB 266	<b>Changes to Quality Growth Commission</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	C. Buttars
HB 267	<b>Election Day Voter Registration</b> House/ enacting clause struck on 3/2/2005	N. Hansen
HB 268	<b>Drug Utilization Review Committee Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	R. Lockhart
HB 269	<b>Sales Marketing Requirements</b> House/ filed on 3/2/2005	M. Noel
HB 270	<b>Temporary Road Closures</b> House/ filed on 3/2/2005	M. Noel
HB 271	<b>Commitment to Mental Health Authority</b> House/ enacting clause struck on 3/2/2005	M. Noel
HB 272	<b>Patient Access to Providers and Contracting Amendments</b> House/ filed on 3/2/2005	R. Lockhart
HB 273	<b>Real Estate and Mechanics Liens – Security Alternatives</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	M. Morley

HB 274	<b>Referendum Procedure</b> House/ enacting clause struck on 3/2/2005	D. Hogue
HB 275	<b>Business Entity Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	R. Romero
HB 276	<b>Division of Criminal Investigation and Technical Services Amendments</b> Governor Signed on 3/21/2005 Effective Date: 5/2/2005	C. Oda
HB 277	<b>Revisions to the Utah Credit Union Act</b> House/ enacting clause struck on 3/2/2005	L. Christensen
HB 278	<b>Termination of Parental Rights for Murder or Attempted Murder</b> House/ enacting clause struck on 3/2/2005	J. Biskupski
HB 279	<b>Clinical Counselor – Title Change</b> Governor Vetoed on 3/22/2005 Effective Date: 5/2/2005	L. Fowlke
HB 280	<b>Joint Custody Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	L. Christensen
HB 281	<b>Task Force on Legislative Reforms</b> House/ filed on 2/17/2005	N. Hansen
HB 282	<b>State Employee Ethics Amendments</b> House/ enacting clause struck on 3/2/2005	J. Dougall
HB 283	<b>Real Estate Amendments</b> Governor Signed on 3/18/2005 Effective Date: 5/2/2005	G. Snow
HB 284	<b>Restructure of State Utility Regulatory Entities</b> House/ enacting clause struck on 3/2/2005	A. Tilton



HB 285	<b>Nurse Practice Act Amendments</b> House/ enacting clause struck on 3/2/2005	R. Lockhart
HB 286	<b>Use of Public Education Monies</b> House/ enacting clause struck on 3/2/2005	P. Jones
HB 287	<b>Revenue Bonds and Capital Facilities Authorizations</b> Governor Signed on 3/17/2005 Effective Date: 5/2/2005	D. Buxton
HB 288	<b>Executive Compensation Amendments</b> Senate/ to House on 3/3/2005	J. Alexander
HB 289	<b>Authority for Design–build Construction</b> House/ enacting clause struck on 3/2/2005	M. Morley
HB 290	<b>Restrictions on Gifts</b> House/ enacting clause struck on 3/2/2005	J. Ferrin
HB 291	<b>Capitol Preservation Board Modifications</b> House/ filed on 3/2/2005	J. Alexander
HB 292	<b>Commission on Racial and Ethnic Fairness</b> House/ filed on 3/2/2005	D. Bourdeaux
HB 293	<b>Materials Harmful to Minors</b> House/ enacting clause struck on 3/2/2005	D. Hogue
HB 294	<b>Regulation of Assisted Living Facility Amendments</b> House/ enacting clause struck on 3/2/2005	R. Lockhart
HB 295	<b>Deferred Deposit Lending Revisions</b> House/ enacting clause struck on 3/2/2005	L. Fowlke
HB 296	<b>Condominium Ownership Act Amendments</b> House/ filed on 2/25/2005	C. Moss
HB 297	<b>Aggravated Murder Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	S. Wyatt

HB 298	<b>Foster Placements</b> House/ enacting clause struck on 3/2/2005	N. Hansen
HB 299	<b>Motor Vehicle Business Licensing Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	P. Ray
HB 300	<b>Health Care Savings Account Act</b> House/ enacting clause struck on 3/2/2005	M. Dayton
HB 301	<b>Supplemental Appropriations III</b> Governor Signed on 3/22/2005 Effective Date: 7/1/2005	R. Bigelow
HB 302	<b>Regulation of Construction Industry</b> House/ enacting clause struck on 3/2/2005	J. Adams
HB 303	<b>Shelter Hearing Amendments</b> House/ filed on 3/2/2005	E. Hutchings
HB 304	<b>Premium Assistance Program for Covered-at-work</b> House/ enacting clause struck on 3/2/2005	K. Holdaway
HB 305	<b>Collection Practices Amendments</b> House/ enacting clause struck on 3/2/2005	D. Bourdeaux
HB 306	<b>Amendment Regarding Controlled Substances</b> House/ filed on 3/2/2005	C. Oda
HB 307	<b>Redevelopment Agency Changes</b> House/ enacting clause struck on 3/2/2005	J. Dougall
HB 308	<b>Archeological Resources Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	B. Johnson
HB 309	<b>Municipal Budget Amendments</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	M. Walker

- HB 310     **Aging and Adult Services Program Amendments**     E. Hutchings  
House/ enacting clause struck on 3/2/2005
- HB 311     **Controlled Substance Law Amendments**     B. Dee  
Governor Signed on 3/21/2005  
Effective Date: 5/2/2005
- HB 312     **Municipal Electrical Entities Amendments**     A. Tilton  
House/ enacting clause struck on 3/2/2005
- HB 313     **Economic Development Initiative for  
Higher Education**     K. Holdaway  
Governor Signed on 3/16/2005  
Effective Date: 7/1/2005
- HB 314     **Driving with Any Measurable Controlled  
Substance in the Body Revisions**     M. Noel  
House/ filed on 3/2/2005
- HB 315     **Department of Community Development and  
Arts Restructure**     D. Buxton  
House/ enacting clause struck on 3/2/2005
- HB 316     **Driver License Requirements for Illegal Aliens**     A. Tilton  
House/ enacting clause struck on 3/2/2005
- HB 317     **Vehicle Impound Amendments**     J. Gowans  
House/ enacting clause struck on 3/2/2005
- HB 318     **Community and Economic Development  
Restructuring**     C. Buttars  
Governor Signed on 3/16/2005  
Effective Date: 7/1/2005
- HB 319     **Expansion of Department of Administrative Services  
Oversight to Include Human Resource Management**     D. Buxton  
Governor Signed on 3/17/2005  
Effective Date: 7/1/2006
- HB 320     **Utility Regulatory Reform**     J. Gowans  
House/ enacting clause struck on 3/2/2005

HB 321	<b>Background Checks for Boarding Schools</b> House/ enacting clause struck on 3/2/2005	B. Last
HB 322	<b>Motor Vehicle Repairs – Consumer Rights</b> House/ enacting clause struck on 3/2/2005	T. Kiser
HB 323	<b>Access to Employment Data</b> House/ enacting clause struck on 3/2/2005	J. Mathis
HB 324	<b>Taxable Value Adjustment for Property Damaged by a Natural Disaster</b> Governor Signed on 3/17/2005 Effective Date: 5/2/2005	B. Last
HB 325	<b>Open Enrollment Amendments</b> House/ enacting clause struck on 3/2/2005	D. Bourdeaux
HB 326	<b>High School Curriculum</b> House/ filed on 3/2/2005	B. Daw
HB 327	<b>Department of Commerce – Demographic Data Tracking</b> House/ enacting clause struck on 3/2/2005	M. Wheatley
HB 328	<b>Rural Health Care Infrastructure</b> House/ enacting clause struck on 3/2/2005	M. Noel
HB 329	<b>County Contracted Services</b> House/ enacting clause struck on 3/2/2005	K. Holdaway
HB 330	<b>Driver License Qualifications Amendments</b> House/ enacting clause struck on 3/2/2005	G. Donnelson
HB 331	<b>Disaster Relief Provisions</b> House/ enacting clause struck on 3/2/2005	D. Clark
HB 332	<b>Possession of a Dangerous Weapon in a Vehicle</b> House/ enacting clause struck on 3/2/2005	M. Morley
HB 333	<b>Density Credit for Land Donated to School District</b> House/ enacting clause struck on 3/2/2005	D. Cox

HB 334	<b>Divorce Education for Children</b> House/ enacting clause struck on 3/2/2005	R. McGee
HB 335	<b>Disconnecting Territory from a Municipality</b> House/ filed on 3/2/2005	C. Frank
HB 336	<b>Voting Requirements</b> House/ enacting clause struck on 3/2/2005	L. Shurtliff
HB 337	<b>Golf Carts Allowed on Certain Highways</b> House/ enacting clause struck on 3/2/2005	C. Moss
HB 338	<b>Child and Family Welfare Revisions</b> Governor Signed on 3/22/2005 Effective Date: 5/2/2005	L. Christensen
HB 339	<b>School Trust Lands Revisions</b> House/ enacting clause struck on 3/2/2005	D. Clark
HB 340	<b>Office of Recovery Services Fee</b> House/ enacting clause struck on 3/2/2005	A. Tilton
HB 341	<b>Child and Family Services Records</b> House/ enacting clause struck on 3/2/2005	S. Mascaro
HB 342	<b>Civil Legal Aid for Victims of Domestic Violence</b> House/ filed on 3/2/2005	S. Mascaro
HB 343	<b>Medicaid – Pregnant Women Resource Test</b> House/ enacting clause struck on 3/2/2005	M. Wheatley
HB 344	<b>Regulation of Phlebotomists</b> House/ enacting clause struck on 3/2/2005	M. Wheatley
HB 345	<b>State School Board Amendments</b> House/ enacting clause struck on 3/2/2005	K. Morgan
HB 346	<b>Schools for the Deaf and the Blind Salary Adjustments</b> House/ filed on 3/2/2005	K. Morgan

HB 347	<b>Family Impact Statement</b> House/ enacting clause struck on 3/2/2005	C. Frank
HB 348	<b>Employment Agency Revisions</b> Governor Signed on 3/16/2005 Effective Date: 5/2/2005	J. Adams
HB 349	<b>Money Management Act Amendments</b> Governor Signed on 3/17/2005 Effective Date: 5/2/2005	D. Clark
HB 350	<b>State Building Energy Efficiency Program</b> House/ enacting clause struck on 3/2/2005	F. Hunsaker
HB 351	<b>Health Insurance Disclosure Requirements</b> House/ enacting clause struck on 3/2/2005	B. Last
HB 352	<b>Mandatory Minimum Sentencing for Child Molesters</b> House/ enacting clause struck on 3/2/2005	C. Frank
HB 353	<b>Government Operations</b> House/ enacting clause struck on 3/2/2005	J. Gowans
HB 354	<b>Licensure of Wholesale Distributors of Prescription Drugs</b> House/ enacting clause struck on 3/2/2005	B. Last
HB 355	<b>Amendments to Workers Compensation Fund</b> House/ enacting clause struck on 3/2/2005	D. Ure
HB 356	<b>State Government Law Revisions – Withdrawal from Education Compact</b> House/ filed on 3/2/2005	M. Dayton
HB 357	<b>Amendments to Independent Entities</b> House/ enacting clause struck on 3/2/2005	D. Ure
HB 358	<b>Tuition and Books Assistance</b> House/ enacting clause struck on 3/2/2005	E. Hutchings

HB 359	<b>Professional Licensing Amendments</b> House/ enacting clause struck on 3/2/2005	M. Wheatley
HB 360	<b>Protective Order Amendments</b> House/ enacting clause struck on 3/2/2005	E. Hutchings
HB 361	<b>Municipal Authority to Use Collection Agencies</b> House/ filed on 2/24/2005	M. Walker
HB 362	<b>Appropriation for Highly Qualified Teachers</b> House/ filed on 3/2/2005	K. Holdaway
HB 363	<b>Transportation Amendments</b> House/ enacting clause struck on 3/2/2005	K. Gibson
HB 364	<b>Abusive Attorneys Fees</b> House/ enacting clause struck on 3/2/2005	B. Last
HB 365	<b>Revolving Door Limitation for Public Officials to Become Lobbyists</b> House/ enacting clause struck on 3/2/2005	C. Moss
HB 366	<b>Ethics Commission</b> House/ enacting clause struck on 3/2/2005	D. Litvack
HB 367	<b>Restrictions on High Occupancy Vehicle Lane</b> House/ enacting clause struck on 3/2/2005	D. Litvack
HB 368	<b>Special Function Officers for Division of Occupational and Professional Licensing</b> House/ filed on 2/21/2005	N. Hendrickson
HB 369	<b>Lobbyist Regulation</b> House/ enacting clause struck on 3/2/2005	J. Ferrin
HB 370	<b>Contribution Limits on Governor's Campaign</b> House/ enacting clause struck on 3/2/2005	J. Ferrin
HB 371	<b>Designation of Next of Kin with Department of Health</b> House/ enacting clause struck on 3/2/2005	J. Biskupski

HB 372	<b>Power of Attorney Amendments</b> House/ enacting clause struck on 3/2/2005	M. Newbold
HB 373	<b>Education Technology Task Force</b> House/ filed on 3/2/2005	E. Hutchings
HB 374	<b>Implements of Husbandry Permit Stickers</b> House/ enacting clause struck on 3/2/2005	J. Mathis
HB 375	<b>Revisions to General State Government – Notary Law Amendments</b> House/ filed on 3/2/2005	B. King
HB 376	<b>Hill Air Force Museum Appropriation</b> House/ enacting clause struck on 3/2/2005	D. Buxton
HB 377	<b>County Option Funding for Botanical, Cultural, Recreation, and Zoological Organizations or Facilities</b> House/ enacting clause struck on 3/2/2005	E. Hutchings
HB 378	<b>911 Emergency Response Amendments</b> House/ enacting clause struck on 3/2/2005	E. Hutchings
HB 379	<b>Young Artist Provisions</b> House/ enacting clause struck on 3/2/2005	G. Hughes
HB 380	<b>Amendments to Local Districts</b> Governor Signed on 3/10/2005 Effective Date: 5/2/2005	K. Morgan
HB 381	<b>Nonresident Tuition Waivers</b> House/ filed on 3/2/2005	C. Buttars
HB 382	<b>Supplemental Minimum School Program Finance Act</b> Governor Signed on 3/17/2005 Effective Date: 7/1/2005	G. Snow
HCR 1	<b>Resolution Promoting Moderately Sized Schools</b> Governor Signed on 3/1/2005 Effective Date: 3/1/2005	D. Cox



- HCR 2      **Cowboy Hall of Fame Resolution**      L. Shurtliff  
Governor Signed on 3/1/2005  
Effective Date: 3/1/2005
- HCR 3      **Resolution Regarding Washington  
County Waste Facility**      B. Last  
Governor Signed on 3/22/2005  
Effective Date: 3/22/2005
- HCR 4      **Utah Athletic Foundation Resolution**      D. Ure  
House/ enacting clause struck on 3/2/2005
- HCR 5      **Resolution Honoring Utah Military  
Service Personnel**      F. Hunsaker  
Governor Signed on 3/1/2005  
Effective Date: 3/1/2005
- HCR 6      **Resolution Recognizing Utah’s Legislators  
Back to School Program**      M. Dayton  
Governor Signed on 3/1/2005  
Effective Date: 3/1/2005
- HCR 7      **Concurrent Resolution Opposing Nuclear Testing**      M. Noel  
Governor Signed on 3/17/2005  
Effective Date: 3/17/2005
- HCR 8      **Resolution Recognizing Utah  
Manufacturers Association**      J. Alexander  
Governor Signed on 3/1/2005  
Effective Date: 3/1/2005
- HCR 9      **Resolution Honoring Outgoing USU  
President Kermit L. Hall**      F. Hunsaker  
Governor Signed on 2/17/2005  
Effective Date: 2/17/2005
- HCR 10      **Concurrent Resolution Honoring Waldo Wilcox  
for Preservation of Range Creek Area**      B. King  
Governor Signed on 3/8/2005  
Effective Date: 3/8/2005

- HCR 11     **Resolution Honoring the University of Utah Football Team**     J. Alexander  
Governor Signed on 3/11/2005  
Effective Date: 3/11/2005
- HCR 12     **Resolution Urging Congress to Provide Sufficient Funding of Medicaid**     R. Bigelow  
House/ enacting clause struck on 3/2/2005
- HCR 13     **Concurrent Resolution Promoting Utah Saves Strategic Initiative**     D. Hogue  
House/ filed on 3/2/2005
- HCR 14     **Concurrent Resolution Honoring America’s Military War Dogs**     S. Mascaro  
House/ filed on 3/2/2005
- HJR 1     **Joint Resolution Related to Financial Institutions**     J. Alexander  
House/ to Lieutenant Governor on 3/9/2005  
Effective Date: 2/21/2005
- HJR 2     **Joint Rules Resolution – Family Impact Statement on Legislation**     C. Frank  
House/ enacting clause struck on 3/2/2005
- HJR 3     **Resolution Regarding Federal No Child Left Behind**     K. Holdaway  
House/ to Lieutenant Governor on 3/7/2005  
Effective Date: 2/25/2005
- HJR 4     **Joint Rules Resolution – Conflict of Interest Amendments**     D. Ure  
House/ enacting clause struck on 3/2/2005
- HJR 5     **Resolution Clarifying Removal Provisions**     D. Hogue  
House/ filed on 2/25/2005
- HJR 6     **Resolution Approving Compensation of In-session Employees**     M. Newbold  
House/ to Lieutenant Governor on 3/7/2005  
Effective Date: 1/27/2005

- HJR 7      **Resolution Amending State Auditor Qualifications**      R. Romero  
House/ enacting clause struck on 3/2/2005
- HJR 8      **Joint Rules Resolution – Use of Legislative Seals**      R. Lockhart  
House/ to Lieutenant Governor on 2/4/2005  
Effective Date: 1/27/2005
- HJR 9      **Resolution Amending Joint Rules Regarding  
Conflicts of Interest**      J. Dougall  
House/ to Lieutenant Governor on 2/4/2005  
Effective Date: 1/27/2005
- HJR 10     **Joint Rules Resolution – Amendments in Context**      R. Lockhart  
House/ to Lieutenant Governor on 2/4/2005  
Effective Date: 1/27/2005
- HJR 11     **Resolution Encouraging Schools to  
Adopt Nutrition and Physical Activity Policies**      P. Jones  
House/ to Lieutenant Governor on 3/7/2005  
Effective Date: 2/21/2005
- HJR 12     **Resolution Eliminating Property Tax  
on Personal Property**      J. Dougall  
House/ enacting clause struck on 3/2/2005
- HJR 13     **Resolution Supporting National Bear  
River Heritage Area Act**      C. Buttars  
House/ filed on 3/2/2005
- HJR 14     **Resolution Establishing Redistricting Commission**      R. McGee  
House/ enacting clause struck on 3/2/2005
- HJR 15     **Resolution Regarding United States  
Trade Negotiations**      S. Allen  
House/ to Lieutenant Governor on 3/7/2005  
Effective Date: 2/22/2005
- HJR 16     **Joint Resolution Related to the Utah  
Athletic Foundation**      D. Ure  
House/ enacting clause struck on 3/2/2005

- HJR 17     **Resolution Honoring Celebration of Marriage Week** L. Fowlke  
House/ to Lieutenant Governor on 3/7/2005  
Effective Date: 2/28/2005
- HJR 18     **Joint Resolution Supporting Counties  
Expansion of Correctional Facilities** D. Hogue  
House/ filed on 3/2/2005
- HJR 19     **Joint Resolution Urging Health Care  
for Utah's Indigent and Needy Uninsured** L. Fowlke  
House/ to Lieutenant Governor on 3/11/2005  
Effective Date: 3/2/2005
- HJR 20     **Master Study Resolution** J. Alexander  
House/ to Lieutenant Governor on 3/11/2005  
Effective Date: 3/2/2005
- HJR 21     **Resolution Honoring Jade Pusey** D. Ure  
House/ to Lieutenant Governor on 2/25/2005  
Effective Date: 2/7/2005
- HR 1       **House Rules Resolution – Lobbyist Code  
of Ethics Amendments** D. Ure  
House/ enacting clause struck on 3/2/2005
- HR 2       **Resolution Supporting Permanent Repeal of  
Federal Inheritance Tax** M. Morley  
House/ to Lieutenant Governor on 3/7/2005  
Effective Date: 1/31/2005
- HR 3       **Resolution Supporting Congressional  
Privatization of Social Security** M. Morley  
House/ to Lieutenant Governor on 3/7/2005  
Effective Date: 2/2/2005
- HR 4       **Resolution Urging United States Senate  
Support of President's Supreme Court Nominees** M. Morley  
House/ to Lieutenant Governor on 3/7/2005  
Effective Date: 2/2/2005
- HR 5       **House Rules Resolution – Oral Declaration  
of Conflict of Interest** D. Ure  
House/ enacting clause struck on 3/2/2005

- HR 6      **House Rules Resolution – Electronic Voting Board**      D. Ure  
House/ filed on 2/8/2005
- HR 7      **House Rules Resolution – Committee Report**      D. Ure  
House/ to Lieutenant Governor on 3/7/2005  
Effective Date: 2/24/2005
- HR 8      **Resolution Encouraging State Research Universities  
to Focus on Enhancing State Trust Lands**      E. Hutchings  
House/ enacting clause struck on
- HR 9      **House Resolution Discouraging Participation in  
Free Trade Areas of the Americas**      G. Donnelson  
House/ to Lieutenant Governor on 3/7/2005  
Effective Date: 2/18/2005
- HR 10      **Resolution Supporting Participation of Taiwan  
in World Health Organization**      B. Last  
House/ to Lieutenant Governor on 3/7/2005  
Effective Date: 2/22/2005
- HR 11      **Resolution Urging Congress to Pass  
Balanced Budget Amendment**      N. Hansen  
House/ to Lieutenant Governor on 3/7/2005  
Effective Date: 2/24/2005
- HR 12      **Resolution Honoring Hollace (Holly) Parker**      K. Holdaway  
House/ to Lieutenant Governor on 3/9/2005  
Effective Date: 3/2/2005



**SUBJECT**  
**INDEX**





**SUBJECT INDEX TITLES**

**ABUSE**

- Medical Decisions of a Parent or Guardian, Thomas, D. . . . . SB 83 (P)
- Presumption of Responsibility for Abuse or Neglect,  
Christensen, L. . . . . HB 89 (P)
- Revisions to Child Welfare, Harper, W. . . . . HB 202 (F)

**ADMINISTRATIVE RULES AND PROCEDURES**

- Administrative Rules – Impact on Small  
Businesses, Hughes, G. . . . . HB 209 (F)
- Administrative Rules Reauthorization, Ure, D. . . . . HB 37 (P)
- Individual Income Tax – Return Filing Requirements,  
Stephenson, H. . . . . SB 133 (P)
- Utah Administrative Rulemaking Act Revision, Stephenson, H. . . . . SB 101 (P)

**ADMINISTRATIVE SERVICES**

- Capitol Preservation Board Amendments, Evans, B. . . . . SB 163 (P)

**ADOPTION**

- Adoption Amendments, Hardy, A. . . . . HB 259 (P)
- Adoption Law Revisions, McGee, R. . . . . HB 233 (P)
- Amendments to Individual Income Tax Credit for Special  
Needs Adoptions, Hellewell, P. . . . . SB 125 (P)
- Child Support Exemption for Adoptive Parents of Certain  
Children in State Custody, Hellewell, P. . . . . SB 160 (F)
- Child Welfare Removal – Adoption Option, Hellewell, P. . . . . SB 186 (F)
- Intercountry Adoption Accreditation, McGee, R. . . . . HB 22 (P)

**ADVERTISING**

- Restrictions of Advertising Illegal Activities, Wyatt, S. . . . . HB 123 (F)

**AERONAUTICS**

- Aerospace and Aviation Development Zone Modifications,  
Dmitrich, M. . . . . SB 9 (P)
- Liens on Aircraft, Hatch, T. . . . . SB 103 (P)
- Space Exploration Resolution, Knudson, P. . . . . SJR 6 (P)

## **AGRICULTURE**

- Agricultural Advisory Board, Noel, M. . . . . HB 203 (P)  
 Agricultural Coop Amendments, Buttars, C. . . . . HB 155 (P)  
 County Option Sales and Use Tax for Agricultural Land,  
     Open Land, and Recreational Facilities Act, Buttars, C. . . . . HB 152 (F)  
 Dairy Promotion Act Amendments, Ure, D. . . . . HB 156 (P)  
 Historical Livestock Trails, Johnson, B. . . . . HB 182 (P)  
 Sales and Use Tax – Agricultural Exemption Vehicle Limitation,  
     Menlove, R. . . . . HB 9 (P)  
 Sales and Use Tax Agriculture Exemptions, Allen, R. . . . . SB 6 (P)  
 Water Enforcement Procedures and Penalties, Ure, D. . . . . HB 157 (P)  
 Water Law – Criminal Penalties Amendments, Ferry, B. . . . . HB 38 (P)

## **AIR**

- Amendments to Indoor Clean Air Act, Waddoups, M. . . . . SB 77 (F)  
 Utah Indoor Clean Air Act Amendments, Ray, P. . . . . HB 166 (F)

## **AIRPORTS**

- Concurrent Resolution Regarding Delta Air Lines, Eastman, D. . . . . SCR 9 (P)  
 Retirement for Airport Police, Dmitrich, M. . . . . SB 130 (P)

## **ALCOHOLIC BEVERAGE CONTROL**

- Alcoholic Beverage Control Amendments, Knudson, P. . . . . SB 65 (P)  
 Young Artist Provisions, Hughes, G. . . . . HB 379 (F)

## **ALTERNATIVE DISPUTE RESOLUTION**

- Arbitration – Use of Subpoena Authorized, Eastman, D. . . . . SB 116 (P)  
 Resolution Encouraging Mediation, Walker, C. . . . . SJR 3 (P)

## **APPLIED TECHNOLOGY EDUCATION**

- Applied Technology Program Amendments, Ferrin, J. . . . . HB 189 (F)  
 Utah College of Applied Technology Amendments, Bigelow, R. . . . . HB 86 (P)

## **APPROPRIATIONS**

- Annual Appropriations Act, Bigelow, R. . . . . HB 1 (P)  
 Appropriation for Highly Qualified Teachers, Holdaway, K. . . . . HB 362 (F)  
 Children’s Justice Center Addition, Hatch, T. . . . . SB 93 (P)  
 Division of Real Estate Amendments, Waddoups, M. . . . . SB 172 (P)  
 Executive Compensation Amendments, Alexander, J. . . . . HB 288 (F)

High Technology Economic Development Appropriation, Mansell, L. A. . . . .	SB 192 (P)
Hill Air Force Museum Appropriation, Buxton, D. G. . . . .	HB 376 (F)
Supplemental Appropriations Act, Hillyard, L. . . . .	SB 1 (P)
Supplemental Appropriations Act II, Hillyard, L. . . . .	SB 3 (P)
Supplemental Appropriations III, Bigelow, R. . . . .	HB 301 (P)
Supplemental Minimum School Program Finance Act, Snow, G. . . . .	HB 382 (P)
Telephone Surcharge for Education and Training Programs At Prison, Goodfellow, B. . . . .	HB 234 (P)
Telephone Surcharge for Education and Training Programs At Prison, Goodfellow, B. . . . .	HB 234 (P)
Transportation Investment Act, Lockhart, R. . . . .	HB 18 (F)

### **ARBITRATION\MEDIATION**

Arbitration – Use of Subpoena Authorized, Eastman, D. . . . .	SB 116 (P)
---------------------------------------------------------------	------------

### **ARCHIVES**

Archeological Resources Amendments, Johnson, B. . . . .	HB 308 (P)
---------------------------------------------------------	------------

### **ARTS**

Office of Museum Services Amendments, Allen, R. . . . .	SB 95 (P)
---------------------------------------------------------	-----------

### **ATTORNEYS**

Elder Protection Provisions, Jones, P. . . . .	HB 167 (F)
Offer of Settlement Provisions, Christensen, L. . . . .	HB 127 (F)
Utah Attorney’s Fees Recovery Act, Thomas, D. . . . .	SB 92 (F)

### **AUTOMATED GEOGRAPHIC REFERENCE CENTER**

Global Positioning Reference Network, Holdaway, K. . . . .	HB 216 (P)
------------------------------------------------------------	------------

### **BANKRUPTCY**

Property Exempt from Execution, Dunnigan, J. . . . .	HB 121 (P)
------------------------------------------------------	------------

### **BENEFITS/CLAIMS, HEALTH**

Medical Benefits Recovery Act Amendments, Killpack, S. . . . .	SB 126 (P)
----------------------------------------------------------------	------------

**BICYCLES**

- Bicycle Safety Provisions, McGee, R. . . . . HB 49 (P)  
 Motor Assisted Scooter and Mini–motorcycle  
 Amendments, Dee, B. . . . . HB 159 (P)

**BLACKLISTING**

- Blacklisting Amendments, Christensen, A. . . . . SB 233 (F)

**BOARD OF PARDONS AND PAROLES**

- Drug Courts Pilot Project, Hillyard, L. . . . . SB 135 (P)  
 Restitution Amendments, Bell, G. . . . . SB 94 (P)

**BOATING**

- Boat Registration Fee, Goodfellow, B. . . . . HB 225 (F)  
 Motorboat Liability Insurance Amendments, Gibson, K. . . . . HB 261 (F)

**BONDS**

- 2004 General Obligation Bond Amendments, Knudson, P. . . . . SB 86 (P)  
 Bond Election Process Amendments, Hunsaker, F. . . . . HB 14 (P)  
 Changes to 2004 General Obligation Bond, Allen, R. . . . . SB 162 (F)  
 Private Activity Bond Amendments, Clark, D. . . . . HB 116 (P)  
 Revenue Bonds and Capital Facilities Authorizations,  
 Buxton, D. G. . . . . HB 287 (P)

**BUDGETING**

- Municipal Budget Amendments, Walker, M. . . . . HB 309 (P)  
 Resolution Urging Congress to Pass Balanced Budget  
 Amendment, Hansen, N. . . . . HR 11 (P)  
 State Budget Provisions, Curtis, G. . . . . HB 97 (F)

**BUSINESS**

- Administrative Rules – Impact on Small  
 Businesses, Hughes, G. . . . . HB 209 (F)  
 Alcoholic Beverage Control Amendments, Knudson, P. . . . . SB 65 (P)  
 Blacklisting Amendments, Christensen, A. . . . . SB 233 (F)  
 Business Entity Amendments, Romero, R. . . . . HB 275 (P)  
 Business License Fees, Waddoups, M. . . . . SB 152 (P)  
 Captive Insurance Law Amendments, Dunnigan, J. . . . . HB 191 (P)  
 Child Protection Registry Amendments, Dougall, J. . . . . HB 174 (F)

- Concurrent Resolution Regarding Delta Air Lines, Eastman, D. . . . . SCR 9 (P)  
 Condominium Ownership Act Amendments, Moss, C. . . . . HB 296 (F)  
 Construction Filing Amendments, Morley, M. . . . . HB 105 (P)  
 Construction Trade Related Amendments, Jenkins, S. . . . . SB 168 (F)  
 Consumer Credit Bureau Notice Requirements, Morgan, K. . . . . HB 100 (F)  
 Consumer Credit Protection, Walker, C. . . . . SB 039 (F)  
 Consumer Protection Amendments, Allen, S. . . . . HB 186 (P)  
 Consumer Sales Practices Act Amendments, Kiser, T. . . . . HB 30 (P)  
 Contractors Bonds and Letters of Credit, Clark, S. . . . . HB 82 (F)  
 Conveyances of Property, Adams, J. S. . . . . HB 26 (P)  
 Crime Victims – Change of Locks on Rental Property,  
     Shurtliff, L. . . . . HB 184 (P)  
 Department of Commerce – Demographic Data Tracking,  
     Wheatley, M. . . . . HB 327 (F)  
 Dishonored Instrument Amendments, Knudson, P. . . . . SB 158 (P)  
 Division of Real Estate Amendments, Waddoups, M. . . . . SB 172 (P)  
 Do Not Call Registry Amendments, Thomas, D. . . . . SB 84 (F)  
 Employee Noncompetition Contracts, Mayne, E. . . . . SB 113 (F)  
 Employment Agency Revisions, Adams, J. S. . . . . HB 348 (P)  
 Fair Housing for Domestic Violence Victims and  
     Landlord Protection Act, Shurtliff, L. . . . . HB 194 (F)  
 Federal Health Care Tax Credit Program Act, Oda, C. . . . . HB 69 (P)  
 Financial Institutions as Limited Liability  
     Companies, Hillyard, L. . . . . SB 215 (P)  
 Garnishment by Deferred Deposit Lenders, Allen, R. . . . . SB 38 (F)  
 Health Discount Program Consumer Protection  
     Act, Dunnigan, J. . . . . HB 70 (P)  
 Insurance Cancellation and Nonrenewal Restrictions, Arent, P. . . . . SB 48 (P)  
 Insurance Law Amendments, Dunnigan, J. . . . . HB 195 (P)  
 Insurance Law Revisions, Dunnigan, J. . . . . HB 200 (P)  
 Insurance Licensing Amendments, Dunnigan, J. . . . . HB 60 (P)  
 Insurers Rehabilitation and Liquidation, Dougall, J. . . . . HB 263 (F)  
 Joint Resolution Related to Financial Institutions, Alexander, J. . . . . HJR 1 (P)  
 Judgment Interest Amendments, Mayne, E. . . . . SB 138 (P)  
 Judgment Interest Rate, Jenkins, S. . . . . SB 105 (F)  
 Liens on Aircraft, Hatch, T. . . . . SB 103 (P)  
 Life Insurance and Annuities Law Amendments, Dunnigan, J. . . . . HB 201 (P)  
 Limitation on Liability Regarding Liquefied  
     Petroleum Gas, Eastman, D. . . . . SB 21 (P)  
 Military Installation Partnerships, Killpack, S. . . . . SB 141 (P)

- Mobile Home Park – Notice of Sale of Underlying  
 Property, Wheatley, M. . . . . HB 133 (F)  
 Mutual Dependence Benefits Contract, Bell, G. . . . . SB 89 (F)  
 New Automobile Franchise Act Amendments, Urquhart, S. . . . . HB 47 (P)  
 New Motor Vehicle Franchise Act Amendments, Eastman, D. . . . . SB 51 (P)  
 Pete Suazo Athletic Commission Amendments, Mayne, E. . . . . SB 149 (P)  
 Prescriptive Easements Act, Hughes, G. . . . . HB 207 (F)  
 Price Controls During Emergencies Act, Arent, P. . . . . SB 52 (P)  
 Protection of Government Records, Bell, G. . . . . SB 179 (P)  
 Real Estate – Exclusive Brokerage Agreements, Mansell, L. A. . . . . SB 56 (P)  
 Real Estate Amendments, Snow, G. . . . . HB 283 (P)  
 Real Estate and Mechanics Liens – Security  
 Alternatives, Morley, M. . . . . HB 273 (P)  
 Real Estate Transactions and Securities, Mansell, L. A. . . . . SB 64 (P)  
 Regulating Proprietary Postsecondary Schools, Eastman, D. . . . . SB 18 (P)  
 Regulation of Construction Industry, Adams, J. S. . . . . HB 302 (F)  
 Regulation of Title Insurance Industry, Hatch, T. . . . . SB 40 (P)  
 Relationships with Venture Capital Entities, Thomas, D. . . . . SB 35 (P)  
 Repeal of Utah Personal Introduction Services  
 Protection Act, Allen, S. . . . . HB164 (P)  
 Resolution Recognizing Utah Manufacturers  
 Association, Alexander, J. . . . . HCR 8 (P)  
 Resolution Supporting Congressional Privatization  
 of Social Security, Morley, M. . . . . HR 3 (P)  
 Revisions to the Utah Credit Union Act, Christensen, L. . . . . HB 277 (F)  
 Sales Marketing Requirements, Noel, M. . . . . HB 269 (F)  
 Security Personnel Licensing Amendments, Davis, G. . . . . SB 71 (P)  
 Utah Consumer Credit Code Amendments, Knudson, P. . . . . SB 157 (P)  
 Utah High Cost Home Loan Act Amendments, Harper, W. . . . . HB 192 (F)  
 Wage Provisions, Stephenson, H. . . . . SB 139 (P)  
 Workers' Compensation Coverage of Fire Department  
 Employees, Murray, J. . . . . HB 81 (F)  
 Young Artist Provisions, Hughes, G. . . . . HB 379 (F)

## **BUSINESS AND ECONOMIC DEVELOPMENT**

- Aerospace and Aviation Development Zone Modifications,  
 Dmitrich, M. . . . . SB 9 (P)  
 Community and Economic Development Restructuring,  
 Buttars, C. . . . . HB 318 (P)  
 Economic Development Incentives, Dee, B. . . . . HB 11 (P)  
 Funding for Tourism, Jenkins, S. . . . . SB 7 (F)

- Insurance Cancellation and Nonrenewal Restrictions, Arent, P. . . . . SB 48 (P)
- Military Installation Partnerships, Killpack, S. . . . . SB 141 (P)
- Price Controls During Emergencies Act, Arent, P. . . . . SB 52 (P)
- Regulation of Title Insurance Industry, Hatch, T. . . . . SB 40 (P)
- Utah Venture Capital Enhancement Act Amendments,  
Wallace, P. . . . . HB 179 (P)

**CAPITOL BUILDING**

- Capitol Complex Space, Alexander, J. . . . . HB 250 (P)
- Resolution Approving Contract for State Capitol  
Renovation, Mansell, L. A. . . . . SJR 5 (P)

**CHARITIES**

- Charitable Purpose Determination, Hellewell, P. . . . . SB 45 (F)
- Joint Resolution Urging Health Care for Utah’s Indigent  
and Needy Uninsured, Fowlke, L. . . . . HJR 19 (P)
- Property Tax Exemption Amendments, Bramble, C. . . . . SB 121 (P)
- Resolution Recognizing 100 Years of Rotary  
International, Knudson, P. . . . . SJR 9 (P)

**CHARTER SCHOOLS**

- Applied Technology Program Amendments, Ferrin, J. . . . . HB 189 (F)
- Charter School Amendments, Stephenson, H. . . . . SB 178 (P)
- Charter School Construction Amendments, Ferrin, J. . . . . HB 36 (P)
- Charter School Enrollment, Ferrin, J. . . . . HB 136 (P)
- Charter School Reporting, Moss, C. . . . . HB 206 (P)

**CHILD CARE**

- Department of Workforce Services Amendments, Jenkins, S. . . . . SB 12 (P)

**CHILD RESTRAINTS**

- Safety Belt Enforcement, Hale, K. . . . . SB 109 (F)

**CHILD SUPPORT**

- Child Support Exemption for Adoptive Parents of Certain  
Children in State Custody, Hellewell, P. . . . . SB 160 (F)
- Child Support Obligations, Hutchings, E. . . . . HB 248 (F)
- Office of Recovery Services Fee, Tilton, A. . . . . HB 340 (F)

**CHILD WELFARE**

- Child and Family Welfare Revisions, Christensen, L. . . . . HB 338 (P)  
 Child Protection Team Meetings, Tilton, A. . . . . HB 8 (P)  
 Child Support Exemption for Adoptive Parents of Certain  
   Children in State Custody, Hellewell, P. . . . . SB 160 (F)  
 Child Welfare Removal – Adoption Option, Hellewell, P. . . . . SB 186 (F)  
 Child Welfare Services, Hellewell, P. . . . . SB 165 (F)  
 Foster Care Citizen Review Board, Eastman, D. . . . . SB 17 (P)  
 Revisions to Child Welfare, Harper, W. . . . . HB 202 (F)

**CHILDREN**

- Child and Family Services Records, Mascaro, S. . . . . HB 341 (F)  
 Child Protection Amendments, Bell, G. . . . . SB 112 (F)  
 Child Protection Registry Amendments, Dougall, J. . . . . HB 174 (F)  
 Child Protection Team Meetings, Tilton, A. . . . . HB 8 (P)  
 Child Welfare Amendments, Eastman, D. . . . . SB 72 (P)  
 Children’s Justice Center Amendments, Buttars, D. C. . . . . SB 15 (P)  
 Children’s Health Care Coverage Amendments, Hogue, D. . . . . HB 114 (P)  
 Children’s Justice Center Addition, Hatch, T. . . . . SB 93 (P)  
 Internet Crimes Against Children, Cosgrove, T. . . . . HB 132 (P)  
 Medical Decisions of a Parent or Guardian, Thomas, D. . . . . SB 83 (P)  
 Medical Recommendations for Children, Morley, M. . . . . HB 42 (P)  
 Presumption of Responsibility for Abuse or Neglect,  
   Christensen, L. . . . . HB 89 (P)  
 Resolution Encouraging Schools to Adopt Nutrition and  
   Physical Activity Policies, Jones, P. . . . . HJR 11 (P)  
 Shelter Hearing Amendments, Hutchings, E. . . . . HB 303 (F)

**CLEAN FUELS**

- Amendments Relating to Clean Fuels and Vehicles Using  
   Clean Fuels, Hunsaker, F. . . . . HB 96 (P)

**CODE OF CRIMINAL PROCEDURE**

- Amendments to Search Warrants, Thomas, D. . . . . SB 30 (P)  
 Drug Offender Reform Act, Buttars, D. C. . . . . SB 22 (F)  
 Property Tracking Amendments, Ray, P. . . . . HB 215 (P)

**COLLECTION AGENCIES**

- Municipal Authority to Use Collection Agencies, Walker, M. . . . . HB 361 (F)



**COMMERCE AND TRADE**

- Department of Commerce – Demographic Data Tracking,
  - Wheatley, M. . . . . HB 327 (F)
- House Resolution Discouraging Participation in Free Trade
  - Areas of the Americas, Donnelson, G. . . . . HR 9 (P)
- Materials Harmful to Minors, Hogue, D. . . . . HB 293 (F)
- Personal Property Transactions Amendments, Waddoups, M. . . . . SB 62 (P)
- Pete Suazo Athletic Commission Amendments, Mayne, E. . . . . SB 149 (P)
- Price Controls During Emergencies Act, Arent, P. . . . . SB 52 (P)
- Repeal of Utah Personal Introduction Services
  - Protection Act, Allen, S. . . . . HB 164 (P)
- Resolution Regarding United States Trade
  - Negotiations, Allen, S. . . . . HJR 15 (P)
- Senate Resolution Discouraging Participation in Free Trade
  - Area of the Americas, Thomas, D. . . . . SR 1 (P)
- Spyware Control Act Revisions, Urquhart, S. . . . . HB 104 (P)

**COMMERCIAL DRIVER LICENSE (CDL)**

- Driver License and Commercial Driver License
  - Amendments, Bowman, D. . . . . HB 65 (P)

**COMMITTEE OF UTILITY CONSUMER SERVICES**

- Utility Regulatory Reform, Gowans, J. . . . . HB 320 (F)

**COMMITTEES, LEGISLATIVE**

- House Rules Resolution – Committee Report, Ure, D. . . . . HR 7 (P)
- Master Study Resolution, Alexander, J. . . . . HJR 20 (P)
- Repeal of Utah Tomorrow Strategic Planning Committee,
  - Waddoups, M. . . . . SB 117 (P)

**COMMUNITY AND ECONOMIC DEVELOPMENT**

- Aerospace and Aviation Development Zone
  - Modifications, Dmitrich, M. . . . . SB 9 (P)
- Amendments to Department of Community and
  - Economic Development, Knudson, P. . . . . SB 234 (F)
- Amendments to Navajo Trust Fund, Evans, B. . . . . SB 76 (P)
- Archeological Resources Amendments, Johnson, B. . . . . HB 308 (P)
- Economic Development Incentives, Dee, B. . . . . HB 11 (P)
- Funding for Business Development in Disadvantaged
  - Rural Communities, Knudson, P. . . . . SB 57 (P)

Funding for Tourism, Jenkins, S. . . . .	SB 7 (F)
High Technology Economic Development	
Appropriation, Mansell, L. A. . . . .	SB 192 (P)
Military Installation Partnerships, Killpack, S. . . . .	SB 141 (P)
Motion Picture Incentive Fund, Allen, S. . . . .	HB 17 (P)
Navajo Trust Fund Amendments, King, B. . . . .	HB 119 (F)
Office of Museum Services Amendments, Allen, R. . . . .	SB 95 (P)
Permanent Community Impact Fund – Board Membership,	
Mathis, J. . . . .	HB 224 (P)
Private Activity Bond Amendments, Clark, D. . . . .	HB 116 (P)
Tourism Task Force, Ure, D. . . . .	HB 57 (P)
Utah Venture Capital Enhancement Act Amendments,	
Wallace, P. . . . .	HB 179 (P)

### CONFLICTS OF INTEREST

House Rules Resolution – Oral Declaration of Conflict	
of Interest, Ure, D. . . . .	HR 5 (F)
Joint Rules Resolution – Conflict of Interest	
Amendments, Ure, D. . . . .	HJR 4 (F)
Resolution Amending Joint Rules Regarding Conflicts	
of Interest, Dougall, J. . . . .	HJR 9 (P)

### CONSTRUCTION INDUSTRIES

Charter School Construction Amendments, Ferrin, J. . . . .	HB 36 (P)
Contractors Bonds and Letters of Credit, Clark, S. . . . .	HB 82 (F)
Deregulation of General Building Contractors, Hughes, G. . . . .	HB 193 (F)
Licensing of Crane Operators, Davis, G. . . . .	SB 29 (F)
Oversight and Enforcement of Work Done on	
Mobile Homes, Mayne, E. . . . .	SB 223 (P)
Procurement Code Bidding and Contractual Amendments,	
Mayne, E. . . . .	SB 66 (F)

### CONSUMER CREDIT CODE

Consumer Credit Bureau Notice Requirements, Morgan, K. . . . .	HB 100 (F)
Consumer Credit Protection, Walker, C. . . . .	SB 39 (F)
Utah Consumer Credit Code Amendments, Knudson, P. . . . .	SB 157 (P)

### CONSUMER PROTECTION

Consumer Credit Protection, Walker, C. . . . .	SB 39 (F)
Consumer Protection Amendments, Allen, S. . . . .	HB 186 (P)

- Consumer Sales Practices Act Amendments, Kiser, T. . . . . HB 30 (P)  
 Do Not Call Registry Amendments, Thomas, D. . . . . SB 84 (F)  
 Limitation on Liability Regarding Liquefied  
   Petroleum Gas, Eastman, D. . . . . SB 21 (P)  
 Materials Harmful to Minors, Hogue, D. . . . . HB 293 (F)  
 Regulating Proprietary Postsecondary Schools, Eastman, D. . . . . SB 18 (P)

### **CONTRACTS**

- Employee Noncompetition Contracts, Mayne, E. . . . . SB 113 (F)  
 Judgment Interest Amendments, Mayne, E. . . . . SB 138 (P)  
 Judgment Interest Rate, Jenkins, S. . . . . SB 105 (F)  
 Mutual Dependence Benefits Contract, Bell, G. . . . . SB 89 (F)

### **CONTROLLED SUBSTANCES**

- Amendment Regarding Controlled Substances, Oda, C. . . . . HB 306 (F)  
 Controlled Substance Amendments, Arent, P. . . . . SB 50 (P)  
 Controlled Substance Law Amendments, Dee, B. . . . . HB 311 (P)  
 Drug Courts Pilot Project, Hillyard, L. . . . . SB 135 (P)  
 Drug Offender Reform Act, Buttar, D. C. . . . . SB 22 (F)  
 Drug Offense Penalty Enhancements, Dee, B. . . . . HB 55 (P)  
 Transfer of Prescriptions, Hansen, N. . . . . HB 244 (F)

### **CORPORATE TAX**

- Amendments Relating to Clean Fuels and Vehicles Using  
   Clean Fuels, Hunsaker, F. . . . . HB 96 (P)  
 Brine Shrimp Royalty Act Amendments, Hatch, T. . . . . SB 129 (P)  
 Corporate Franchise and Income Tax Amendments, Harper, W. . . . . HB 78 (P)  
 Corporate Franchise and Income Taxes – Exemption  
   for Banks, Harper, W. . . . . HB 227 (F)  
 Extension of Utah Low-income Housing Tax Credits, Clark, S. . . . . HB 170 (P)  
 Tax Revisions, Bramble, C. . . . . SB 195 (F)

### **CORPORATIONS**

- Business Entity Amendments, Romero, R. . . . . HB 275 (P)

### **COUNTIES**

- Amendments to Facilities with Regional Impact, Hughes, G. . . . . HB 126 (F)  
 Authority for Design-build Construction, Morley, M. . . . . HB 289 (F)  
 Claims Against a County, Clark, S. . . . . HB 87 (P)  
 Consolidation of City and County Library, Bell, G. . . . . SB 97 (P)

County and Municipal Zoning Regarding Billboards, Waddoups, M. . . . .	SB 114 (P)
County Contracted Services, Holdaway, K. . . . .	HB 329 (F)
County Officer Amendments, Bramble, C. . . . .	SB 190 (P)
County Officers Serving on Boards of County Mental Health and Substance Abuse Providers, Thomas, D. . . . .	SB 90 (P)
Density Credit for Land Donated to School District, Cox, D. . . . .	HB 333 (F)
Electronic Payments to Local Government Entities, Murray, J. . . . .	HB 51 (P)
Funding for Business Development in Disadvantaged Rural Communities, Knudson, P. . . . .	SB 57 (P)
Government Boundary Changes, Holdaway, K. . . . .	HB 113 (P)
Local Government Amendments, Thomas, D. . . . .	SB 31 (F)
Local Land Use Development and Management Amendments, Bell, G. . . . .	SB 60 (P)
Optional Forms of County Government Amendment, Thomas, D. . . . .	SB 78 (P)
Political Subdivisions – Truth in Government Competition, Allen, R. . . . .	SB 191 (F)
Search and Rescue Advisory Board – Amendments, Adams, J. S. . . . .	HB 90 (P)
Student Housing Built by Higher Education Institutions, Clark, S. . . . .	HB 103 (P)
Temporary Road Closures, Noel, M. . . . .	HB 270 (F)
Waste Fees Amendments, Urquhart, S. . . . .	HB 246 (F)

### **COUNTY GOVERNMENT**

Optional Forms of County Government Amendment, Thomas, D. . . . .	SB 78 (P)
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### **COURT PROCEDURE**

Civil Legal Aid for Victims of Domestic Violence, Mascaro, S. . . . .	HB 342 (F)
Criminal Appeal Amendments, Wyatt, S. . . . .	HB 54 (P)
Justice Court Operations Amendments, Mayne, E. . . . .	SB 136 (F)

### **COURTS**

Amendments to Search Warrants, Thomas, D. . . . .	SB 30 (P)
Authorization for Additional Judicial Position, Madsen, M. . . . .	SB 131 (F)
Children’s Justice Center Amendments, Buttars, D. C. . . . .	SB 15 (P)
Civil Legal Aid for Victims of Domestic Violence, Mascaro, S. . . . .	HB 342 (F)
Drug Courts Pilot Project, Hillyard, L. . . . .	SB 135 (P)
Drug Offender Reform Act, Buttars, D. C. . . . .	SB 22 (F)
Joint Resolution Approving Consolidation of West Valley and Sandy District Courts, Knudson, P. . . . .	SJR 18 (P)
Justice Court Operations Amendments, Mayne, E. . . . .	SB 136 (F)

Offenses Committed Against Correctional and Peace Officers, Oda, C. . . . .	HB 98 (P)
Resolution Urging United States Senate Support of President's Supreme Court Nominees, Morley, M. . . . .	HR 4 (P)
Second District Juvenile Judge, Adams, J. S. . . . .	HB 218 (P)
Uniform Parentage Act, Hillyard, L. . . . .	SB 14 (P)

### **CRIMINAL CODE**

Aggravated Murder Amendments, Wyatt, S. . . . .	HB 297 (P)
Avoiding Apprehension Amendment, Waddoups, M. . . . .	SB 146 (P)
Criminal Appeal Amendments, Wyatt, S. . . . .	HB 54 (P)
Criminal Code Amendments, Hale, K. . . . .	SB 181 (F)
Criminal Penalty Amendment, Litvack, D. . . . .	HB 50 (F)
Criminal Penalty for Animal Cruelty, Wyatt, S. . . . .	HB 242 (F)
Electronic Communication Harassment, Dougall, J. . . . .	HB 221 (P)
Habitual Violent Offenders Amendments, Ray, P. . . . .	HB 76 (P)
Identity Fraud Amendments, Walker, C. . . . .	SB 118 (P)
Increase Statute of Limitations on Rape, Mayne, E. . . . .	SB 177 (P)
Personal Property Transactions Amendments, Waddoups, M. . . . .	SB 62 (P)
Removal or Defacement of Political Signs, Hughes, G. . . . .	HB 228 (F)
Sales Marketing Requirements, Noel, M. . . . .	HB 269 (F)
Shelter Hearing Amendments, Hutchings, E. . . . .	HB 303 (F)
Statute of Limitations Amendments, Clark, D. . . . .	HB 204 (F)
Tampering with Evidence, Buttars, D. C. . . . .	SB 73 (P)
Utah Computer Crimes Act Amendments, Daw, B. . . . .	HB 185 (P)
Water Law – Criminal Penalties Amendments, Ferry, B. . . . .	HB 38 (P)
Weapons Amendments, Madsen, M. . . . .	SB 175 (F)
Wrongful Lien Offenses, Evans, B. . . . .	SB47 (P)

### **CRIMINAL CONDUCT**

Avoiding Apprehension Amendment, Waddoups, M. . . . .	SB 146 (P)
Criminal Penalty for Animal Cruelty, Wyatt, S. . . . .	HB 242 (F)
Removal or Defacement of Political Signs, Hughes, G. . . . .	HB 228 (F)
Restrictions of Advertising Illegal Activities, Wyatt, S. . . . .	HB 123 (F)
Utah Computer Crimes Act Amendments, Daw, B. . . . .	HB 185 (P)

### **DEATH**

Aggravated Murder Amendments, Wyatt, S. . . . .	HB 297 (P)
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### **DEPARTMENT OF ADMINISTRATIVE SERVICES**

Expansion of Department of Administrative Services Oversight to Include Human Resource Management, Buxton, D. G. . . . .	HB 319 (P)
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**DEPARTMENT OF AGRICULTURE AND FOOD**

- Agricultural Advisory Board, Noel, M. . . . . HB 203 (P)  
 Agricultural Coop Amendments, Buttars, C. . . . . HB 155 (P)  
 Dairy Promotion Act Amendments, Ure, D. . . . . HB 156 (P)

**DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**

- Alcoholic Beverage Control Amendments, Knudson, P. . . . . SB 65 (P)

**DEPARTMENT OF COMMERCE**

- Department of Commerce – Demographic Data Tracking,  
 Wheatley, M. . . . . HB 327 (F)  
 Personal Property Transactions Amendments, Waddoups, M. . . . . SB 62 (P)

**DEPARTMENT OF COMMUNITY  
AND ECONOMIC DEVELOPMENT**

- Amendments to Department of Community and  
 Economic Development, Knudson, P. . . . . SB 234 (F)  
 Community and Economic Development Restructuring,  
 Buttars, C. . . . . HB 318 (P)  
 Funding for Business Development in Disadvantaged  
 Rural Communities, Knudson, P. . . . . SB 57 (P)  
 Private Activity Bond Amendments, Clark, D. . . . . HB 116 (P)

**DEPARTMENT OF CORRECTIONS**

- Drug Offender Reform Act, Buttars, D. C. . . . . SB 22 (F)  
 Joint Resolution Supporting Counties Expansion of  
 Correctional Facilities, Hogue, D. . . . . HJR 18 (F)  
 Offenses Committed Against Correctional and  
 Peace Officers, Oda, C. . . . . HB 98 (P)  
 Telephone Surcharge for Education and Training  
 Programs At Prison, Goodfellow, B. . . . . HB 234 (P)  
 Youth Corrections Amendments, Moss, C. . . . . HB 94 (F)

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

- Brownfields Revision, Mansell, L. A. . . . . SB173 (P)  
 Concurrent Resolution Approving Class V  
 Landfill, Dmitrich, M. . . . . SCR 8 (P)  
 Prohibition Against Certain Low-level Radioactive  
 Waste, Arent, P. . . . . SB 166 (F)

Resolution Regarding Washington County Waste

- Facility, Last, B. . . . . HCR 3 (P)
- Waste Amendments, Bramble, C. . . . . SB 24 (P)

**DEPARTMENT OF HEALTH**

- Controlled Substance Amendments, Arent, P. . . . . SB 50 (P)
- Executive Director of Department of Health Issues, Killpack, S. . . . SB 232 (F)
- Individual Income Tax Contribution for Community
  - Spay and Neuter Programs, Noel, M. . . . . HB 140 (F)
- Premium Assistance Program for Covered-at-work,
  - Holdaway, K. . . . . HB 304 (F)

**DEPARTMENT OF HUMAN RESOURCE MANAGEMENT**

- Expansion of Department of Administrative Services Oversight
  - to Include Human Resource Management, Buxton, D. G. . . . . HB 319 (P)

**DEPARTMENT OF NATURAL RESOURCES**

- Boat Registration Fee, Goodfellow, B. . . . . HB 225 (F)
- Boat Registration Fee, Goodfellow, B. . . . . HB 225 (F)
- Conservation Easement Endowment Restricted Account,
  - Evans, B. . . . . SB 148 (F)
- Cooperative Wildlife Management Unit Amendments,
  - Gowans, J. . . . . HB 168 (P)
- Damages for Trespass in State Parks, Hatch, T. . . . . SB 99 (F)
- Deer Hunt Opening Season Date Amendments, Clark, S. . . . . HB 205 (F)
- Duplicate Wildlife Licensing Amendments, Dayton, M. . . . . HB 181 (P)
- Office of Energy – Oversight, Hatch, T. . . . . SB 199 (P)
- Public Lands Policy Coordination, Hatch, T. . . . . SB 239 (P)
- Sales and Use Tax Diversions, Peterson, D. . . . . SB 204 (F)
- Special Hunting Permits for Antelope Island, Hickman, J. . . . . SB 187 (F)
- State Engineer’s Powers and Duties Amendments, Clark, D. . . . . HB 29 (P)
- Water Rights Fees, Gowans, J. . . . . HB 150 (P)
- Water Rights in Irrigation Companies, Painter, P. . . . . HB 229 (F)
- Wildlife License Agents Amendments, Fisher, J. . . . . HB 160 (P)
- Wildlife License Refund Amendments, Dayton, M. . . . . HB 177 (P)

**DEPARTMENT OF WORKFORCE SERVICES**

- Department of Workforce Services – Access to Financial
  - Records, Jenkins, S. . . . . SB 16 (P)
- Department of Workforce Services – Work Experience and
  - Training Programs, Cox, D. . . . . HB 23 (P)

**DISABILITIES**

- Air Conditioned Buses for Students with Disabilities, Hogue, D. . . . HB 88 (F)  
 Carson Smith Special Needs Scholarships, Newbold, M. . . . . HB 249 (P)  
 License Plate for Disabled Veterans, Bigelow, R. . . . . HB 91 (P)  
 Permanent Total Disability Amendments, Mayne, E. . . . . SB 115 (P)  
 Person with a Disability Motorcycle Parking, Kiser, T. . . . . HB 5 (P)  
 Provision of Services for People with Disabilities, Lockhart, R. . . . HB 79 (P)  
 Services for People with Disabilities, Lockhart, R. . . . . HB 80 (P)

**DISEASES**

- Disease Testing of Individuals Exposed to Blood Borne  
 Pathogens, Arent, P. . . . . SB 19 (P)

**DIVISION OF CHILD AND FAMILY SERVICES**

- Child and Family Services Records, Mascaro, S. . . . . HB 341 (F)  
 Child Protection Amendments, Bell, G. . . . . SB 112 (F)  
 Child Welfare Amendments, Eastman, D. . . . . SB 72 (P)  
 Child Welfare Removal – Adoption Option, Hellewell, P. . . . . SB 186 (F)  
 Child Welfare Services, Hellewell, P. . . . . SB 165 (F)  
 Foster Care Citizen Review Board, Eastman, D. . . . . SB 17 (P)  
 Medical Decisions of a Parent or Guardian, Thomas, D. . . . . SB 83 (P)  
 Revisions to Child Welfare, Harper, W. . . . . HB 202 (F)  
 Utah Child Abuse Prevention Board, Ray, P. . . . . HB 115 (F)

**DIVISION OF PUBLIC UTILITIES**

- Utility Regulatory Reform, Gowans, J. . . . . HB 320 (F)

**DOGS**

- Concurrent Resolution Honoring America's Military  
 War Dogs, Mascaro, S. . . . . HCR 14 (F)  
 Criminal Penalty for Animal Cruelty, Wyatt, S. . . . . HB 242 (F)  
 Individual Income Tax Contribution for Community Spay  
 and Neuter Programs, Noel, M. . . . . HB 140 (F)

**DOMESTIC VIOLENCE**

- Civil Legal Aid for Victims of Domestic Violence, Mascaro, S. . . . HB 342 (F)  
 Crime Victims – Change of Locks on Rental Property,  
 Shurtliff, L. . . . . HB 184 (P)  
 Domestic Violence Enhancement, Moss, C. . . . . HB 59 (P)



## Fair Housing for Domestic Violence Victims and Landlord

Protection Act, Shurtliff, L. . . . . HB 194 (F)

**DRIVER LICENSE**

Alcohol Restricted Drivers, Walker, C. . . . . SB 42 (P)

## Amendments to Driver License and Identification

Cards, Oda, C. . . . . HB 223 (P)

## Driver License and Commercial Driver License

Amendments, Bowman, D. . . . . HB 65 (P)

Driver License Qualifications Amendments, Donnelson, G. . . . . HB 330 (F)

Driver License Requirements for Illegal Aliens, Tilton, A. . . . . HB 316 (F)

## Motor Assisted Scooter and Mini-motorcycle Amendments,

Dee, B. . . . . HB 159 (P)

## Penalties for False Driver Licenses and Identification Cards,

Walker, C. . . . . SB 167 (P)

## Public Safety Driving Privilege and Identification Card

Amendments, Bramble, C. . . . . SB 227 (P)

**DRIVING UNDER THE INFLUENCE (DUI)**

Alcohol Restricted Drivers, Walker, C. . . . . SB 42 (P)

Controlled Substance Law Amendments, Dee, B. . . . . HB 311 (P)

## Driving with Any Measurable Controlled Substance

in the Body Revisions, Noel, M. . . . . HB 314 (F)

**EDUCATION**

Air Conditioned Buses for Students with Disabilities, Hogue, D. . . . . HB 88 (F)

## Allocation of Profits from School and Institutional

Trust Lands, Hatch, T. . . . . SB 120 (P)

Applied Technology Program Amendments, Ferrin, J. . . . . HB 189 (F)

Appropriation for Highly Qualified Teachers, Holdaway, K. . . . . HB 362 (F)

## Appropriation for School Districts Impacted by

Fee Waivers, Shurtliff, L. . . . . HB 169 (F)

## Capital Outlay Foundation Program – Participation

Requirements, Ferrin, J. . . . . HB 187 (F)

Carson Smith Special Needs Scholarships, Newbold, M. . . . . HB 249 (P)

Charter School Amendments, Stephenson, H. . . . . SB 178 (P)

Charter School Construction Amendments, Ferrin, J. . . . . HB 36 (P)

Charter School Enrollment, Ferrin, J. . . . . HB 136 (P)

Charter School Reporting, Moss, C. . . . . HB 206 (P)

Driver Education Amendments, Hatch, T. . . . . SB 151 (F)

## Economic Development Initiative for Higher Education,

Holdaway, K. . . . . HB 313 (P)

- Education Achievement Gap Task Force, Litvack, D. . . . . HB 175 (F)
- Education Technology Task Force, Hutchings, E. . . . . HB 373 (F)
- Enrollment Growth Program Amendments, Last, B. . . . . HB 124 (P)
- High School Curriculum, Daw, B. . . . . HB 326 (F)
- Higher Education Savings Incentive Program  
 Amendments, Wyatt, S. . . . . HB 102 (P)
- Higher Education Tuition and Residency Legislative  
 Task Force, Donnelson, G. . . . . HB 239 (F)
- Home School Amendments, Madsen, M. . . . . SB 59 (P)
- Implementing Federal Educational Programs, Dayton, M. . . . . HB 135 (F)
- Individual Income Tax – Contributions for Education, Allen, S. . . . . HB 7 (P)
- Joint Resolution Recognizing Retiring President of  
 Dixie State College, Hickman, J. . . . . SJR 20 (P)
- Liability Protection of Educators, Stephenson, H. . . . . SB 58 (P)
- Local School Board Amendments, Dayton, M. . . . . HB 139 (P)
- Medical Recommendations for Children, Morley, M. . . . . HB 42 (P)
- Minimum School Program Act Amendments, Snow, G. . . . . HB 3 (P)
- Nonresident Tuition for Higher Education Amendments,  
 Lawrence, M. S. . . . . HB 138 (P)
- Nonresident Tuition Waivers, Buttars, C. . . . . HB 381 (F)
- Public Education Capital Outlay Act Amendments, Cox, D. . . . . HB 46 (F)
- Public Education Job Enhancement Program, Johnson, B. . . . . HB 188 (P)
- Reading Requirements for Student Advancement, Morgan, K. . . . . HB 84 (F)
- Regulating Proprietary Postsecondary Schools, Eastman, D. . . . . SB 18 (P)
- Relationships with Venture Capital Entities, Thomas, D. . . . . SB 35 (P)
- Resident Tuition Status for Job Corps Students, Bell, G. . . . . SB 122 (P)
- Resolution Encouraging Schools to Adopt Nutrition and  
 Physical Activity Policies, Jones, P. . . . . HJR 11 (P)
- Resolution Promoting Moderately Sized Schools, Cox, D. . . . . HCR 1 (P)
- Resolution Recognizing Granite School District’s  
 100 Years, Davis, G. . . . . SJR 19 (P)
- Resolution Recognizing Utah’s Legislators Back to  
 School Program, Dayton, M. . . . . HCR 6 (P)
- Resolution Regarding Federal No Child Left Behind,  
 Holdaway, K. . . . . HJR 3 (P)
- Resolution Supporting the Golden Rule Project, Fife, F. . . . . SCR 6 (P)
- Rights-of-Way Across School and Institutional Trust  
 Lands, Evans, B. . . . . SB 208 (F)
- Sales and Use Tax Exemption for Textbooks for Higher  
 Education, Bourdeaux, D. . . . . HB 220 (F)

School and Institutional Trust Lands	
Amendments, Hutchings, E. . . . .	HB 154 (P)
School and Institutional Trust Lands Management Act	
Revisions, Dmitrich, M. . . . .	SB 41 (P)
School Breakfast Program, Litvack, D. . . . .	HB 141 (F)
School Community Councils, Dougall, J. . . . .	HB 151 (F)
School Curriculum Amendments, Moss, C. . . . .	HB 72 (F)
School District Amendments, Cox, D. . . . .	HB 63 (F)
School District Boundaries, Noel, M. . . . .	HB 231 (F)
School Land Trust Program Funding Amendments, Urquhart, S. . . .	HB 43 (P)
School Truancy Amendments, Hutchings, E. . . . .	HB 148 (F)
School Uniforms, Frank, C. . . . .	HB 129 (F)
Schools for the Deaf and the Blind Salary Adjustments,	
Morgan, K. . . . .	HB 346 (F)
Security for Public Schools, Allen, S. . . . .	HB 153 (F)
State Government Law Revisions – Withdrawal	
from Education Compact, Dayton, M. . . . .	HB 356 (F)
State School Board Amendments, Morgan, K. . . . .	HB 345 (F)
State School Board Candidate Selection Committees, Hale, K. . . . .	SB 155 (F)
State School Board Elections and Filling of Vacancies, Ferrin, J. . . .	HB 61 (F)
Student Housing Built by Higher Education	
Institutions, Clark, S. . . . .	HB 103 (P)
Supplemental Minimum School Program Finance	
Act, Snow, G. . . . .	HB 382 (P)
Tuition and Books Assistance, Hutchings, E. . . . .	HB 358 (F)
Tuition Program for Students Seeking Teacher Licensure in	
Disability or Special Education, Menlove, R. . . . .	HB 74 (P)
Tuition Tax Credits, Ferrin, J. . . . .	HB 39 (F)
Utah Basic Skills Competency Test Alternatives, Ray, P. . . . .	HB 232 (F)
Utah College of Applied Technology Amendments, Bigelow, R. . . .	HB 86 (P)
Verification of Eligibility for Fee Waivers, Harper, W. . . . .	HB 183 (P)

## ELDERLY

Aging and Adult Services Program Amendments, Hutchings, E. . . .	HB 310 (F)
Criminal Background Checks for Personal Care Attendants,	
Hunsaker, F. . . . .	HB 64 (P)
Elder Protection Provisions, Jones, P. . . . .	HB 167 (F)
Individual Income Tax Credit for Employment–related	
Expenses, Litvack, D. . . . .	HB 258 (F)
Utah Commission on Aging, Jones, P. . . . .	HB 165 (P)

**ELECTIONS**

- Bond Election Process Amendments, Hunsaker, F. . . . . HB 14 (P)  
 Calling Local Special Elections for Sales and Use  
     Tax Purposes, Clark, S. . . . . HB 20 (P)  
 Election Day Voter Registration, Hansen, N. . . . . HB 267 (F)  
 Election Law – Voter Requirements, Madsen, M. . . . . SB 67 (F)  
 Integrity of Election Results Amendments, Dougall, J. . . . . HB 211 (P)  
 Issues Submitted to Voters, Hughes, G. . . . . HB 142 (P)  
 Local Referendum Requirements, Hogue, D. . . . . HB 73 (F)  
 Personal Use of Campaign Funds, Hale, K. . . . . SB 140 (F)  
 Removal or Defacement of Political Signs, Hughes, G. . . . . HB 228 (F)  
 Special Election Dates, Hogue, D. . . . . HB 199 (F)  
 Voting Requirements, Shurtliff, L. . . . . HB 336 (F)

**ELECTRICITY**

- Municipal Electrical Entities Amendments, Tilton, A. . . . . HB 312 (F)

**ELECTRONIC INFORMATION**

- Emerging Technologies and Open Government, Clark, D. . . . . HB 214 (F)

**ELECTRONIC PRIVACY**

- Spyware Control Act Revisions, Urquhart, S. . . . . HB 104 (P)  
 Utah Computer Crimes Act Amendments, Daw, B. . . . . HB 185 (P)

**ELECTRONIC PROCESSES**

- Construction Filing Amendments, Morley, M. . . . . HB 105 (P)  
 Electronic Communication Harassment, Dougall, J. . . . . HB 221 (P)  
 Electronic Payments to Local Government Entities, Murray, J. . . . . HB 51 (P)  
 Individual Income Tax – Electronic Filing Requirements,  
     Clark, S. . . . . HB 190 (P)  
 Property Tracking Amendments, Ray, P. . . . . HB 215 (P)

**EMERGENCY MANAGEMENT**

- Price Controls During Emergencies Act, Arent, P. . . . . SB 52 (P)

**EMISSIONS CONTROL**

- Emission Inspection Amendments, Gibson, K. . . . . HB 93 (P)

**EMPLOYEES AND COMPENSATION, LEGISLATIVE**

- Compensation of Constitutional Officers – Benefits and  
     Insurance, Noel, M. . . . . HB 245 (F)

Resolution Approving Compensation of In-session  
Employees, Newbold, M. . . . . HJR 6 (P)

**EMPLOYMENT AGENCIES**

Employment Agency Revisions, Adams, J. S. . . . . HB 348 (P)

**ENERGY**

Emergency Related Amendments, Allen, S. . . . . HB 34 (P)  
Office of Energy – Oversight, Hatch, T. . . . . SB 199 (P)  
Public Utilities Amendments, Bell, G. . . . . SB 26 (P)  
Reauthorization of Energy Policy Task Force, Eastman, D. . . . . SB 28 (F)

**ENVIRONMENT**

Brownfields Revision, Mansell, L. A. . . . . SB 173 (P)  
Prohibition Against Certain Low-level Radioactive  
Waste, Arent, P. . . . . SB 166 (F)  
Recycling of Waste Tires, Ure, D. . . . . HB 230 (P)  
Resolution Approving Class V Landfill, Allen, R. . . . . SCR 2 (P)  
Resolution Regarding Washington County Waste Facility,  
Last, B. . . . . HCR 3 (P)  
Utah Indoor Clean Air Act Amendments, Ray, P. . . . . HB 166 (F)  
Waste Amendments, Bramble, C. . . . . SB 24 (P)  
Waste Fees Amendments, Urquhart, S. . . . . HB 246 (F)  
Waste Tire Recycling Act Amendments, Fife, F. . . . . SB 70 (F)

**ETHICS**

Ban on Gifts to Elected Officials, Becker, R. . . . . HB 144 (F)  
House Rules Resolution – Lobbyist Code of Ethics  
Amendments, Ure, D. . . . . HR 1 (F)  
Lobbyist Regulation, Ferrin, J. . . . . HB 369 (F)  
Lobbyist Reporting Amendments, Bell, G. . . . . SB 102 (F)  
Personal Use of Campaign Funds, Hale, K. . . . . SB 140 (F)  
State Employee Ethics Amendments, Dougall, J. . . . . HB 282 (F)

**EXECUTIVE BRANCH**

Compensation of Lieutenant Governor and Other State  
Officers, Madsen, M. . . . . SB 231 (F)  
Disaster Loan Program, Bigelow, R. . . . . HB 240 (P)  
Executive Compensation Amendments, Alexander, J. . . . . HB 288 (F)  
Extension of Sunset Date on Resource Development  
Coordinating Committee, Evans, B. . . . . SB 79 (P)

**EXECUTIVE DEPARTMENT – CONSTITUTION**

Resolution Limiting Number of Governor’s Terms, Walker, C. . . . . SJR 11 (F)

**FAMILY**

Child and Family Services Records, Mascaro, S. . . . . HB 341 (F)  
 Child and Family Welfare Revisions, Christensen, L. . . . . HB 338 (P)  
 Child Welfare Amendments, Eastman, D. . . . . SB 72 (P)  
 Divorce Mediation Program, Ferry, B. . . . . HB 4 (P)  
 Domestic Violence Enhancement, Moss, C. . . . . HB 59 (P)  
 Joint Custody Amendments, Christensen, L. . . . . HB 280 (P)  
 Joint Rules Resolution – Family Impact Statement on  
     Legislation, Frank, C. . . . . HJR 2 (F)  
 Marriage Preparation Education, McGee, R. . . . . HB 252 (F)  
 Pilot Program Repeal Clean-up, Romero, R. . . . . HB 222 (P)

**FEDERAL GOVERNMENT**

Concurrent Resolution Opposing Nuclear Testing, Noel, M. . . . . HCR 7 (P)  
 Federal Health Care Tax Credit Program Act, Oda, C. . . . . HB 69 (P)  
 Federal Research Committee, Davis, G. . . . . SB 85 (F)  
 House Resolution Discouraging Participation in Free Trade  
     Areas of the Americas, Donnelson, G. . . . . HR 9 (P)  
 Implementing Federal Educational Programs, Dayton, M. . . . . HB 135 (F)  
 Joint Resolution Urging Medicaid Reform, Knudson, P. . . . . SJR 15 (P)  
 Resolution Approving Utah Recreational Land Exchange,  
     Evans, B. . . . . SCR 4 (P)  
 Resolution Recognizing Ronald Reagan Day, Knudson, P. . . . . SJR 7 (P)  
 Resolution Regarding Federal No Child Left Behind,  
     Holdaway, K. . . . . HJR 3 (P)  
 Resolution Regarding United States Trade  
     Negotiations, Allen, S. . . . . HJR 15 (P)  
 Resolution Supporting Congressional Privatization of  
     Social Security, Morley, M. . . . . HR 3 (P)  
 Resolution Supporting Participation of Taiwan in World  
     Health Organization, Last, B. . . . . HR 10 (P)  
 Resolution Supporting Permanent Repeal of Federal  
     Inheritance Tax, Morley, M. . . . . HR 2 (P)  
 Resolution Urging Congress to Pass Balanced Budget  
     Amendment, Hansen, N. . . . . HR 11 (P)  
 Senate Resolution Discouraging Participation in Free Trade  
     Area of the Americas, Thomas, D. . . . . SR 1 (P)  
 Space Exploration Resolution, Knudson, P. . . . . SJR 6 (P)

**FEES**

Automobile Crime Prevention, Ray, P. . . . . HB 21 (F)  
 Business License Fees, Waddoups, M. . . . . SB 152 (P)  
 Garnishment Fees, Mascaro, S. . . . . HB 163 (F)  
 Office of Recovery Services Fee, Tilton, A. . . . . HB 340 (F)  
 Water Rights Fees, Gowans, J. . . . . HB 150 (P)

**FINANCIAL INSTITUTIONS**

Concurrent Resolution Promoting Utah Saves Strategic  
 Initiative, Hogue, D. . . . . HCR 13 (F)  
 Corporate Franchise and Income Taxes – Exemption  
 for Banks, Harper, W. . . . . HB 227 (F)  
 Dishonored Instrument Amendments, Knudson, P. . . . . SB 158 (P)  
 Financial Institutions as Limited Liability Companies, Hillyard, L. SB 215 (P)  
 Garnishment by Deferred Deposit Lenders, Allen, R. . . . . SB 38 (F)  
 Joint Resolution Related to Financial Institutions, Alexander, J. . . . HJR 1 (P)  
 Judgment Interest Amendments, Mayne, E. . . . . SB 138 (P)  
 Revisions to the Utah Credit Union Act, Christensen, L. . . . . HB 277 (F)  
 Utah Consumer Credit Code Amendments, Knudson, P. . . . . SB 157 (P)

**FIRE PROTECTION**

Fire Prevention Amendments, Murray, J. . . . . HB 52 (P)  
 Interlocal Cooperation Amendments, Bramble, C. . . . . SB 209 (F)  
 Property Tax – County Service Areas, Waddoups, M. . . . . SB 203 (F)  
 Workers’ Compensation Coverage of Fire  
 Department Employees, Murray, J. . . . . HB 81 (F)

**FISH AND GAME**

Cooperative Wildlife Management Unit Amendments,  
 Gowans, J. . . . . HB 168 (P)  
 Deer Hunt Opening Season Date Amendments, Clark, S. . . . . HB 205 (F)  
 Duplicate Wildlife Licensing Amendments, Dayton, M. . . . . HB 181 (P)  
 Special Hunting Permits for Antelope Island, Hickman, J. . . . . SB 187 (F)  
 Wildlife License Agents Amendments, Fisher, J. . . . . HB 160 (P)  
 Wildlife License Refund Amendments, Dayton, M. . . . . HB 177 (P)

**FOSTER CARE**

Foster Care Citizen Review Board, Eastman, D. . . . . SB 17 (P)

**FRAUD**

Identity Fraud Amendments, Walker, C. . . . . SB 118 (P)

## FREEDOM OF RELIGION – CONSTITUTION

Utah Religious Land Use Act, Thomas, D. . . . . SB 106 (P)

## GOVERNMENT OPERATIONS (STATE ISSUES)

2004 General Obligation Bond Amendments, Knudson, P. . . . . SB 86 (P)  
 Bail Bond Amendments, Gibson, K. . . . . HB 122 (F)  
 Ban on Gifts to Elected Officials, Becker, R. . . . . HB 144 (F)  
 Bond Election Process Amendments, Hunsaker, F. . . . . HB 14 (P)  
 Capitol Complex Space, Alexander, J. . . . . HB 250 (P)  
 Capitol Preservation Board Amendments, Evans, B. . . . . SB 163 (P)  
 Capitol Preservation Board Modifications, Alexander, J. . . . . HB 291 (F)  
 Changes to 2004 General Obligation Bond, Allen, R. . . . . SB 162 (F)  
 Commerce Service Fund Amendments, Bell, G. . . . . SB 96 (P)  
 Community and Economic Development Restructuring,  
     Buttars, C. . . . . HB 318 (P)  
 Compensation of Constitutional Officers – Benefits  
     and Insurance, Noel, M. . . . . HB 245 (F)  
 Compensation of Executive Officers, Christensen, L. . . . . HB 128 (P)  
 Compensation of Lieutenant Governor and Other  
     State Officers, Madsen, M. . . . . SB 231 (F)  
 Disaster Loan Program, Bigelow, R. . . . . HB 240 (P)  
 Election Day Voter Registration, Hansen, N. . . . . HB 267 (F)  
 Election Law – Voter Requirements, Madsen, M. . . . . SB 67 (F)  
 Election Requirements for County Candidates, Romero, R. . . . . HB 158 (F)  
 Executive Compensation Amendments, Alexander, J. . . . . HB 288 (F)  
 Expansion of Department of Administrative Services Oversight  
     to Include Human Resource Management, Buxton, D. G. . . . . HB 319 (P)  
 Extension of Sunset Date on Resource Development  
     Coordinating Committee, Evans, B. . . . . SB 79 (P)  
 Federal Research Committee, Davis, G. . . . . SB 85 (F)  
 Global Positioning Reference Network, Holdaway, K. . . . . HB 216 (P)  
 Government Efficiency and Effectiveness Review  
     Committee, Wallace, P. . . . . HB 58 (F)  
 Government Records Access and Management Act Requirements  
     Regarding Animal Identification Program, Buttars, C. . . . . HB 226 (P)  
 Government Records Access and Management  
     Task Force, Aagard, D. . . . . HB 75 (P)  
 Government Records Amendments, Walker, C. . . . . SB 44 (P)  
 Governmental Immunity Act – Technical  
     Amendments, Bell, G. . . . . SB 123 (P)



## High Technology Economic Development

- Appropriation, Mansell, L. A. . . . . SB 192 (P)
- Hill Air Force Museum Appropriation, Buxton, D. G. . . . . HB 376 (F)
- Income Tax Subtraction for Specialized Immigrant
  - Services, Tilton, A. . . . . HB 130 (F)
- Individual Income Tax – Office of State Debt Collection
  - Rulemaking Authority, Dmitrich, M. . . . . SB 205 (F)
- Initiative Petitions Amendments, Evans, B. . . . . SB 11 (P)
- Integrity of Election Results Amendments, Dougall, J. . . . . HB 211 (P)
- Investment of Higher Education Institution Endowment
  - Funds, Clark, D. . . . . HB 255 (P)
- Issues Submitted to Voters, Hughes, G. . . . . HB 142 (P)
- Lobbyist Regulation, Ferrin, J. . . . . HB 369 (F)
- Local Referendum Requirements, Hogue, D. . . . . HB 73 (F)
- Money Management Act Amendments, Clark, D. . . . . HB 349 (P)
- National Guard Amendments, Hutchings, E. . . . . HB 143 (P)
- Office of Energy – Oversight, Hatch, T. . . . . SB 199 (P)
- Open and Public Meetings – Recording
  - Requirement, Jenkins, S. . . . . SB 143 (F)
- Personal Use of Campaign Funds, Hale, K. . . . . SB 140 (F)
- Procurement Code Renumbering, Bigelow, R. . . . . HB 19 (P)
- Public Lands Policy Coordination, Hatch, T. . . . . SB 239 (P)
- Referendum Procedure, Hogue, D. . . . . HB 274 (F)
- Removal or Defacement of Political Signs, Hughes, G. . . . . HB 228 (F)
- Repeal of Prior Amendments to the Voluntary Contributions
  - Act, Hansen, N. . . . . HB 137 (F)
- Repeal of State Debt Collection Advisory Board, Aagard, D. . . . . HB 15 (P)
- Repeal of Utah Tomorrow Strategic Planning Committee,
  - Waddoups, M. . . . . SB 117 (P)
- Repeal of Vehicle Equipment Safety Commission,
  - Hendrickson, N. . . . . HB 16 (P)
- Residence Lien Restriction and Lien Recovery Fund
  - Amendments, Thomas, D. . . . . SB 87 (F)
- Resolution Approving Contract for State Capitol
  - Renovation, Mansell, L. A. . . . . SJR 5 (P)
- Resolution Approving Settlement of Lawsuit, Knudson, P. . . . . SCR 5 (P)
- Resolution Supporting the Golden Rule Project, Fife, F. . . . . SCR 6 (P)
- Revenue Bonds and Capital Facilities Authorizations,
  - Buxton, D. G. . . . . HB 287 (P)
- Revisions to General State Government – Notary Law
  - Amendments, King, B. . . . . HB 375 (F)

Revisor’s Statute, Lockhart, R. . . . .	HB 176 (P)
Special Election Dates, Hogue, D. . . . .	HB 199 (F)
State Budget Provisions, Curtis, G. . . . .	HB 97 (F)
State Employee Ethics Amendments, Dougall, J. . . . .	HB 282 (F)
State Government Law Revisions – Withdrawal from	
Education Compact, Dayton, M. . . . .	HB 356 (F)
State Land Use Management Plans Amendments, Noel, M. . . . .	HB 264 (P)
Sunset Reauthorizations, Mansell, L. A. . . . .	SB 27 (P)
Supplemental Appropriations III, Bigelow, R. . . . .	HB 301 (P)
Task Force on Legislative Reforms, Hansen, N. . . . .	HB 281 (F)
Utah Religious Land Use Act, Thomas, D. . . . .	SB 106 (P)
Veterans Nursing Home, Buxton, D. G. . . . .	HB 241 (F)
Voting Requirements, Shurtliff, L. . . . .	HB 336 (F)

### **GOVERNMENT PURCHASING**

Procurement Code Renumbering, Bigelow, R. . . . .	HB 19 (P)
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### **GOVERNMENT RECORDS**

Child Care Investigations, Hellewell, P. . . . .	SB 212 (P)
Department of Workforce Services – Access to Financial	
Records, Jenkins, S. . . . .	SB 16 (P)
Government Records Access and Management Act Requirements	
Regarding Animal Identification Program, Buttars, C. . . . .	HB 226 (P)
Government Records Access and Management	
Task Force, Aagard, D. . . . .	HB 75 (P)
Government Records Amendments, Walker, C. . . . .	SB 44 (P)
Personal Property Transactions Amendments, Waddoups, M. . . . .	SB 62 (P)
Protection of Government Records, Bell, G. . . . .	SB 179 (P)
Wrongful Lien Offenses, Evans, B. . . . .	SB 47 (P)

### **GOVERNMENTAL IMMUNITY**

Governmental Immunity Act – Technical	
Amendments, Bell, G. . . . .	SB 123 (P)

### **HAZARDOUS MATERIALS TRANSPORTATION**

Weights and Measures Amendments, Ure, D. . . . .	HB 83 (P)
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### **HAZARDOUS SUBSTANCES**

Brownfields Revision, Mansell, L. A. . . . .	SB 173 (P)
Concurrent Resolution Opposing Nuclear Testing, Noel, M. . . . .	HCR 7 (P)

Local Government Approval for Solid Nonhazardous and Hazardous Waste Disposal, Evans, B. . . . .	SB 81 (P)
Prohibition Against Certain Low-level Radioactive Waste, Arent, P. . . . .	SB 166 (F)
Waste Amendments, Bramble, C. . . . .	SB 24 (P)
Waste Fees Amendments, Urquhart, S. . . . .	HB 246 (F)

## HEALTH

Access to Patient Medical Records, Arent, P. . . . .	SB 55 (P)
Aging and Adult Services Program Amendments, Hutchings, E. . . . .	HB 310 (F)
Amendments Prohibiting Health Insurance Discrimination, McCoy, S. . . . .	SB 111 (F)
Amendments to Indoor Clean Air Act, Waddoups, M. . . . .	SB 77 (F)
Amendments to Intermediate Care Facilities for Mentally Retarded, Lockhart, R. . . . .	HB 62 (P)
Amendments to Utah Emergency Medical Services Act, Bramble, C. . . . .	SB 216 (P)
Assistance for People with Bleeding Disorders, Litvack, D. . . . .	HB 33 (P)
Center for Multicultural Health, Buttars, D. C. . . . .	SB 201 (F)
Child Care Investigations, Hellewell, P. . . . .	SB 212 (P)
Children's Health Care Coverage Amendments, Hogue, D. . . . .	HB 114 (P)
Criminal Background Checks for Personal Care Attendants, Hunsaker, F. . . . .	HB 64 (P)
Dental Services for Adults on Medicaid, Mascaro, S. . . . .	HB 32 (F)
Disease Testing of Individuals Exposed to Blood Borne Pathogens, Arent, P. . . . .	SB 19 (P)
Drug Utilization Review Committee Amendments, Lockhart, R. . . . .	HB 268 (P)
Executive Director of Department of Health Issues, Killpack, S. . . . .	SB 232 (F)
Food Safety Manager Certification, Peterson, D. . . . .	SB 150 (P)
Health Care Assistants, Lockhart, R. . . . .	HB 12 (P)
Health Care Consumer's Report, Christensen, A. . . . .	SB 132 (P)
Health Insurance – Prompt Payment Amendments, Waddoups, M. . . . .	SB156 (F)
Health Insurance Fair Marketing Standards, Mascaro, S. . . . .	HB 27 (F)
Health Insurance High Risk Pool – Eligibility Amendments, Litvack, D. . . . .	HB 85 (F)
Health Insurance Law Amendments, Dunnigan, J. . . . .	HB 236 (P)
Individual Income Tax Contribution for Community Spay and Neuter Programs, Noel, M. . . . .	HB 140 (F)
Injury Reporting Requirement Amendments, Murray, J. . . . .	HB 161 (F)

- Joint Resolution on Stroke Awareness, Knudson, P. . . . . SJR 14 (P)  
 Joint Resolution Urging Medicaid Reform, Knudson, P. . . . . SJR 15 (P)  
 Licensure of Athletic Trainers, Ray, P. . . . . HB 262 (F)  
 Licensure of Wholesale Distributors of Prescription Drugs,  
     Last, B. . . . . HB 354 (F)  
 Medicaid – Pregnant Women Resource Test, Wheatley, M. . . . . HB 343 (F)  
 Medical Benefits Recovery Act Amendments, Killpack, S. . . . . SB 126 (P)  
 Medical Decisions of a Parent or Guardian, Thomas, D. . . . . SB 83 (P)  
 Medical Device Notification and Liability, Buttars, D. C. . . . . SB 110 (P)  
 Medical Recommendations for Children, Morley, M. . . . . HB 42 (P)  
 Medical Reserve Corps, Hillyard, L. . . . . SB 74 (P)  
 Nonparticipating Tobacco Manufacturer Amendments,  
     Killpack, S. . . . . SB 206 (P)  
 Nurse Practice Act Amendments, Lockhart, R. . . . . HB 285 (F)  
 Patient Access Reform, Buttars, D. C. . . . . SB 34 (F)  
 Patient Access to Providers and Contracting Amendments,  
     Lockhart, R. . . . . HB 272 (F)  
 Pharmacy Practice Act Amendments, Knudson, P. . . . . SB 142 (P)  
 Premium Assistance Program for Covered-at-work,  
     Holdaway, K. . . . . HB 304 (F)  
 Prescriptive Practice of Legend Drugs, Knudson, P. . . . . SB 46 (F)  
 Privately Owned Health Care Organization Task Force,  
     Waddoups, M. . . . . SB 61 (P)  
 Prohibition Against Certain Medical Noncompetition  
     Agreements, Christensen, A. . . . . SB 145 (F)  
 Psychologist Licensing Act Amendments, Mayne, E. . . . . SB 147 (F)  
 Regulation of Noncompete Agreements in Medical  
     Practices, McGee, R. . . . . HB 106 (F)  
 Repeal of Geriatric Care Manager, Lockhart, R. . . . . HB 243 (P)  
 Resolution Encouraging Schools to Adopt Nutrition  
     and Physical Activity Policies, Jones, P. . . . . HJR 11 (P)  
 Resolution Recognizing Huntsman Cancer  
     Institute, Knudson, P. . . . . SJR 17 (P)  
 Resolution Supporting Participation of Taiwan in  
     World Health Organization, Last, B. . . . . HR 10 (P)  
 Rural Health Care Infrastructure , Noel, M. . . . . HB 328 (F)  
 Rural Medical Residency Training Programs, Knudson, P. . . . . SB 119 (P)  
 School Breakfast Program, Litvack, D. . . . . HB 141 (F)  
 School Curriculum Amendments, Moss, C. . . . . HB 72 (F)  
 Transfer of Prescriptions, Hansen, N. . . . . HB 244 (F)  
 Uniform Parentage Act, Hillyard, L. . . . . SB 14 (P)

Utah Child Abuse Prevention Board, Ray, P. . . . .	HB 115 (F)
Vaccine Restrictions, Hutchings, E. . . . .	HB 146 (F)
Veterinary Practice Act – Exemptions, Dmitrich, M. . . . .	SB 182 (F)
Vision Care for Medicaid Recipient, Mascaro, S. . . . .	HB 31 (F)

### **HEALTH CARE**

#### Amendments Prohibiting Health Insurance

Discrimination, McCoy, S. . . . .	SB 111 (F)
Assistance for People with Bleeding Disorders, Litvack, D. . . . .	HB 33 (P)
Health Care Assistants, Lockhart, R. . . . .	HB 12 (P)
Joint Resolution Urging Health Care for Utah’s Indigent and Needy Uninsured, Fowlke, L. . . . .	HJR 19 (P)
Medical Device Notification and Liability, Buttars, D. C. . . . .	SB 110 (P)
Mutual Dependence Benefits Contract, Bell, G. . . . .	SB 89 (F)
Resolution Urging Comprehensive Cancer Control Plan for the State, Hale, K. . . . .	SJR 16 (P)
Vaccine Restrictions, Hutchings, E. . . . .	HB 146 (F)

### **HEALTH CARE FACILITIES**

#### Amendments to Intermediate Care Facilities for

Mentally Retarded, Lockhart, R. . . . .	HB 62 (P)
Center for Multicultural Health, Buttars, D. C. . . . .	SB 201 (F)
Rural Health Care Infrastructure , Noel, M. . . . .	HB 328 (F)

### **HEALTH CARE PROVIDERS**

Aging and Adult Services Program Amendments, Hutchings, E. . . . .	HB 310 (F)
Criminal Background Checks for Personal Care Attendants, Hunsaker, F. . . . .	HB 64 (P)
Direct–entry Midwife Act, Biskupski, J. . . . .	HB 25 (P)
Health Care Consumer’s Report, Christensen, A. . . . .	SB 132 (P)
Injury Reporting Requirement Amendments, Murray, J. . . . .	HB 161 (F)
Medical Reserve Corps, Hillyard, L. . . . .	SB 74 (P)
Naturopathic Physician Amendments, Ferrin, J. . . . .	HB 66 (P)
Nurse Practice Act Amendments, Lockhart, R. . . . .	HB 285 (F)
Patient Access Reform, Buttars, D. C. . . . .	SB 34 (F)
Patient Access to Providers and Contracting Amendments, Lockhart, R. . . . .	HB 272 (F)
Prescriptive Practice of Legend Drugs, Knudson, P. . . . .	SB 46 (F)
Prohibition Against Certain Medical Noncompetition Agreements, Christensen, A. . . . .	SB 145 (F)

**HIGHER EDUCATION**

- Economic Development Initiative for Higher Education,  
 Holdaway, K. . . . . HB 313 (P)
- High Technology Economic Development  
 Appropriation, Mansell, L. A. . . . . SB 192 (P)
- Higher Education Savings Incentive Program  
 Amendments, Wyatt, S. . . . . HB 102 (P)
- Higher Education Tuition and Residency Legislative  
 Task Force, Donnelson, G. . . . . HB 239 (F)
- Joint Resolution Recognizing Retiring President of  
 Dixie State College, Hickman, J. . . . . SJR 20 (P)
- Nonresident Tuition for Higher Education  
 Amendments, Lawrence, M. S. . . . . HB 138 (P)
- Nonresident Tuition Waivers, Buttars, C. . . . . HB 381 (F)
- Office of Museum Services Amendments, Allen, R. . . . . SB 95 (P)
- Protection of Government Records, Bell, G. . . . . SB 179 (P)
- Relationships with Venture Capital Entities, Thomas, D. . . . . SB 35 (P)
- Resident Tuition Status for Job Corps Students, Bell, G. . . . . SB 122 (P)
- Resolution Honoring Outgoing USU President  
 Kermit L. Hall, Hunsaker, F. . . . . HCR 9 (P)
- Resolution Honoring the University of Utah  
 Football Team, Alexander, J. . . . . HCR 11 (P)
- Sales and Use Tax Exemption for Textbooks for  
 Higher Education, Bourdeaux, D. . . . . HB 220 (F)
- Student Housing Built by Higher Education Institutions,  
 Clark, S. . . . . HB 103 (P)
- Utah College of Applied Technology Amendments, Bigelow, R. . . . HB 86 (P)

**HIGHWAYS**

- Amendments Relating to Clean Fuels and Vehicles  
 Using Clean Fuels, Hunsaker, F. . . . . HB 96 (P)
- Classifying Off-highway Vehicles as Allowed on  
 Designated Roads, Hatch, T. . . . . SB 188 (F)
- Golf Carts Allowed on Certain Highways, Moss, C. . . . . HB 337 (F)
- Master Highway Designation Amendments, Murray, J. . . . . HB 6 (P)
- Resolution Encouraging Managed Lanes Study, Walker, C. . . . . SCR 1 (P)
- Restrictions on High Occupancy Vehicle Lane, Litvack, D. . . . . HB 367 (F)
- Transportation Amendments and Highway Jurisdictional  
 Transfer Task Force, Walker, C. . . . . SB 25 (P)

**HISTORY**

- Archeological Resources Amendments, Johnson, B. . . . . HB 308 (P)  
 Concurrent Resolution Honoring Waldo Wilcox for  
 Preservation of Range Creek Area, King, B. . . . . HCR 10 (P)

**HOUSING**

- Condominium Ownership Act Amendments, Moss, C. . . . . HB 296 (F)  
 Extension of Utah Low-income Housing Tax Credits, Clark, S. . . . HB 170 (P)  
 Permanent Community Impact Fund – Board  
 Membership, Mathis, J. . . . . HB 224 (P)  
 Student Housing Built by Higher Education  
 Institutions, Clark, S. . . . . HB 103 (P)

**HUMAN SERVICES**

- Adoption Amendments, Hardy, A. . . . . HB 259 (P)  
 Adoption Law Revisions, McGee, R. . . . . HB 233 (P)  
 Background Checks for Boarding Schools, Last, B. . . . . HB 321 (F)  
 Child and Family Services Records, Mascaro, S. . . . . HB 341 (F)  
 Child and Family Welfare Revisions, Christensen, L. . . . . HB 338 (P)  
 Child Protection Amendments, Bell, G. . . . . SB 112 (F)  
 Child Protection Registry Amendments, Dougall, J. . . . . HB 174 (F)  
 Child Protection Team Meetings, Tilton, A. . . . . HB 8 (P)  
 Child Support Exemption for Adoptive Parents of Certain  
 Children in State Custody, Hellewell, P. . . . . SB 160 (F)  
 Child Welfare Amendments, Eastman, D. . . . . SB 72 (P)  
 Child Welfare Removal – Adoption Option, Hellewell, P. . . . . SB 186 (F)  
 Child Welfare Services, Hellewell, P. . . . . SB 165 (F)  
 Commitment to Mental Health Authority, Noel, M. . . . . HB 271 (F)  
 Criminal Background Checks for Personal Care  
 Attendants, Hunsaker, F. . . . . HB 64 (P)  
 Domestic Violence Enhancement, Moss, C. . . . . HB 59 (P)  
 Fair Housing for Domestic Violence Victims and  
 Landlord Protection Act, Shurtliff, L. . . . . HB 194 (F)  
 Foster Care Citizen Review Board, Eastman, D. . . . . SB 17 (P)  
 Intercountry Adoption Accreditation, McGee, R. . . . . HB 22 (P)  
 Juvenile Justice Recodification and Revisions, Aagard, D. . . . . HB 28 (P)  
 Licensure and Regulation of Programs and Facilities, Hatch, T. . . . SB 107 (P)  
 Marriage Preparation Education, McGee, R. . . . . HB 252 (F)  
 Mental Health Services Coordinator, Hogue, D. . . . . HB 178 (F)  
 Programs and Facilities Licensing Amendments, Buttars, D. C. . . . SB 176 (F)  
 Provision of Services for People with Disabilities, Lockhart, R. . . . HB 79 (P)

Revisions to Child Welfare, Harper, W. . . . .	HB 202 (F)
Services for People with Disabilities, Lockhart, R. . . . .	HB 80 (P)
Uniform Parentage Act, Hillyard, L. . . . .	SB 14 (P)
Utah Child Abuse Prevention Board, Ray, P. . . . .	HB 115 (F)
Utah Commission on Aging, Jones, P. . . . .	HB 165 (P)
Youth Corrections Amendments, Moss, C. . . . .	HB 94 (F)

### IMPEACHMENT – CONSTITUTION

Resolution Clarifying Removal Provisions, Hogue, D. . . . .	HJR 5 (F)
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### INCOME TAX

Amendments Relating to Clean Fuels and Vehicles	
Using Clean Fuels, Hunsaker, F. . . . .	HB 96 (P)
Amendments to Individual Income Tax Credit for Special	
Needs Adoptions, Hellewell, P. . . . .	SB 125 (P)
Amendments to the Individual Income Tax, Harper, W. . . . .	
Charitable Purpose Determination, Hellewell, P. . . . .	SB 45 (F)
Extension of Utah Low-income Housing Tax Credits, Clark, S. . . . .	HB 170 (P)
Individual Income Tax – Contributions for Education, Allen, S. . . . .	HB 7 (P)
Individual Income Tax – Earned Income Tax Credit, Hatch, T. . . . .	SB 82 (F)
Individual Income Tax – Electronic Filing Requirements,	
Clark, S. . . . .	HB 190 (P)
Individual Income Tax – Office of State Debt Collection	
Rulemaking Authority, Dmitrich, M. . . . .	SB 205 (F)
Individual Income Tax – Return Filing Requirements,	
Stephenson, H. . . . .	SB 133 (P)
Individual Income Tax – Tax Credit for Live Organ	
Donation Expenses, Hale, K. . . . .	SB 164 (P)
Individual Income Tax Amendments, Jones, P. . . . .	HB 197 (F)
Individual Income Tax Contribution for Community	
Spay and Neuter Programs, Noel, M. . . . .	HB 140 (F)
Individual Income Tax Credit for Employment-related	
Expenses, Litvack, D. . . . .	HB 258 (F)
Individual Income Tax Subtraction for Certain Military	
Income, Stephenson, H. . . . .	SB 13 (P)
Tuition Tax Credits, Ferrin, J. . . . .	HB 39 (F)

### INDIAN AFFAIRS

Amendment Regarding Controlled Substances, Oda, C. . . . .	HB 306 (F)
Amendments to Navajo Trust Fund, Evans, B. . . . .	SB 76 (P)
Navajo Trust Fund Amendments, King, B. . . . .	HB 119 (F)



**INHERITANCE TAX**

Resolution Supporting Permanent Repeal of Federal  
Inheritance Tax, Morley, M. . . . . HR 2 (P)

**INITIATIVE \ REFERENDUM**

Initiative Petitions Amendments, Evans, B. . . . . SB 11 (P)  
Issues Submitted to Voters, Hughes, G. . . . . HB 142 (P)  
Local Referendum Requirements, Hogue, D. . . . . HB 73 (F)  
Referendum Procedure, Hogue, D. . . . . HB 274 (F)  
Special Election Dates, Hogue, D. . . . . HB 199 (F)

**INSURANCE**

Captive Insurance Law Amendments, Dunnigan, J. . . . . HB 191 (P)  
Insurance Cancellation and Nonrenewal Restrictions, Arent, P. . . . . SB 48 (P)  
Insurance Law Amendments, Dunnigan, J. . . . . HB 195 (P)  
Insurance Law Revisions, Dunnigan, J. . . . . HB 200 (P)  
Insurance Licensing Amendments, Dunnigan, J. . . . . HB 60 (P)  
Insurers Rehabilitation and Liquidation, Dougall, J. . . . . HB 263 (F)  
Life Insurance and Annuities Law Amendments, Dunnigan, J. . . . . HB 201 (P)  
Regulation of Title Insurance Industry, Hatch, T. . . . . SB 40 (P)  
Workers Compensation – Competitive Bid Requirements,  
Waddoups, M. . . . . SB 180 (F)

**INSURANCE DEPARTMENT**

Bail Bond Amendments, Gibson, K. . . . . HB 122 (F)  
Health Discount Program Consumer Protection  
Act, Dunnigan, J. . . . . HB 70 (P)

**INSURANCE, HEALTH**

Amendments Prohibiting Health Insurance Discrimination,  
McCoy, S. . . . . SB 111 (F)  
Assistance for People with Bleeding Disorders, Litvack, D. . . . . HB 33 (P)  
Federal Health Care Tax Credit Program Act, Oda, C. . . . . HB 69 (P)  
Health Discount Program Consumer Protection  
Act, Dunnigan, J. . . . . HB 70 (P)  
Health Insurance – Prompt Payment  
Amendments, Waddoups, M. . . . . SB 156 (F)  
Health Insurance Fair Marketing Standards, Mascaro, S. . . . . HB 27 (F)  
Health Insurance High Risk Pool – Eligibility Amendments,  
Litvack, D. . . . . HB 85 (F)

- Health Insurance Law Amendments, Dunnigan, J. . . . . HB 236 (P)  
 Patient Access Reform, Buttars, D. C. . . . . SB 34 (F)  
 Patient Access to Providers and Contracting Amendments,  
     Lockhart, R. . . . . HB 272 (F)

### **INTERLOCAL COOPERATION ENTITIES**

- Interlocal Cooperation Amendments, Bramble, C. . . . . SB 209 (F)  
 Local Government Authority, Hardy, A. . . . . HB 256 (P)

### **INTERNET**

- Access to High Speed Internet At State Capitol Complex,  
     Killpack, S. . . . . SB 100 (P)  
 Amendments Related to Pornographic and Harmful  
     Materials, Dougall, J. . . . . HB 260 (P)  
 Internet Crimes Against Children, Cosgrove, T. . . . . HB 132 (P)  
 Spyware Control Act Revisions, Urquhart, S. . . . . HB 104 (P)

### **JOB TRAINING**

- Department of Workforce Services – Work Experience and  
     Training Programs, Cox, D. . . . . HB 23 (P)

### **JUDICIARY**

- Arbitration – Use of Subpoena Authorized, Eastman, D. . . . . SB 116 (P)  
 Authorization for Additional Judicial Position, Madsen, M. . . . . SB 131 (F)  
 Child Protection Amendments, Bell, G. . . . . SB 112 (F)  
 Child Support Obligations, Hutchings, E. . . . . HB 248 (F)  
 Children’s Justice Center Amendments, Buttars, D. C. . . . . SB 15 (P)  
 Children’s Justice Center Addition, Hatch, T. . . . . SB 93 (P)  
 Civil Legal Aid for Victims of Domestic Violence, Mascaro, S. . . . . HB 342 (F)  
 Commission on Racial and Ethnic Fairness, Bourdeaux, D. . . . . HB 292 (F)  
 Criminal Appeal Amendments, Wyatt, S. . . . . HB 54 (P)  
 Department of Workforce Services – Access to Financial  
     Records, Jenkins, S. . . . . SB 16 (P)  
 Division of Criminal Investigation and Technical  
     Services Amendments, Oda, C. . . . . HB 276 (P)  
 Divorce Mediation Program, Ferry, B. . . . . HB 4 (P)  
 Divorce Task Force, Wallace, P. . . . . HB 56 (F)  
 Drug Courts Pilot Project, Hillyard, L. . . . . SB 135 (P)  
 Elder Protection Provisions, Jones, P. . . . . HB 167 (F)  
 Garnishment Fees, Mascaro, S. . . . . HB 163 (F)

Interstate Juvenile Compact, Hillyard, L. . . . .	SB 91 (P)
Joint Custody Amendments, Christensen, L. . . . .	HB 280 (P)
Judiciary Amendments, Hillyard, L. . . . .	SB 104 (P)
Justice Court Operations Amendments, Mayne, E. . . . .	SB 136 (F)
Liability Reform Act Amendments, Bell, G. . . . .	SB 10 (P)
Offer of Settlement Provisions, Christensen, L. . . . .	HB 127 (F)
Office of Recovery Services Fee, Tilton, A. . . . .	HB 340 (F)
Pilot Program Repeal Clean-up, Romero, R. . . . .	HB 222 (P)
Possession of a Dangerous Weapon in a Vehicle, Morley, M. . . . .	HB 332 (F)
Presumption of Responsibility for Abuse or Neglect, Christensen, L. . . . .	HB 89 (P)
Property Exempt from Execution, Dunnigan, J. . . . .	HB 121 (P)
Protective Order Amendments, Hutchings, E. . . . .	HB 360 (F)
Provisions for Emancipation of a Minor, McGee, R. . . . .	HB 77 (F)
Resolution Urging United States Senate Support of President's Supreme Court Nominees, Morley, M. . . . .	HR 4 (P)
Restitution Amendments, Bell, G. . . . .	SB 94 (P)
Second District Juvenile Judge, Adams, J. S. . . . .	HB 218 (P)
Shelter Hearing Amendments, Hutchings, E. . . . .	HB 303 (F)
Statute of Limitations Amendments, Clark, D. . . . .	HB 204 (F)
Uniform Parentage Act, Hillyard, L. . . . .	SB 14 (P)
Utah Attorney's Fees Recovery Act, Thomas, D. . . . .	SB 92 (F)
Youth Corrections Amendments, Moss, C. . . . .	HB 94 (F)

## JUVENILES

Interstate Juvenile Compact, Hillyard, L. . . . .	SB 91 (P)
Juvenile Justice Recodification and Revisions, Aagard, D. . . . .	HB 28 (P)
Second District Juvenile Judge, Adams, J. S. . . . .	HB 218 (P)
Sex Offender Registration Amendments, Lawrence, M. S. . . . .	HB 95 (F)
Youth Corrections Amendments, Moss, C. . . . .	HB 94 (F)

## LABOR

Assessment Offset for Donations Promoting Occupational Health and Safety, Mayne, E. . . . .	SB 159 (P)
Disease Testing of Individuals Exposed to Blood Borne Pathogens, Arent, P. . . . .	SB 19 (P)
Employment Agency Revisions, Adams, J. S. . . . .	HB 348 (P)
Family Sustaining Wage Amendments, Fife, F. . . . .	SB 69 (F)
Permanent Total Disability Amendments, Mayne, E. . . . .	SB 115 (P)
Residential Mortgages Practices – Employment Security Revisions, Walker, M. . . . .	HB 210 (F)

- Wage Provisions, Stephenson, H. . . . . SB 139 (P)  
 Workers Compensation – Competitive Bid  
     Requirements, Waddoups, M. . . . . SB 180 (F)  
 Workers’ Compensation Coverage of Fire Department  
     Employees, Murray, J. . . . . HB 81 (F)

### **LANDLORD – TENANT**

- Crime Victims – Change of Locks on Rental Property,  
     Shurtliff, L. . . . . HB 184 (P)  
 Mobile Home Park – Notice of Sale of Underlying  
     Property, Wheatley, M. . . . . HB 133 (F)

### **LAW ENFORCEMENT AND CRIMINAL JUSTICE**

- Aggravated Murder Amendments, Wyatt, S. . . . . HB 297 (P)  
 Amendment Regarding Controlled Substances, Oda, C. . . . . HB 306 (F)  
 Amendments Related to Pornographic and Harmful  
     Materials, Dougall, J. . . . . HB 260 (P)  
 Amendments to Search Warrants, Thomas, D. . . . . SB 30 (P)  
 Automobile Crime Prevention, Ray, P. . . . . HB 21 (F)  
 Avoiding Apprehension Amendment, Waddoups, M. . . . . SB 146 (P)  
 Bail Bond Amendments, Gibson, K. . . . . HB 122 (F)  
 Children’s Justice Center Addition, Hatch, T. . . . . SB 93 (P)  
 Commission on Racial and Ethnic Fairness, Bourdeaux, D. . . . . HB 292 (F)  
 Concurrent Resolution on McGruff House, Eastman, D. . . . . SCR 11 (P)  
 Controlled Substance Amendments, Arent, P. . . . . SB 50 (P)  
 Controlled Substance Law Amendments, Dee, B. . . . . HB 311 (P)  
 Criminal Code Amendments, Hale, K. . . . . SB 181 (F)  
 Criminal Penalty Amendment, Litvack, D. . . . . HB 50 (F)  
 Criminal Penalty for Animal Cruelty, Wyatt, S. . . . . HB 242 (F)  
 Division of Criminal Investigation and Technical  
     Services Amendments, Oda, C. . . . . HB 276 (P)  
 Drug Offender Reform Act, Buttar, D. C. . . . . SB 22 (F)  
 Drug Offense Penalty Enhancements, Dee, B. . . . . HB 55 (P)  
 Electronic Communication Harassment, Dougall, J. . . . . HB 221 (P)  
 Fire Prevention Amendments, Murray, J. . . . . HB 52 (P)  
 Habitual Violent Offenders Amendments, Ray, P. . . . . HB 76 (P)  
 Identity Fraud Amendments, Walker, C. . . . . SB 118 (P)  
 Increase Statute of Limitations on Rape, Mayne, E. . . . . SB 177 (P)  
 Internet Crimes Against Children, Cosgrove, T. . . . . HB 132 (P)  
 Joint Resolution Supporting Counties Expansion of  
     Correctional Facilities, Hogue, D. . . . . HJR 18 (F)

Juvenile Justice Recodification and Revisions, Agard, D. . . . .	HB 28 (P)
Offenses Committed Against Correctional and Peace Officers, Oda, C. . . . .	HB 98 (P)
Penalty for Providing False Information to State Agency, Hellewell, P. . . . .	SB 43 (P)
Personal Property Transactions Amendments, Waddoups, M. . . . .	SB 62 (P)
Property Tracking Amendments, Ray, P. . . . .	HB 215 (P)
Protective Order Amendments, Hutchings, E. . . . .	HB 360 (F)
Public Safety Database Amendments, Waddoups, M. . . . .	SB 75 (F)
Public Safety Driving Privilege and Identification Card Amendments, Bramble, C. . . . .	SB 227 (P)
Public Safety Officers – Critical Incident Shooting Provisions, Ray, P. . . . .	HB 134 (F)
Public Safety Retirement Amendments, Buttars, D. C. . . . .	SB 154 (F)
Resolution Honoring Jade Pusey, Ure, D. . . . .	HJR 21 (P)
Restrictions of Advertising Illegal Activities, Wyatt, S. . . . .	HB 123 (F)
Sex Offender Registration Amendments, Lawrence, M. S. . . . .	HB 95 (F)
Shelter Hearing Amendments, Hutchings, E. . . . .	HB 303 (F)
Tampering with Evidence, Buttars, D. C. . . . .	SB 73 (P)
Telephone Surcharge for Education and Training Programs At Prison, Goodfellow, B. . . . .	HB 234 (P)
Unclaimed Property Amendments, Ray, P. . . . .	HB 208 (P)
Utah Computer Crimes Act Amendments, Daw, B. . . . .	HB 185 (P)
Weapons Amendments, Madsen, M. . . . .	SB 175 (F)
Wrongful Lien Offenses, Evans, B. . . . .	SB 47 (P)

### LEGISLATIVE AFFAIRS

Annual Appropriations Act, Bigelow, R. . . . .	HB 1 (P)
Ban on Gifts to Elected Officials, Becker, R. . . . .	HB 144 (F)
Capitol Complex Space, Alexander, J. . . . .	HB 250 (P)
Concurrent Resolution Approving Class V Landfill, Dmitrich, M. . . . .	SCR 8 (P)
Concurrent Resolution Honoring America’s Military War Dogs, Mascaro, S. . . . .	HCR 14 (F)
Concurrent Resolution Honoring Utah Foundation, Mansell, L. A. . . . .	SCR 10 (P)
Concurrent Resolution Honoring Waldo Wilcox for Preservation of Range Creek Area, King, B. . . . .	HCR 10 (P)
Concurrent Resolution on Mcgruff House, Eastman, D. . . . .	SCR 11 (P)
Concurrent Resolution Opposing Nuclear Testing, Noel, M. . . . .	HCR 7 (P)

- Concurrent Resolution Promoting Utah Saves  
 Strategic Initiative, Hogue, D. . . . . HCR 13 (F)
- Concurrent Resolution Regarding Delta Air Lines, Eastman, D. . . . . SCR 9 (P)
- Cowboy Hall of Fame Resolution, Shurtliff, L. . . . . HCR 2 (P)
- House Resolution Discouraging Participation in Free  
 Trade Areas of the Americas, Donnelson, G. . . . . HR 9 (P)
- House Rules Resolution – Committee Report, Ure, D. . . . . HR 7 (P)
- House Rules Resolution – Electronic Voting Board, Ure, D. . . . . HR 6 (F)
- House Rules Resolution – Lobbyist Code of Ethics  
 Amendments, Ure, D. . . . . HR 1 (F)
- House Rules Resolution – Oral Declaration of Conflict  
 of Interest, Ure, D. . . . . HR 5 (F)
- Joint Resolution Amending Interim Legislative Rules,  
 Waddoups, M. . . . . SJR 13 (P)
- Joint Resolution Approving Appointment of Legislative  
 Auditor General, Valentine, J. . . . . SJR 1 (P)
- Joint Resolution Approving Consolidation of West Valley  
 and Sandy District Courts, Knudson, P. . . . . SJR 18 (P)
- Joint Resolution on Stroke Awareness, Knudson, P. . . . . SJR 14 (P)
- Joint Resolution Recognizing Retiring President of  
 Dixie State College, Hickman, J. . . . . SJR 20 (P)
- Joint Resolution Related to Financial Institutions, Alexander, J. . . . . HJR 1 (P)
- Joint Resolution Related to the Utah Athletic  
 Foundation, Ure, D. . . . . HJR 16 (F)
- Joint Resolution Supporting Counties Expansion of  
 Correctional Facilities, Hogue, D. . . . . HJR 18 (F)
- Joint Resolution Urging Health Care for Utah’s Indigent  
 and Needy Uninsured, Fowlke, L. . . . . HJR 19 (P)
- Joint Resolution Urging Medicaid Reform, Knudson, P. . . . . SJR 15 (P)
- Joint Rules Resolution – Amendments in Context, Lockhart, R. . . . . HJR 10 (P)
- Joint Rules Resolution – Appearance of Bills, Bramble, C. . . . . SJR 8 (P)
- Joint Rules Resolution – Conflict of Interest  
 Amendments, Ure, D. . . . . HJR 4 (F)
- Joint Rules Resolution – Family Impact Statement on  
 Legislation, Frank, C. . . . . HJR 2 (F)
- Joint Rules Resolution – Interim Rules Recodification,  
 Waddoups, M. . . . . SJR 4 (P)
- Joint Rules Resolution – Use of Legislative Seals, Lockhart, R. . . . . HJR 8 (P)
- Legislators Involvement in Public Schools, Bourdeaux, D. . . . . HB 196 (F)
- Lobbyist Reporting Amendments, Bell, G. . . . . SB 102 (F)
- Master Study Resolution, Alexander, J. . . . . HJR 20 (P)

- Office of Legislative Auditor – Access to Information,  
Waddoups, M. . . . . SB 20 (P)
- Repeal of Utah Tomorrow Strategic Planning Committee,  
Waddoups, M. . . . . SB 117 (P)
- Resolution Amending Joint Rules Regarding Conflicts  
of Interest, Dougall, J. . . . . HJR 9 (P)
- Resolution Amending State Auditor Qualifications, Romero, R. . . . . HJR 7 (F)
- Resolution Approving Class V Landfill, Allen, R. . . . . SCR 2 (P)
- Resolution Approving Compensation of In-session  
Employees, Newbold, M. . . . . HJR 6 (P)
- Resolution Approving Contract for State Capitol  
Renovation, Mansell, L. A. . . . . SJR 5 (P)
- Resolution Approving Settlement of Lawsuit, Knudson, P. . . . . SCR 5 (P)
- Resolution Approving Utah Recreational Land Exchange,  
Evans, B. . . . . SCR 4 (P)
- Resolution Clarifying Removal Provisions, Hogue, D. . . . . HJR 5 (F)
- Resolution Encouraging Managed Lanes Study, Walker, C. . . . . SCR 1 (P)
- Resolution Encouraging Mediation, Walker, C. . . . . SJR 3 (P)
- Resolution Encouraging Schools to Adopt Nutrition  
and Physical Activity Policies, Jones, P. . . . . HJR 11 (P)
- Resolution Establishing Redistricting Commission, McGee, R. . . . . HJR 14 (F)
- Resolution Honoring Celebration of Marriage  
Week, Fowlke, L. . . . . HJR 17 (P)
- Resolution Honoring Hollace (Holly) Parker, Holdaway, K. . . . . HR 12 (P)
- Resolution Honoring Jade Pusey, Ure, D. . . . . HJR 21 (P)
- Resolution Honoring Outgoing USU President  
Kermit L. Hall, Hunsaker, F. . . . . HCR 9 (P)
- Resolution Honoring Searchers, Hillyard, L. . . . . SCR 3 (P)
- Resolution Honoring the University of Utah Football  
Team, Alexander, J. . . . . HCR 11 (P)
- Resolution Honoring Utah Military Service Personnel,  
Hunsaker, F. . . . . HCR 5 (P)
- Resolution Limiting Number of Governor’s Terms, Walker, C. . . . . SJR 11 (F)
- Resolution on Property Tax for Certain Personal Property,  
Hickman, J. . . . . SJR 2 (F)
- Resolution Promoting Moderately Sized Schools, Cox, D. . . . . HCR 1 (P)
- Resolution Recognizing 100 Years of Rotary International,  
Knudson, P. . . . . SJR 9 (P)
- Resolution Recognizing Granite School District’s  
100 Years, Davis, G. . . . . SJR 19 (P)

- Resolution Recognizing Huntsman Cancer  
Institute, Knudson, P. . . . . SJR 17 (P)
- Resolution Recognizing Ronald Reagan Day, Knudson, P. . . . . SJR 7 (P)
- Resolution Recognizing Utah Manufacturers Association,  
Alexander, J. . . . . HCR 8 (P)
- Resolution Recognizing Utah's Legislators Back to  
School Program, Dayton, M. . . . . HCR 6 (P)
- Resolution Regarding Federal No Child Left  
Behind, Holdaway, K. . . . . HJR 3 (P)
- Resolution Regarding United States Trade  
Negotiations, Allen, S. . . . . HJR 15 (P)
- Resolution Regarding Washington County Waste Facility,  
Last, B. . . . . HCR 3 (P)
- Resolution Supporting Congressional Privatization of  
Social Security, Morley, M. . . . . HR 3 (P)
- Resolution Supporting National Bear River Heritage  
Area Act, Butters, C. . . . . HJR 13 (F)
- Resolution Supporting Participation of Taiwan in  
World Health Organization, Last, B. . . . . HR 10 (P)
- Resolution Supporting Permanent Repeal of Federal  
Inheritance Tax, Morley, M. . . . . HR 2 (P)
- Resolution Supporting the Golden Rule Project, Fife, F. . . . . SCR 6 (P)
- Resolution to Congress Regarding Oil and Gas  
Drilling and Exploration, Stephenson, H. . . . . SJR 10 (P)
- Resolution Urging Comprehensive Cancer Control Plan  
for the State, Hale, K. . . . . SJR 16 (P)
- Resolution Urging Congress to Pass Balanced Budget  
Amendment, Hansen, N. . . . . HR 11 (P)
- Resolution Urging Funding, Fife, F. . . . . SJR 12 (F)
- Resolution Urging United States Senate Support of  
President's Supreme Court Nominees, Morley, M. . . . . HR 4 (P)
- Revisor's Statute, Lockhart, R. . . . . HB 176 (P)
- Senate Resolution Discouraging Participation in Free Trade  
Area of the Americas, Thomas, D. . . . . SR 1 (P)
- Space Exploration Resolution, Knudson, P. . . . . SJR 6 (P)
- Supplemental Appropriations Act II, Hillyard, L. . . . . SB 3 (P)
- Task Force on Legislative Reforms, Hansen, N. . . . . HB 281 (F)
- Utah Athletic Foundation Resolution, Ure, D. . . . . HCR 4 (F)



**LEGISLATURE**

- Government Efficiency and Effectiveness Review  
 Committee, Wallace, P. . . . . HB 58 (F)  
 House Rules Resolution – Electronic Voting Board, Ure, D. . . . . HR 6 (F)  
 Joint Rules Resolution – Amendments in Context, Lockhart, R. . . . HJR 10 (P)  
 Joint Rules Resolution – Use of Legislative Seals, Lockhart, R. . . . HJR 8 (P)  
 Legislators Involvement in Public Schools, Bourdeaux, D. . . . . HB 196 (F)  
 Resolution Amending Joint Rules Regarding Conflicts  
 of Interest, Dougall, J. . . . . HJR 9 (P)  
 Resolution Honoring Hollace (Holly) Parker, Holdaway, K. . . . . HR 12 (P)  
 Resolution Recognizing Utah’s Legislators Back t  
 School Program, Dayton, M. . . . . HCR 6 (P)

**LETTERS OF CREDIT**

- Contractors Bonds and Letters of Credit, Clark, S. . . . . HB 82 (F)

**LIABILITY**

- Liability Protection of Educators, Stephenson, H. . . . . SB 58 (P)  
 Liability Reform Act Amendments, Bell, G. . . . . SB 10 (P)  
 Limitation on Liability Regarding Liquefied  
 Petroleum Gas, Eastman, D. . . . . SB 21 (P)  
 Medical Device Notification and Liability, Buttars, D. C. . . . . SB 110 (P)

**LIBRARIES**

- Consolidation of City and County Library, Bell, G. . . . . SB 97 (P)

**LICENSURE, HUMAN SERVICES PROGRAMS**

- Background Checks for Boarding Schools, Last, B. . . . . HB 321 (F)  
 Criminal Background Checks for Personal Care  
 Attendants, Hunsaker, F. . . . . HB 64 (P)  
 Licensure and Regulation of Programs and Facilities, Hatch, T. . . . SB 107 (P)  
 Programs and Facilities Licensing Amendments, Buttars, D. C. . . . SB 176 (F)  
 Provision of Services for People with Disabilities, Lockhart, R. . . . HB 79 (P)

**LIENS**

- Construction Filing Amendments, Morley, M. . . . . HB 105 (P)  
 Construction Trade Related Amendments, Jenkins, S. . . . . SB 168 (F)  
 Liens on Aircraft, Hatch, T. . . . . SB 103 (P)  
 Real Estate and Mechanics Liens – Security  
 Alternatives, Morley, M. . . . . HB 273 (P)

- Residence Lien Restriction and Lien Recovery Fund
  - Amendments, Thomas, D. . . . . SB 87 (F)
  - Wrongful Lien Offenses, Evans, B. . . . . SB 47 (P)

**LIFE INSURANCE**

- Life Insurance and Annuities Law Amendments, Dunnigan, J. . . . . HB 201 (P)

**LIMITED LIABILITY COMPANY**

- Financial Institutions as Limited Liability
  - Companies, Hillyard, L. . . . . SB 215 (P)

**LIQUIFIED PETROLEUM GAS**

- Limitation on Liability Regarding Liquefied
  - Petroleum Gas, Eastman, D. . . . . SB21 (P)

**LIVESTOCK**

- Government Records Access and Management Act Requirements
  - Regarding Animal Identification Program, Butters, C. . . . . HB 226 (P)
- Historical Livestock Trails, Johnson, B. . . . . HB 182 (P)
- Veterinary Practice Act – Exemptions, Dmitrich, M. . . . . SB 182 (F)

**LOBBYING**

- House Rules Resolution – Lobbyist Code of Ethics
  - Amendments, Ure, D. . . . . HR 1 (F)
- Lobbyist Regulation, Ferrin, J. . . . . HB 369 (F)

**LOCAL BOARDS OF EDUCATION**

- Applied Technology Program Amendments, Ferrin, J. . . . . HB 189 (F)
- Appropriation for School Districts Impacted by Fee Waivers,
  - Shurtliff, L. . . . . HB 169 (F)
- Local School Board Amendments, Dayton, M. . . . . HB 139 (P)
- School Truancy Amendments, Hutchings, E. . . . . HB 148 (F)
- Security for Public Schools, Allen, S. . . . . HB 153 (F)

**LOCAL DISTRICTS**

- Amendments to Local Districts, Morgan, K. . . . . HB 380 (P)
- Creation of Local Districts, Walker, C. . . . . SB 88 (P)
- Government Boundary Changes, Holdaway, K. . . . . HB 113 (P)

**MARRIAGE / DIVORCE**

- Divorce Mediation Program, Ferry, B. . . . . HB 4 (P)  
 Divorce Task Force, Wallace, P. . . . . HB 56 (F)  
 Joint Custody Amendments, Christensen, L. . . . . HB 280 (P)  
 Marriage Preparation Education, McGee, R. . . . . HB 252 (F)  
 Pilot Program Repeal Clean-up, Romero, R. . . . . HB 222 (P)  
 Protective Order Amendments, Hutchings, E. . . . . HB 360 (F)  
 Resolution Honoring Celebration of Marriage  
     Week, Fowlke, L. . . . . HJR 17 (P)

**MEDICAID**

- Amendments to Intermediate Care Facilities for Mentally  
     Retarded, Lockhart, R. . . . . HB 62 (P)  
 Children's Health Care Coverage Amendments, Hogue, D. . . . . HB 114 (P)  
 Dental Services for Adults on Medicaid, Mascaro, S. . . . . HB 32 (F)  
 Drug Utilization Review Committee  
     Amendments, Lockhart, R. . . . . HB 268 (P)  
 Joint Resolution Urging Medicaid Reform, Knudson, P. . . . . SJR 15 (P)  
 Medicaid – Pregnant Women Resource Test, Wheatley, M. . . . . HB 343 (F)  
 Vision Care for Medicaid Recipient, Mascaro, S. . . . . HB 31 (F)

**MEDICAL ASSISTANCE PROGRAMS**

- Children's Health Care Coverage Amendments, Hogue, D. . . . . HB 114 (P)

**MEDICAL MALPRACTICE**

- Medical Decisions of a Parent or Guardian, Thomas, D. . . . . SB 83 (P)

**MEDICAL RECORDS**

- Access to Patient Medical Records, Arent, P. . . . . SB 55 (P)

**MENTAL HEALTH**

- Commitment to Mental Health Authority, Noel, M. . . . . HB 271 (F)  
 County Officers Serving on Boards of County Mental  
 Health and Substance Abuse Providers, Thomas, D. . . . . SB 90 (P)  
 Mental Health Services Coordinator, Hogue, D. . . . . HB 178 (F)

### **MILITARY SERVICES**

- Concurrent Resolution Honoring America's Military  
     War Dogs, Mascaro, S. . . . . HCR 14 (F)
- Individual Income Tax Subtraction for Certain Military  
     Income, Stephenson, H. . . . . SB 13 (P)
- Military Installation Partnerships, Killpack, S. . . . . SB 141 (P)
- National Guard Amendments, Hutchings, E. . . . . HB 143 (P)
- Property Tax Exemption for Veterans, Hughes, G. . . . . HB 147 (P)
- Resolution Honoring Utah Military Service Personnel,  
     Hunsaker, F. . . . . HCR 5 (P)
- Veterans Nursing Home, Buxton, D. G. . . . . HB 241 (F)

### **MINERAL LEASE FUNDS**

- School and Institutional Trust Lands Management Act  
     Revisions, Dmitrich, M. . . . . SB 41 (P)

### **MINORS**

- Home School Amendments, Madsen, M. . . . . SB 59 (P)
- Materials Harmful to Minors, Hogue, D. . . . . HB 293 (F)
- Provisions for Emancipation of a Minor, McGee, R. . . . . HB 77 (F)
- Young Artist Provisions, Hughes, G. . . . . HB 379 (F)

### **MORTGAGE**

- Division of Real Estate Amendments, Waddoups, M. . . . . SB 172 (P)
- Residential Mortgages Practices – Employment Security  
     Revisions, Walker, M. . . . . HB 210 (F)
- Utah High Cost Home Loan Act Amendments, Harper, W. . . . . HB 192 (F)

### **MOTION PICTURES**

- Motion Picture Incentive Fund, Allen, S. . . . . HB 17 (P)

### **MOTOR FUEL AND SPECIAL FUEL TAXES**

- Amendments Relating to Clean Fuels and Vehicles Using  
     Clean Fuels, Hunsaker, F. . . . . HB 96 (P)
- State Tax Commission Collection and Licensing Practices,  
     Bramble, C. . . . . SB 170 (P)

**MOTOR VEHICLE INSURANCE**

- Insurance Arbitration Amendments, Urquhart, S. . . . . HB 235 (P)  
 Motor Vehicle Insurance – Property Damage Limit, Jenkins, S. . . . SB 124 (F)  
 Motor Vehicle Insurance Coverage Amendments, Eastman, D. . . . . SB 207 (P)  
 Motor Vehicle Liability Coverage Amendments, Eastman, D. . . . . SB 49 (F)  
 Motor Vehicle Repairs – Consumer Rights, Kiser, T. . . . . HB 322 (F)  
 Motorboat Liability Insurance Amendments, Gibson, K. . . . . HB 261 (F)  
 Uninsured Motorist Property Damage Coverage  
 Amendments, Eastman, D. . . . . SB 4 (P)

**MOTOR VEHICLE SAFETY INSPECTION**

- Motor Vehicle Registration and Safety Inspection  
 Amendments, Daw, B. . . . . HB 48 (F)

**MOTOR VEHICLES**

- Abandoned Vehicles Amendments, Gowans, J. . . . . HB 67 (P)  
 Automobile Crime Prevention, Ray, P. . . . . HB 21 (F)  
 Driving with Any Measurable Controlled Substance  
 in the Body Revisions, Noel, M. . . . . HB 314 (F)  
 Emission Inspection Amendments, Gibson, K. . . . . HB 93 (P)  
 Golf Carts Allowed on Certain Highways, Moss, C. . . . . HB 337 (F)  
 Insurance Arbitration Amendments, Urquhart, S. . . . . HB 235 (P)  
 Local Corridor Preservation Funding, Killpack, S. . . . . SB 8 (P)  
 Motor Vehicle Business Licensing Amendments, Ray, P. . . . . HB 299 (P)  
 Motor Vehicle Business Regulation Act Amendments,  
 Eastman, D. . . . . SB 37 (P)  
 Motor Vehicle Enforcement Division Amendments, Ray, P. . . . . HB 68 (P)  
 Motor Vehicle Registration and Safety Inspection  
 Amendments, Daw, B. . . . . HB 48 (F)  
 Motor Vehicle Registration and Title Amendments, Killpack, S. . . . SB 98 (P)  
 Motor Vehicle Repairs – Consumer Rights, Kiser, T. . . . . HB 322 (F)  
 Motor Vehicle Stops At Port-of-entry, Knudson, P. . . . . SB 144 (P)  
 New Automobile Franchise Act Amendments, Urquhart, S. . . . . HB 47 (P)  
 New Motor Vehicle Franchise Act Amendments, Eastman, D. . . . . SB 51 (P)  
 Powersport Vehicle Franchise Act, Eastman, D. . . . . SB 134 (P)  
 Property Tax Treatment of Tangible Personal Property,  
 Bramble, C. . . . . SB 23 (P)  
 Restrictions on High Occupancy Vehicle Lane, Litvack, D. . . . . HB 367 (F)  
 Restrictions on Riders in the Back of Open Vehicle, Butters, C. . . . HB265 (F)  
 Safety Belt Enforcement, Hale, K. . . . . SB 109 (F)  
 Safety Belt Law Requirement Amendments, Noel, M. . . . . HB 92 (F)

Tax Treatment of Personal Property, Shurtliff, L. . . . . HB 53 (P)  
 Traffic Code Amendments, Dunnigan, J. . . . . HB 24 (P)  
 Traffic Code Recodification and Revisions, Killpack, S. . . . . SB 5 (P)  
 Traffic Enforcement Amendments, McGee, R. . . . . HB 219 (F)  
 Traffic Violations by Diplomats, Hogue, D. . . . . HB 212 (P)  
 Vehicle Identification Number Inspectors, Frank, C. . . . . HB 149 (P)

### MOTORCYCLES

Person with a Disability Motorcycle Parking, Kiser, T. . . . . HB 5 (P)  
 Property Tax Treatment of Tangible Personal Property,  
     Bramble, C. . . . . SB 23 (P)

### MUSEUMS

Cowboy Hall of Fame Resolution, Shurtliff, L. . . . . HCR 2 (P)  
 Hill Air Force Museum Appropriation, Buxton, D. G. . . . . HB 376 (F)  
 Office of Museum Services Amendments, Allen, R. . . . . SB 95 (P)

### NATURAL RESOURCES

Boat Registration Fee, Goodfellow, B. . . . . HB 225 (F)  
 Concurrent Resolution Honoring Waldo Wilcox for  
     Preservation of Range Creek Area, King, B. . . . . HCR 10 (P)  
 Conservation Easement Endowment Restricted Account,  
     Evans, B. . . . . SB 148 (F)  
 Cooperative Wildlife Management Unit Amendments,  
     Gowans, J. . . . . HB 168 (P)  
 Damages for Trespass in State Parks, Hatch, T. . . . . SB 99 (F)  
 Deer Hunt Opening Season Date Amendments, Clark, S. . . . . HB 205 (F)  
 Duplicate Wildlife Licensing Amendments, Dayton, M. . . . . HB 181 (P)  
 Office of Energy – Oversight, Hatch, T. . . . . SB 199 (P)  
 Resolution Supporting National Bear River Heritage  
     Area Act, Buttars, C. . . . . HJR 13 (F)  
 Sales and Use Tax Diversions, Peterson, D. . . . . SB 204 (F)  
 Special Hunting Permits for Antelope Island, Hickman, J. . . . . SB 187 (F)  
 State Engineer’s Powers and Duties Amendments, Clark, D. . . . . HB 29 (P)  
 Water Enforcement Procedures and Penalties, Ure, D. . . . . HB 157 (P)  
 Water Law – Criminal Penalties Amendments, Ferry, B. . . . . HB 38 (P)  
 Water Rights Fees, Gowans, J. . . . . HB 150 (P)  
 Water Rights in Irrigation Companies, Painter, P. . . . . HB 229 (F)  
 Wildlife License Agents Amendments, Fisher, J. . . . . HB 160 (P)  
 Wildlife License Refund Amendments, Dayton, M. . . . . HB 177 (P)

**NOTARY PUBLIC**

Notary Public Amendments, Shurtliff, L. . . . .	HB 172 (F)
Revisions to General State Government – Notary Law Amendments, King, B. . . . .	HB 375 (F)

**NUMBERED BY SHORT TITLE**

911 Emergency Response Amendments, Hutchings, E. . . . .	HB 378 (F)
Abusive Attorneys Fees, Last, B. . . . .	HB 364 (F)
Access to Employment Data, Mathis, J. . . . .	HB 323 (F)
Amendments Related to Public Utilities, Tilton, A. . . . .	HB 251 (F)
Amendments to Independent Entities, Ure, D. . . . .	HB 357 (F)
Amendments to State Government, Allen, R. . . . .	SB 220 (F)
Amendments to Telecommunications, Davis, G. . . . .	SB 226 (F)
Amendments to Workers Compensation Fund, Ure, D. . . . .	HB 355 (F)
Background Checks in County Government, Dee, B. . . . .	HB 112 (F)
Collection Practices Amendments, Bourdeaux, D. . . . .	HB 305 (F)
Compensation for Executive Director of Department of Health, Knudson, P. . . . .	SB 236 (F)
Contribution Limits on Governor’s Campaign, Ferrin, J. . . . .	HB 370 (F)
Corporate Accountability, Mayne, E. . . . .	SB 171 (F)
County Option Funding for Botanical, Cultural, Recreation, and Zoological Organizations or Facilities, Hutchings, E. . . . .	HB377 (F)
Crime of Soliciting Sex from a Child, Fowlke, L. . . . .	HB 120 (F)
Deferred Deposit Lending Revisions, Fowlke, L. . . . .	HB 295 (F)
Department of Community Development and Arts Restructure, Buxton, D. G. . . . .	HB 315 (F)
Designation of Next of Kin with Department of Health, Biskupski, J. . . . .	HB 371 (F)
Disaster Relief Provisions, Clark, D. . . . .	HB 331 (F)
Divorce Education for Children, McGee, R. . . . .	HB 334 (F)
Emergency Administration of Epinephrine, Kiser, T. . . . .	HB 110 (F)
Ethics Commission, Litvack, D. . . . .	HB 366 (F)
Family Impact Statement, Frank, C. . . . .	HB 347 (F)
Foster Placements, Hansen, N. . . . .	HB 298 (F)
General Government Amendments and Revisions, Fife, F. . . . .	SB 229 (F)
General Government Revisions, Peterson, D. . . . .	SB 210 (F)
General Obligation Bonds Authorizations, Hickman, J. . . . .	SB 2 (F)
General State Government Amendments, Allen, R. . . . .	SB 221 (F)
Good Samaritan Coverage of Health Providers Charity Care, Madsen, M. . . . .	SB238 (F)
Government Operations, Gowans, J. . . . .	HB 353 (F)

- Health Care Savings Account Act, Dayton, M. . . . . HB 300 (F)
- Health Insurance Disclosure Requirements, Last, B. . . . . HB 351 (F)
- Health Law Amendments, Fife, F. . . . . SB 230 (F)
- Hearing Instrument Specialist Licensing Act, Julander, P. . . . . SB 202 (F)
- Implements of Husbandry Permit Stickers, Mathis, J. . . . . HB 374 (F)
- Improvements to General Government, Fife, F. . . . . SB 228 (F)
- Independent Elections Commission, Davis, G. . . . . SB 200 (F)
- Licensing of Child Care Centers – Oversight and  
     Regulation, Buxton, D. G. . . . . HB 111 (F)
- Local Law Enforcement Authority for Wildlife  
     Resources and State Parks, Hatch, T. . . . . SB198 (F)
- Local Option Sales and Use Tax Distribution Amendments,  
     Bell, G. . . . . SB 169 (F)
- Mandatory Minimum Sentencing for Child  
     Molesters, Frank, C. . . . . HB 352 (F)
- Military Transformation Authority, Killpack, S. . . . . SB 237 (F)
- Motor Vehicle Lease or Purchase Agreements, Madsen, M. . . . . SB 218 (F)
- Motor Vehicle Registration Amendments, Killpack, S. . . . . SB 196 (F)
- Open Enrollment Amendments, Bourdeaux, D. . . . . HB 325 (F)
- Power of Attorney Amendments, Newbold, M. . . . . HB 372 (F)
- Professional Licensing Amendments, Wheatley, M. . . . . HB 359 (F)
- Property Tax Changes, Hillyard, L. . . . . SB 193 (F)
- Provisions Changing General Government, Davis, G. . . . . SB 224 (F)
- Regulation of Assisted Living Facility Amendments,  
     Lockhart, R. . . . . HB 294 (F)
- Regulation of Phlebotomists, Wheatley, M. . . . . HB 344 (F)
- Reporting Taxable Income from Child Care Services,  
     Buttars, D. C. . . . . SB 197 (F)
- Resolution Concerning Health Care Availability, Bell, G. . . . . SCR 7 (F)
- Resolution Encouraging State Research Universities to  
     Focus on Enhancing State Trust Lands, Hutchings, E. . . . . HR 8 (F)
- Resolution Urging Congress to Provide Sufficient Funding  
     of Medicaid, Bigelow, R. . . . . HCR 12 (F)
- Restrictions on Gifts, Ferrin, J. . . . . HB 290 (F)
- Restructure of State Utility Regulatory Entities, Tilton, A. . . . . HB 284 (F)
- Revisions to State Government, Ferry, B. . . . . HB 117 (F)
- Revolving Door Limitation for Public Officials to Become  
     Lobbyists, Moss, C. . . . . HB 365 (F)
- Sales and Use Tax Amendments, Mayne, E. . . . . SB 68 (F)
- School Trust Lands Revisions, Clark, D. . . . . HB 339 (F)
- Security in Construction Projects, Bramble, C. . . . . SB 219 (F)



Small Business Economic Stimulus, Frank, C. . . . .	HB 125 (F)
State Building Energy Efficiency Program, Hunsaker, F. . . . .	HB 350 (F)
Substance Abuse Counselor Amendments, Allen, R. . . . .	SB 213 (F)
Tax Amendments, Harper, W. . . . .	HB 253 (F)
Tax Credit for Tuition, Mascaro, S. . . . .	HB 254 (F)
Tax Treatment of Food Sold in Vicinity of a Theater, Madsen, M. . . . .	SB 217 (F)
Telecommunications Taxation, Curtis, G. . . . .	HB 108 (F)
Termination of Parental Rights for Murder or Attempted Murder, Biskupski, J. . . . .	HB 278 (F)
Towing Amendments, Buttars, D. C. . . . .	SB 235 (F)
Transportation Amendments, Gibson, K. . . . .	HB 363 (F)
Transportation General Obligation Bonds Authorization, Urquhart, S. . . . .	HB 257 (F)
Use of Public Education Monies, Jones, P. . . . .	HB 286 (F)
Utah Midwifery Act, Julander, P. . . . .	SB 214 (F)
Vehicle Impound Amendments, Gowans, J. . . . .	HB 317 (F)
Workers Compensation Fund Amendments, Bramble, C. . . . .	SB 222 (F)

### OCCUPATIONAL LICENSING

Access to Patient Medical Records, Arent, P. . . . .	SB 55 (P)
Child Care Investigations, Hellewell, P. . . . .	SB 212 (P)
Clinical Counselor – Title Change, Fowlke, L. . . . .	HB 279 (P)
Controlled Substance Amendments, Arent, P. . . . .	SB 50 (P)
Health Care Assistants, Lockhart, R. . . . .	HB 12 (P)
Licensing of Crane Operators, Davis, G. . . . .	SB 29 (F)
Licensing of Estheticians and Nail Technicians, Fisher, J. . . . .	HB 71 (P)
Licensure of Athletic Trainers, Ray, P. . . . .	HB 262 (F)
Licensure of Wholesale Distributors of Prescription Drugs, Last, B. . . . .	HB 354 (F)
Naturopathic Formulary Peer Committee Amendments, Ferrin, J. . . . .	HB 198 (P)
Naturopathic Physician Amendments, Ferrin, J. . . . .	HB 66 (P)
Notary Public Amendments, Shurtliff, L. . . . .	HB 172 (F)
Nurse Practice Act Amendments, Lockhart, R. . . . .	HB 285 (F)
Occupational and Professional Licensing Sunset Amendment, Lockhart, R. . . . .	HB 13 (P)
Oversight and Enforcement of Work Done on Mobile Homes, Mayne, E. . . . .	SB 223 (P)
Prescriptive Practice of Legend Drugs, Knudson, P. . . . .	SB 46 (F)
Psychologist Licensing Act Amendments, Mayne, E. . . . .	SB 147 (F)

- Regulation of Noncompete Agreements in Medical Practices,  
 McGee, R. . . . . HB 106 (F)  
 Repeal of Geriatric Care Manager, Lockhart, R. . . . . HB 243 (P)  
 Security Personnel Licensing Amendments, Davis, G. . . . . SB 71 (P)  
 Security Service Amendments, Allen, R. . . . . SB 174 (F)  
 Special Function Officers for Division of Occupational  
 and Professional Licensing, Hendrickson, N. . . . . HB 368 (F)

### OCCUPATIONS AND PROFESSIONS

- Clinical Counselor – Title Change, Fowlke, L. . . . . HB 279 (P)  
 Deregulation of General Building Contractors, Hughes, G. . . . . HB 193 (F)  
 Direct–entry Midwife Act, Biskupski, J. . . . . HB 25 (P)  
 Fire Prevention Amendments, Murray, J. . . . . HB 52 (P)  
 Licensing of Crane Operators, Davis, G. . . . . SB 29 (F)  
 Licensing of Estheticians and Nail Technicians, Fisher, J. . . . . HB 71 (P)  
 Licensure of Athletic Trainers, Ray, P. . . . . HB 262 (F)  
 Naturopathic Formulary Peer Committee  
 Amendments, Ferrin, J. . . . . HB 198 (P)  
 Naturopathic Physician Amendments, Ferrin, J. . . . . HB 66 (P)  
 Occupational and Professional Licensing Sunset Amendment,  
 Lockhart, R. . . . . HB 13 (P)  
 Oversight and Enforcement of Work Done on Mobile  
 Homes, Mayne, E. . . . . SB 223 (P)  
 Regulation of Construction Industry, Adams, J. S. . . . . HB 302 (F)  
 Security Service Amendments, Allen, R. . . . . SB 174 (F)  
 Special Function Officers for Division of Occupational  
 and Professional Licensing, Hendrickson, N. . . . . HB 368 (F)  
 Veterinary Practice Act – Exemptions, Dmitrich, M. . . . . SB 182 (F)

### OFFENSES

- Aggravated Murder Amendments, Wyatt, S. . . . . HB 297 (P)  
 Criminal Code Amendments, Hale, K. . . . . SB 181 (F)  
 Criminal Penalty Amendment, Litvack, D. . . . . HB 50 (F)  
 Drug Offense Penalty Enhancements, Dee, B. . . . . HB 55 (P)  
 Electronic Communication Harassment, Dougall, J. . . . . HB 221 (P)  
 Habitual Violent Offenders Amendments, Ray, P. . . . . HB 76 (P)  
 Offenses Committed Against Correctional and Peace  
 Officers, Oda, C. . . . . HB 98 (P)  
 Penalty for Providing False Information to State Agency,  
 Hellewell, P. . . . . SB 43 (P)  
 Restrictions of Advertising Illegal Activities, Wyatt, S. . . . . HB 123 (F)

- Sales Marketing Requirements, Noel, M. . . . . HB 269 (F)
- Statute of Limitations Amendments, Clark, D. . . . . HB 204 (F)
- Tampering with Evidence, Buttars, D. C. . . . . SB 73 (P)

**OFF-HIGHWAY VEHICLES**

- Classifying Off-highway Vehicles as Allowed on
  - Designated Roads, Hatch, T. . . . . SB 188 (F)
- Property Tax Treatment of Tangible Personal Property,
  - Bramble, C. . . . . SB 23 (P)

**OIL AND GAS**

- Resolution to Congress Regarding Oil and Gas Drilling
  - and Exploration, Stephenson, H. . . . . SJR 10 (P)

**PARKS**

- Damages for Trespass in State Parks, Hatch, T. . . . . SB 99 (F)
- Special Hunting Permits for Antelope Island, Hickman, J. . . . . SB 187 (F)

**PARTNERSHIPS**

- Business Entity Amendments, Romero, R. . . . . HB 275 (P)

**PAWNSHOPS**

- Sales and Use Taxation of Pawn Transactions, Allen, R. . . . . SB 36 (P)

**PEACE OFFICER**

- Avoiding Apprehension Amendment, Waddoups, M. . . . . SB 146 (P)
- Public Safety Officers – Critical Incident Shooting
  - Provisions, Ray, P. . . . . HB 134 (F)
- Special District for Police Services, Romero, R. . . . . HB 41 (F)
- Unclaimed Property Amendments, Ray, P. . . . . HB 208 (P)

**PHARMACIES**

- Licensure of Wholesale Distributors of Prescription
  - Drugs, Last, B. . . . . HB 354 (F)
- Pharmacy Practice Act Amendments, Knudson, P. . . . . SB 142 (P)
- Prescriptive Practice of Legend Drugs, Knudson, P. . . . . SB 46 (F)
- Transfer of Prescriptions, Hansen, N. . . . . HB 244 (F)

**PHOTO RADAR**

- Traffic Enforcement Amendments, McGee, R. . . . . HB 219 (F)

## POLITICAL SUBDIVISIONS (LOCAL ISSUES)

- Access to Health Care Facilities and Places of Worship,  
 Aagard, D. . . . . HB 131 (F)  
 Amendments to Facilities with Regional Impact, Hughes, G. . . . . HB 126 (F)  
 Amendments to Local Districts, Morgan, K. . . . . HB 380 (P)  
 Authority for Design–build Construction, Morley, M. . . . . HB 289 (F)  
 Brownfields Revision, Mansell, L. A. . . . . SB 173 (P)  
 Business License Fees, Waddoups, M. . . . . SB 152 (P)  
 Changes to Quality Growth Commission, Buttars, C. . . . . HB 266 (P)  
 Claims Against a County, Clark, S. . . . . HB 87 (P)  
 Consolidation of City and County Library, Bell, G. . . . . SB 97 (P)  
 County and Municipal Zoning Regarding Billboards,  
 Waddoups, M. . . . . SB 114 (P)  
 County Contracted Services, Holdaway, K. . . . . HB 329 (F)  
 County Officer Amendments, Bramble, C. . . . . SB 190 (P)  
 County Officers Serving on Boards of County Mental Health  
 and Substance Abuse Providers, Thomas, D. . . . . SB 90 (P)  
 Creation of Local Districts, Walker, C. . . . . SB 88 (P)  
 Density Credit for Land Donated to School District, Cox, D. . . . . HB 333 (F)  
 Disaster Loan Program, Bigelow, R. . . . . HB 240 (P)  
 Disconnecting Territory from a Municipality, Frank, C. . . . . HB 335 (F)  
 Electronic Payments to Local Government Entities, Murray, J. . . . . HB 51 (P)  
 Family Sustaining Wage Amendments, Fife, F. . . . . SB 69 (F)  
 Global Positioning Reference Network, Holdaway, K. . . . . HB 216 (P)  
 Government Boundary Changes, Holdaway, K. . . . . HB 113 (P)  
 Interlocal Cooperation Amendments, Bramble, C. . . . . SB 209 (F)  
 Justice Court Operations Amendments, Mayne, E. . . . . SB 136 (F)  
 Local Government Amendments, Thomas, D. . . . . SB 31 (F)  
 Local Government Approval for Solid Nonhazardous and  
 Hazardous Waste Disposal, Evans, B. . . . . SB 81 (P)  
 Local Government Authority, Hardy, A. . . . . HB 256 (P)  
 Local Land Use Development and Management  
 Amendments, Bell, G. . . . . SB 60 (P)  
 Municipal Abatement of Weeds and Other Neglected  
 Items on Property, Morley, M. . . . . HB 162 (P)  
 Municipal Authority to Use Collection Agencies, Walker, M. . . . . HB361 (F)  
 Municipal Budget Amendments, Walker, M. . . . . HB 309 (P)  
 Municipal Electrical Entities Amendments, Tilton, A. . . . . HB 312 (F)  
 Optional Forms of County Government Amendment, Thomas, D. . . . . SB 78 (P)  
 Political Subdivisions – Truth in Government Competition,  
 Allen, R. . . . . SB 191 (F)

Procurement Code Bidding and Contractual Amendments,  
 Mayne, E. . . . . SB 66 (F)  
 Property Tax – County Service Areas, Waddoups, M. . . . . SB203 (F)  
 Redevelopment Agency Amendments, Bramble, C. . . . . SB184 (P)  
 Redevelopment Agency Changes, Dougall, J. . . . . HB307 (F)  
 Revise Utility Improvement Districts, Ure, D. . . . . HB 118 (F)  
 Search and Rescue Advisory Board – Amendments, Adams, J. S. . . HB 90 (P)  
 Special District for Police Services, Romero, R. . . . . HB 41 (F)  
 Special Service Districts – Service Expansion, Dmitrich, M. . . . . SB 80 (P)  
 Sunset of Township Provision, Lawrence, M. S. . . . . HB 40 (P)  
 Utah Indoor Clean Air Act Amendments, Ray, P. . . . . HB 166 (F)

**PORNOGRAPHY**

Amendments Related to Pornographic and Harmful  
 Materials, Dougall, J. . . . . HB 260 (P)

**PORTS OF ENTRY**

Motor Vehicle Stops At Port-of-entry, Knudson, P. . . . . SB 144 (P)

**PROPERTY TAX**

Amendments to the Property Tax Valuation Agency Fund  
 Assessing and Collecting Levy, Stephenson, H. . . . . SB161 (P)  
 Exemptions to Residential Property Tax, Mayne, E. . . . . SB 33 (F)  
 Land Value Property Tax Study, Stephenson, H. . . . . SB 53 (P)  
 Property Affected by Access Interruption, Hughes, G. . . . . HB 45 (P)  
 Property Tax – Certified Tax Rate Adjustment, Bell, G. . . . . SB 189 (F)  
 Property Tax – County Service Areas, Waddoups, M. . . . . SB 203 (F)  
 Property Tax Confidentiality Amendments, Stephenson, H. . . . . SB 54 (P)  
 Property Tax Exemption Amendments, Bramble, C. . . . . SB 121 (P)  
 Property Tax Exemption for Veterans, Hughes, G. . . . . HB 147 (P)  
 Property Tax Treatment of Tangible Personal Property,  
 Bramble, C. . . . . SB 23 (P)  
 Resolution Eliminating Property Tax on Personal  
 Property, Dougall, J. . . . . HJR 12 (F)  
 Resolution on Property Tax for Certain Personal Property,  
 Hickman, J. . . . . SJR 2 (F)  
 Tax Treatment of Personal Property, Shurtliff, L. . . . . HB 53 (P)  
 Taxable Value Adjustment for Property Damaged by a  
 Natural Disaster, Last, B. . . . . HB 324 (P)

**PUBLIC EDUCATION**

- Air Conditioned Buses for Students with Disabilities, Hogue, D. . . . HB 88 (F)
- Applied Technology Program Amendments, Ferrin, J. . . . . HB 189 (F)
- Appropriation for Highly Qualified Teachers, Holdaway, K. . . . . HB 362 (F)
- Capital Outlay Foundation Program – Participation
- Requirements, Ferrin, J. . . . . HB 187 (F)
- Carson Smith Special Needs Scholarships, Newbold, M. . . . . HB 249 (P)
- Charter School Amendments, Stephenson, H. . . . . SB 178 (P)
- Charter School Enrollment, Ferrin, J. . . . . HB 136 (P)
- Charter School Reporting, Moss, C. . . . . HB 206 (P)
- Education Achievement Gap Task Force, Litvack, D. . . . . HB 175 (F)
- Enrollment Growth Program Amendments, Last, B. . . . . HB 124 (P)
- High School Curriculum, Daw, B. . . . . HB 326 (F)
- Home School Amendments, Madsen, M. . . . . SB 59 (P)
- Implementing Federal Educational Programs, Dayton, M. . . . . HB 135 (F)
- Legislators Involvement in Public Schools, Bourdeaux, D. . . . . HB 196 (F)
- Liability Protection of Educators, Stephenson, H. . . . . SB 58 (P)
- Local School Board Amendments, Dayton, M. . . . . HB 139 (P)
- Medical Recommendations for Children, Morley, M. . . . . HB 42 (P)
- Public Education Capital Outlay Act Amendments, Cox, D. . . . . HB 46 (F)
- Public Education Job Enhancement Program, Johnson, B. . . . . HB 188 (P)
- Reading Requirements for Student Advancement, Morgan, K. . . . . HB 84 (F)
- Resolution Promoting Moderately Sized Schools, Cox, D. . . . . HCR 1 (P)
- Resolution Recognizing Granite School District’s
- 100 Years, Davis, G. . . . . SJR 19 (P)
- School Breakfast Program, Litvack, D. . . . . HB 141 (F)
- School Community Councils, Dougall, J. . . . . HB151 (F)
- School Curriculum Amendments, Moss, C. . . . . HB 72 (F)
- School District Amendments, Cox, D. . . . . HB 63 (F)
- School District Boundaries, Noel, M. . . . . HB 231 (F)
- School Land Trust Program Funding Amendments, Urquhart, S. . . . HB 43 (P)
- School Truancy Amendments, Hutchings, E. . . . . HB 148 (F)
- School Uniforms, Frank, C. . . . . HB 129 (F)
- Schools for the Deaf and the Blind Salary Adjustments,
- Morgan, K. . . . . HB 346 (F)
- Security for Public Schools, Allen, S. . . . . HB 153 (F)
- State School Board Amendments, Morgan, K. . . . . HB 345 (F)
- State School Board Candidate Selection Committees, Hale, K. . . . . SB 155 (F)
- State School Board Elections and Filling of Vacancies, Ferrin, J. . . . HB 61 (F)
- Supplemental Minimum School Program Finance
- Act, Snow, G. . . . . HB 382 (P)

- Tuition and Books Assistance, Hutchings, E. . . . . HB 358 (F)
- Tuition Program for Students Seeking Teacher Licensure in
  - Disability or Special Education, Menlove, R. . . . . HB 74 (P)
- Tuition Tax Credits, Ferrin, J. . . . . HB 39 (F)
- Utah Basic Skills Competency Test Alternatives, Ray, P. . . . . HB 232 (F)
- Verification of Eligibility for Fee Waivers, Harper, W. . . . . HB 183 (P)

**PUBLIC FUNDS AND ACCOUNTS**

- Amendments to Navajo Trust Fund, Evans, B. . . . . SB 76 (P)
- Commerce Service Fund Amendments, Bell, G. . . . . SB 96 (P)
- Investment of Higher Education Institution Endowment
  - Funds, Clark, D. . . . . HB 255 (P)
- Navajo Trust Fund Amendments, King, B. . . . . HB 119 (F)
- School Land Trust Program Funding Amendments, Urquhart, S. . . . HB 43 (P)
- Utah Child Abuse Prevention Board, Ray, P. . . . . HB 115 (F)

**PUBLIC MEETINGS**

- Open and Public Meetings – Recording Requirement, Jenkins, S. . . SB 143 (F)

**PUBLIC OFFICERS**

- Resolution Clarifying Removal Provisions, Hogue, D. . . . . HJR 5 (F)

**PUBLIC SAFETY**

- Automobile Crime Prevention, Ray, P. . . . . HB 21 (F)
- Public Safety Database Amendments, Waddoups, M. . . . . SB 75 (F)
- Public Safety Driving Privilege and Identification Card
  - Amendments, Bramble, C. . . . . SB 227 (P)
- Public Safety Officers – Critical Incident Shooting
  - Provisions, Ray, P. . . . . HB 134 (F)
- Public Safety Retirement – Exemption of Certain
  - Employees, Clark, D. . . . . HB 217 (P)
- Public Safety Retirement Amendments, Buttars, D. C. . . . . SB 154 (F)
- Retirement for Airport Police, Dmitrich, M. . . . . SB 130 (P)

**PUBLIC SERVICE COMMISSION**

- Amendments to Hearing and Speech Impaired
  - Telecommunications Program, Goodfellow, B. . . . . HB 145 (P)
- Utility Regulatory Reform, Gowans, J. . . . . HB 320 (F)

### **PUBLIC TRANSIT DISTRICTS**

- Limitation of Landowner Liability for Public  
 Recreation, Bell, G. . . . . SB 32 (P)
- Public Transit District Annexation and Funding  
 Amendments, Bell, G. . . . . SB 183 (F)

### **PUBLIC UTILITIES**

- Amendments to Hearing and Speech Impaired  
 Telecommunications Program, Goodfellow, B. . . . . HB 145 (P)
- Emergency Related Amendments, Allen, S. . . . . HB 34 (P)
- Public Utilities Amendments, Bell, G. . . . . SB 26 (P)
- Reauthorization of Energy Policy Task Force, Eastman, D. . . . . SB 28 (F)
- Revise Utility Improvement Districts, Ure, D. . . . . HB 118 (F)
- Telecommunications Amendments, Urquhart, S. . . . . HB 35 (F)
- Telecommunications Revisions, Bramble, C. . . . . SB 108 (P)
- Utility Regulatory Reform, Gowans, J. . . . . HB 320 (F)

### **RADIATION**

- Waste Amendments, Bramble, C. . . . . SB 24 (P)

### **RAILROADS**

- Resolution Urging Funding, Fife, F. . . . . SJR 12 (F)

### **REAL ESTATE**

- Condominium Ownership Act Amendments, Moss, C. . . . . HB 296 (F)
- Conveyances of Property, Adams, J. S. . . . . HB 26 (P)
- Crime Victims – Change of Locks on Rental Property,  
 Shurtliff, L. . . . . HB 184 (P)
- Division of Real Estate Amendments, Waddoups, M. . . . . SB 172 (P)
- Exemptions to Residential Property Tax, Mayne, E. . . . . SB 33 (F)
- Historical Livestock Trails, Johnson, B. . . . . HB 182 (P)
- Mutual Dependence Benefits Contract, Bell, G. . . . . SB 89 (F)
- Prescriptive Easements Act, Hughes, G. . . . . HB 207 (F)
- Property Exempt from Execution, Dunnigan, J. . . . . HB 121 (P)
- Real Estate – Exclusive Brokerage Agreements, Mansell, L. A. . . . . SB 56 (P)
- Real Estate Amendments, Snow, G. . . . . HB 283 (P)
- Real Estate and Mechanics Liens – Security Alternatives,  
 Morley, M. . . . . HB 273 (P)
- Real Estate Transactions and Securities, Mansell, L. A. . . . . SB 64 (P)



Regulation of Construction Industry, Adams, J. S. . . . . HB 302 (F)  
Utah High Cost Home Loan Act Amendments, Harper, W. . . . . HB 192 (F)

**RECODIFICATION**

Traffic Code Recodification and Revisions, Killpack, S. . . . . SB 5 (P)

**RECREATION**

Limitation of Landowner Liability for Public  
Recreation, Bell, G. . . . . SB 32 (P)  
Resolution Approving Utah Recreational Land Exchange,  
Evans, B. . . . . SCR 4 (P)

**RECYCLING**

Recycling of Waste Tires, Ure, D. . . . . HB 230 (P)  
Waste Tire Recycling Act Amendments, Fife, F. . . . . SB 70 (F)

**REDEVELOPMENT AGENCIES**

Redevelopment Agency Amendments, Bramble, C. . . . . SB 184 (P)  
Redevelopment Agency Changes, Dougall, J. . . . . HB 307 (F)

**REDISTRICTING**

Resolution Establishing Redistricting Commission, McGee, R. . . . HJR 14 (F)

**REGISTRATION AND REGISTRATION FEES**

Boat Registration Fee, Goodfellow, B. . . . . HB 225 (F)  
Local Corridor Preservation Funding, Killpack, S. . . . . SB 8 (P)  
State Fleet Vehicle Classification, Hutchings, E. . . . . HB 99 (F)  
Tax Treatment of Personal Property, Shurtliff, L. . . . . HB 53 (P)

**RESOLUTIONS**

Concurrent Resolution Approving Class V  
Landfill, Dmitrich, M. . . . . SCR 8 (P)  
Concurrent Resolution Honoring America’s Military  
War Dogs, Mascaro, S. . . . . HCR 14 (F)  
Concurrent Resolution Honoring Utah Foundation,  
Mansell, L. A. . . . . SCR 10 (P)  
Concurrent Resolution Honoring Waldo Wilcox for  
Preservation of Range Creek Area, King, B. . . . . HCR 10 (P)  
Concurrent Resolution on Mcgruff House, Eastman, D. . . . . SCR 11 (P)

- Concurrent Resolution Opposing Nuclear Testing, Noel, M. . . . . HCR 7 (P)
- Concurrent Resolution Promoting Utah Saves  
 Strategic Initiative, Hogue, D. . . . . HCR 13 (F)
- Concurrent Resolution Regarding Delta Air Lines, Eastman, D. . . . . SCR 9 (P)
- Cowboy Hall of Fame Resolution, Shurtliff, L. . . . . HCR 2 (P)
- House Resolution Discouraging Participation in Free Trade  
 Areas of the Americas, Donnelson, G. . . . . HR 9 (P)
- House Rules Resolution – Committee Report, Ure, D. . . . . HR 7 (P)
- House Rules Resolution – Electronic Voting Board, Ure, D. . . . . HR 6 (F)
- House Rules Resolution – Lobbyist Code of Ethics  
 Amendments, Ure, D. . . . . HR 1 (F)
- House Rules Resolution – Oral Declaration of Conflict of  
 Interest, Ure, D. . . . . HR 5 (F)
- Joint Resolution Amending Interim Legislative Rules,  
 Waddoups, M. . . . . SJR 13 (P)
- Joint Resolution Approving Appointment of Legislative  
 Auditor General, Valentine, J. . . . . SJR 1 (P)
- Joint Resolution Approving Consolidation of  
 West Valley and Sandy District Courts, Knudson, P. . . . . SJR 18 (P)
- Joint Resolution on Stroke Awareness, Knudson, P. . . . . SJR 14 (P)
- Joint Resolution Recognizing Retiring President of  
 Dixie State College, Hickman, J. . . . . SJR 20 (P)
- Joint Resolution Related to Financial Institutions, Alexander, J. . . . . HJR 1 (P)
- Joint Resolution Related to the Utah Athletic  
 Foundation, Ure, D. . . . . HJR 16 (F)
- Joint Resolution Supporting Counties Expansion of  
 Correctional Facilities, Hogue, D. . . . . HJR 18 (F)
- Joint Resolution Urging Health Care for Utah’s Indigent  
 and Needy Uninsured, Fowlke, L. . . . . HJR 19 (P)
- Joint Resolution Urging Medicaid Reform, Knudson, P. . . . . SJR 15 (P)
- Joint Rules Resolution – Amendments in Context, Lockhart, R. . . . . HJR 10 (P)
- Joint Rules Resolution – Appearance of Bills, Bramble, C. . . . . SJR 8 (P)
- Joint Rules Resolution – Conflict of Interest  
 Amendments, Ure, D. . . . . HJR 4 (F)
- Joint Rules Resolution – Family Impact Statement on  
 Legislation, Frank, C. . . . . HJR 2 (F)
- Joint Rules Resolution – Interim Rules Recodification,  
 Waddoups, M. . . . . SJR 4 (P)
- Joint Rules Resolution – Use of Legislative Seals, Lockhart, R. . . . . HJR 8 (P)
- Master Study Resolution, Alexander, J. . . . . HJR 20 (P)

- Resolution Amending Joint Rules Regarding  
 Conflicts of Interest, Dougall, J. . . . . HJR 9 (P)
- Resolution Amending State Auditor Qualifications, Romero, R. . . . . HJR 7 (F)
- Resolution Approving Class V Landfill, Allen, R. . . . . SCR 2 (P)
- Resolution Approving Compensation of In-session  
 Employees, Newbold, M. . . . . HJR 6 (P)
- Resolution Approving Contract for State Capitol  
 Renovation, Mansell, L. A. . . . . SJR 5 (P)
- Resolution Approving Utah Recreational Land Exchange,  
 Evans, B. . . . . SCR 4 (P)
- Resolution Clarifying Removal Provisions, Hogue, D. . . . . HJR 5 (F)
- Resolution Eliminating Property Tax on Personal Property,  
 Dougall, J. . . . . HJR 12 (F)
- Resolution Encouraging Managed Lanes Study, Walker, C. . . . . SCR 1 (P)
- Resolution Encouraging Mediation, Walker, C. . . . . SJR 3 (P)
- Resolution Encouraging Schools to Adopt Nutrition  
 and Physical Activity Policies, Jones, P. . . . . HJR 11 (P)
- Resolution Establishing Redistricting Commission, McGee, R. . . . . HJR 14 (F)
- Resolution Honoring Celebration of Marriage  
 Week, Fowlke, L. . . . . HJR 17 (P)
- Resolution Honoring Hollace (Holly) Parker, Holdaway, K. . . . . HR 12 (P)
- Resolution Honoring Jade Pusey, Ure, D. . . . . HJR 21 (P)
- Resolution Honoring Outgoing USU President  
 Kermit L. Hall, Hunsaker, F. . . . . HCR 9 (P)
- Resolution Honoring Searchers, Hillyard, L. . . . . SCR 3 (P)
- Resolution Honoring the University of Utah  
 Football Team, Alexander, J. . . . . HCR 11 (P)
- Resolution Honoring Utah Military Service Personnel,  
 Hunsaker, F. . . . . HCR 5 (P)
- Resolution Limiting Number of Governor's Terms, Walker, C. . . . . SJR 11 (F)
- Resolution on Property Tax for Certain Personal Property,  
 Hickman, J. . . . . SJR 2 (F)
- Resolution Promoting Moderately Sized Schools, Cox, D. . . . . HCR 1 (P)
- Resolution Recognizing 100 Years of Rotary  
 International, Knudson, P. . . . . SJR 9 (P)
- Resolution Recognizing Granite School District's  
 100 Years, Davis, G. . . . . SJR 19 (P)
- Resolution Recognizing Huntsman Cancer  
 Institute, Knudson, P. . . . . SJR 17 (P)
- Resolution Recognizing Ronald Reagan Day, Knudson, P. . . . . SJR 7 (P)

Resolution Recognizing Utah Manufacturers Association, Alexander, J. . . . .	HCR 8 (P)
Resolution Recognizing Utah's Legislators Back to School Program, Dayton, M. . . . .	HCR 6 (P)
Resolution Regarding Federal No Child Left Behind, Holdaway, K. . . . .	HJR 3 (P)
Resolution Regarding United States Trade Negotiations, Allen, S. . . . .	HJR 15 (P)
Resolution Regarding Washington County Waste Facility, Last, B. . . . .	HCR 3 (P)
Resolution Supporting Congressional Privatization of Social Security, Morley, M. . . . .	HR 3 (P)
Resolution Supporting National Bear River Heritage Area Act, Butters, C. . . . .	HJR 13 (F)
Resolution Supporting Participation of Taiwan in World Health Organization, Last, B. . . . .	HR 10 (P)
Resolution Supporting Permanent Repeal of Federal Inheritance Tax, Morley, M. . . . .	HR 2 (P)
Resolution Supporting the Golden Rule Project, Fife, F. . . . .	SCR 6 (P)
Resolution to Congress Regarding Oil and Gas Drilling and Exploration, Stephenson, H. . . . .	SJR 10 (P)
Resolution Urging Comprehensive Cancer Control Plan for the State, Hale, K. . . . .	SJR 16 (P)
Resolution Urging Congress to Pass Balanced Budget Amendment, Hansen, N. . . . .	HR 11 (P)
Resolution Urging Funding, Fife, F. . . . .	SJR 12 (F)
Resolution Urging United States Senate Support of President's Supreme Court Nominees, Morley, M. . . . .	HR 4 (P)
Senate Resolution Discouraging Participation in Free Trade Area of the Americas, Thomas, D. . . . .	SR 1 (P)
Space Exploration Resolution, Knudson, P. . . . .	SJR 6 (P)
Utah Athletic Foundation Resolution, Ure, D. . . . .	HCR 4 (F)

### **RESOLUTIONS, CONSTITUTIONAL**

Resolution Amending State Auditor Qualifications, Romero, R. . . . .	HJR 7 (F)
Resolution Clarifying Removal Provisions, Hogue, D. . . . .	HJR 5 (F)
Resolution Eliminating Property Tax on Personal Property, Dougall, J. . . . .	HJR 12 (F)
Resolution Establishing Redistricting Commission, McGee, R. . . . .	HJR 14 (F)
Resolution Limiting Number of Governor's Terms, Walker, C. . . . .	SJR 11 (F)

Resolution on Property Tax for Certain Personal Property,  
Hickman, J. . . . . SJR 2 (F)

**RESOLUTIONS, RULES**

House Rules Resolution – Committee Report, Ure, D. . . . . HR 7 (P)  
House Rules Resolution – Lobbyist Code of Ethics  
Amendments, Ure, D. . . . . HR 1 (F)  
House Rules Resolution – Oral Declaration of Conflict  
of Interest, Ure, D. . . . . HR 5 (F)  
Joint Resolution Amending Interim Legislative Rules,  
Waddoups, M. . . . . SJR 13 (P)  
Joint Rules Resolution – Amendments in Context, Lockhart, R. . . . HJR 10 (P)  
Joint Rules Resolution – Appearance of Bills, Bramble, C. . . . . SJR 8 (P)  
Joint Rules Resolution – Conflict of Interest  
Amendments, Ure, D. . . . . HJR 4 (F)  
Joint Rules Resolution – Family Impact Statement  
on Legislation, Frank, C. . . . . HJR 2 (F)  
Joint Rules Resolution – Interim Rules Recodification,  
Waddoups, M. . . . . SJR 4 (P)  
Joint Rules Resolution – Use of Legislative Seals, Lockhart, R. . . . HJR 8 (P)  
Resolution Amending Joint Rules Regarding  
Conflicts of Interest, Dougall, J. . . . . HJR9 (P)

**RESOLUTIONS, SETTLEMENTS**

Resolution Approving Settlement of Lawsuit, Knudson, P. . . . . SCR 5 (P)

**RESTITUTION**

Restitution Amendments, Bell, G. . . . . SB 94 (P)

**RETIREMENT**

Additional State Retirement Benefit, Shurtliff, L. . . . . HB 44 (F)  
Public Safety Retirement – Exemption of Certain  
Employees, Clark, D. . . . . HB 217 (P)  
Public Safety Retirement Amendments, Buttars, D. C. . . . . SB 154 (F)  
Retirement for Airport Police, Dmitrich, M. . . . . SB 130 (P)  
Retirement Office Amendments, Hardy, A. . . . . HB 180 (P)  
State Benefit Provider Revisions, Ray, P. . . . . HB 237 (F)  
State Employee Amendments, Hardy, A. . . . . HB 173 (P)  
Unused Sick Leave At Retirement Amendments, Clark, D. . . . . HB 213 (P)

## REVENUE AND TAXATION

- Amendments Relating to Clean Fuels and Vehicles
  - Using Clean Fuels, Hunsaker, F. . . . . HB 96 (P)
- Amendments to Individual Income Tax Credit for Special
  - Needs Adoptions, Hellewell, P. . . . . SB 125 (P)
- Amendments to Taxes, Fees, or Charges, Harper, W. . . . . HB 107 (P)
- Amendments to the Individual Income Tax, Harper, W. . . . . HB 101 (F)
- Amendments to the Multi-channel Video or Audio
  - Service Tax Act, Hatch, T. . . . . SB 185 (F)
- Amendments to the Property Tax Valuation Agency
  - Fund Assessing and Collecting Levy, Stephenson, H. . . . . SB 161 (P)
- Assessment Offset for Donations Promoting Occupational
  - Health and Safety, Mayne, E. . . . . SB 159 (P)
- Brine Shrimp Royalty Act Amendments, Hatch, T. . . . . SB 129 (P)
- Calculation of Interest on Tax Overpayments, Stephenson, H. . . . . SB 128 (P)
- Calculation of Mining Severance Tax on
  - Beryllium, Wheeler, R. . . . . HB 171 (P)
- Calling Local Special Elections for Sales and Use
  - Tax Purposes, Clark, S. . . . . HB 20 (P)
- Changes to General Government – Sales and Use
  - Tax Amendments, Davis, G. . . . . SB 225 (F)
- Charitable Purpose Determination, Hellewell, P. . . . . SB 45 (F)
- Corporate Franchise and Income Tax Amendments, Harper, W. . . . . HB 78 (P)
- Corporate Franchise and Income Taxes – Exemption
  - for Banks, Harper, W. . . . . HB 227 (F)
- County Option Sales and Use Tax for Agricultural Land,
  - Open Land, and Recreational Facilities Act, Buttars, C. . . . . HB 152 (F)
- Credit or Refund for Tax Paid on Cigarette or Tobacco Product
  - Destroyed or Returned to the Manufacturer, Hutchings, E. . . . . HB 247 (P)
- Exemptions to Residential Property Tax, Mayne, E. . . . . SB 33 (F)
- Extension of Utah Low-income Housing Tax Credits, Clark, S. . . . . HB 170 (P)
- Funding for Convention Facilities, Waddoups, M. . . . . SB 211 (P)
- Higher Education Savings Incentive Program
  - Amendments, Wyatt, S. . . . . HB 102 (P)
- Individual Income Tax – Contributions for
  - Education, Allen, S. . . . . HB 7 (P)
- Individual Income Tax – Earned Income Tax Credit, Hatch, T. . . . . SB 82 (F)
- Individual Income Tax – Electronic Filing Requirements,
  - Clark, S. . . . . HB 190 (P)
- Individual Income Tax – Office of State Debt Collection
  - Rulemaking Authority, Dmitrich, M. . . . . SB 205 (F)

- Individual Income Tax – Return Filing Requirements,  
 Stephenson, H. . . . . SB 133 (P)
- Individual Income Tax – Tax Credit for Live Organ  
 Donation Expenses, Hale, K. . . . . SB 164 (P)
- Individual Income Tax Amendments, Jones, P. . . . . HB 197 (F)
- Individual Income Tax Contribution for Community Spay  
 and Neuter Programs, Noel, M. . . . . HB 140 (F)
- Individual Income Tax Credit for Employment–related  
 Expenses, Litvack, D. . . . . HB 258 (F)
- Individual Income Tax Subtraction for Certain Military  
 Income, Stephenson, H. . . . . SB 13 (P)
- Land Value Property Tax Study, Stephenson, H. . . . . SB 53 (P)
- Privately Owned Health Care Organization  
 Task Force, Waddoups, M. . . . . SB 61 (P)
- Property Affected by Access Interruption, Hughes, G. . . . . HB 45 (P)
- Property Tax – Certified Tax Rate Adjustment, Bell, G. . . . . SB 189 (F)
- Property Tax Confidentiality Amendments, Stephenson, H. . . . . SB 54 (P)
- Property Tax Exemption Amendments, Bramble, C. . . . . SB 121 (P)
- Property Tax Exemption for Veterans, Hughes, G. . . . . HB 147 (P)
- Property Tax Treatment of Tangible Personal Property,  
 Bramble, C. . . . . SB 23 (P)
- Public Transit District Annexation and Funding  
 Amendments, Bell, G. . . . . SB 183 (F)
- Sales and Use Tax – Agricultural Exemption Vehicle  
 Limitation, Menlove, R. . . . . HB 9 (P)
- Sales and Use Tax Agriculture Exemptions, Allen, R. . . . . SB 6 (P)
- Sales and Use Tax Diversions, Peterson, D. . . . . SB 204 (F)
- Sales and Use Tax Exemption for Items Relating to  
 Direct Mail, Stephenson, H. . . . . SB 194 (P)
- Sales and Use Tax Exemption for Textbooks for  
 Higher Education, Bourdeaux, D. . . . . HB 220 (F)
- Sales and Use Taxation of Pawn Transactions, Allen, R. . . . . SB 36 (P)
- Severance Tax Amendments, Evans, B. . . . . SB 63 (F)
- State Tax Commission Collection and  
 Licensing Practices, Bramble, C. . . . . SB 170 (P)
- Tax Reform Task Force, Bramble, C. . . . . SB 153 (P)
- Tax Revisions, Bramble, C. . . . . SB 195 (F)
- Tax Treatment of Personal Property, Shurtliff, L. . . . . HB 53 (P)
- Tax, Fee, or Charge Amendments, Hillyard, L. . . . . SB 127 (P)
- Taxable Value Adjustment for Property Damaged  
 by a Natural Disaster, Last, B. . . . . HB 324 (P)

Tourism, Recreation, Cultural, and Convention Facilities

- Tax Amendments, Stephenson, H. . . . . SB 137 (P)  
 Transportation Investment Act, Lockhart, R. . . . . HB 18 (F)

**REVENUE AND TAXATION – CONSTITUTION**

Resolution Eliminating Property Tax on Personal Property,

- Dougall, J. . . . . HJR 12 (F)  
 Resolution on Property Tax for Certain Personal Property,  
 Hickman, J. . . . . SJR 2 (F)

**RIGHT OF WAY**

Rights-of-Way Across School and Institutional Trust Lands,

- Evans, B. . . . . SB 208 (F)  
 Temporary Road Closures, Noel, M. . . . . HB 270 (F)

**RURAL HEALTH**

- Rural Medical Residency Training Programs, Knudson, P. . . . . SB 119 (P)

**SALES AND USE TAX**

- Amendments to Taxes, Fees, or Charges, Harper, W. . . . . HB 107 (P)  
 Calling Local Special Elections for Sales and Use  
 Tax Purposes, Clark, S. . . . . HB 20 (P)  
 Changes to General Government – Sales and Use Tax  
 Amendments, Davis, G. . . . . SB 225 (F)  
 County Option Sales and Use Tax for Agricultural Land,  
 Open Land, and Recreational Facilities Act, Buttars, C. . . . . HB 152 (F)  
 Funding for Convention Facilities, Waddoups, M. . . . . SB 211 (P)  
 Public Transit District Annexation and Funding  
 Amendments, Bell, G. . . . . SB 183 (F)  
 Sales and Use Tax – Agricultural Exemption Vehicle  
 Limitation, Menlove, R. . . . . HB 9 (P)  
 Sales and Use Tax Agriculture Exemptions, Allen, R. . . . . SB 6 (P)  
 Sales and Use Tax Diversions, Peterson, D. . . . . SB 204 (F)  
 Sales and Use Tax Exemption for Items Relating to  
 Direct Mail, Stephenson, H. . . . . SB 194 (P)  
 Sales and Use Tax Exemption for Textbooks for Higher  
 Education, Bourdeaux, D. . . . . HB 220 (F)  
 Sales and Use Taxation of Pawn Transactions, Allen, R. . . . . SB 36 (P)  
 State Tax Commission Collection and Licensing Practices,  
 Bramble, C. . . . . SB 170 (P)



- Tax, Fee, or Charge Amendments, Hillyard, L. . . . . SB 127 (P)
- Tourism, Recreation, Cultural, and Convention Facilities
  - Tax Amendments, Stephenson, H. . . . . SB 137 (P)

**SCHOOL FINANCE**

- Minimum School Program Act Amendments, Snow, G. . . . . HB 3 (P)

**SCHOOL PERSONNEL**

- Appropriation for Highly Qualified Teachers, Holdaway, K. . . . . HB 362 (F)
- Liability Protection of Educators, Stephenson, H. . . . . SB 58 (P)
- Medical Recommendations for Children, Morley, M. . . . . HB 42 (P)
- Public Education Job Enhancement Program, Johnson, B. . . . . HB 188 (P)
- School Community Councils, Dougall, J. . . . . HB 151 (F)
- Schools for the Deaf and the Blind Salary Adjustments,
  - Morgan, K. . . . . HB 346 (F)
- Tuition Program for Students Seeking Teacher Licensure in
  - Disability or Special Education, Menlove, R. . . . . HB 74 (P)

**SCHOOL SAFETY**

- Security for Public Schools, Allen, S. . . . . HB 153 (F)

**SEAT BELT LAWS**

- Safety Belt Enforcement, Hale, K. . . . . SB 109 (F)
- Safety Belt Law Requirement Amendments, Noel, M. . . . . HB 92 (F)

**SECURITIES**

- Real Estate Transactions and Securities, Mansell, L. A. . . . . SB 64 (P)

**SECURITY LICENSING**

- Security Personnel Licensing Amendments, Davis, G. . . . . SB 71 (P)

**SEVERANCE TAX**

- Calculation of Mining Severance Tax on Beryllium, Wheeler, R. . . HB 171 (P)
- Severance Tax Amendments, Evans, B. . . . . SB 63 (F)

**SEXUAL OFFENSES**

- Increase Statute of Limitations on Rape, Mayne, E. . . . . SB 177 (P)
- Sex Offender Registration Amendments, Lawrence, M. S. . . . . HB 95 (F)

**SIGNS**

- Removal or Defacement of Political Signs, Hughes, G. . . . . HB 228 (F)

**SOLID WASTE**

Concurrent Resolution Approving Class V Landfill, Dmitrich, M. . . . .	SCR 8 (P)
Resolution Approving Class V Landfill, Allen, R. . . . .	SCR 2 (P)
Resolution Regarding Washington County Waste Facility, \ Last, B. . . . .	HCR 3 (P)
Waste Fees Amendments, Urquhart, S. . . . .	HB 246 (F)

**SPECIAL DISTRICTS**

Amendments to Facilities with Regional Impact, Hughes, G. . . . .	HB 126 (F)
Amendments to Local Districts, Morgan, K. . . . .	HB 380 (P)
Creation of Local Districts, Walker, C. . . . .	SB 88 (P)
Electronic Payments to Local Government Entities, Murray, J. . . . .	HB 51 (P)
Government Boundary Changes, Holdaway, K. . . . .	HB 113 (P)
Political Subdivisions – Truth in Government Competition, Allen, R. . . . .	SB 191 (F)
Property Tax – County Service Areas, Waddoups, M. . . . .	SB 203 (F)
Revise Utility Improvement Districts, Ure, D. . . . .	HB 118 (F)
Special District for Police Services, Romero, R. . . . .	HB 41 (F)
Special Service Districts – Service Expansion, Dmitrich, M. . . . .	SB 80 (P)

**STATE AFFAIRS IN GENERAL**

Access to Health Care Facilities and Places of Worship, Aagard, D. . . . .	HB 131 (F)
Authority for Design–build Construction, Morley, M. . . . .	HB 289 (F)
Disaster Loan Program, Bigelow, R. . . . .	HB 240 (P)
Emergency Related Amendments, Allen, S. . . . .	HB 34 (P)
Investment of Higher Education Institution Endowment Funds, Clark, D. . . . .	HB 255 (P)
Repeal of Prior Amendments to the Voluntary Contributions Act, Hansen, N. . . . .	HB137 (F)
Repeal of State Debt Collection Advisory Board, Aagard, D. . . . .	HB 15 (P)
Repeal of Vehicle Equipment Safety Commission, Hendrickson, N. . . . .	HB 16 (P)
State Employee Ethics Amendments, Dougall, J. . . . .	HB 282 (F)
State Land Use Management Plans Amendments, Noel, M. . . . .	HB 264 (P)

**STATE BOARD OF EDUCATION**

Appropriation for School Districts Impacted by Fee Waivers, Shurtliff, L. . . . .	HB 169 (F)
--------------------------------------------------------------------------------------	------------

School Curriculum Amendments, Moss, C. . . . .	HB 72 (F)
School District Boundaries, Noel, M. . . . .	HB 231 (F)
State School Board Amendments, Morgan, K. . . . .	HB 45 (F)
State School Board Candidate Selection Committees, Hale, K. . . . .	SB 155 (F)
State School Board Elections and Filling of Vacancies, Ferrin, J. . . . .	HB 61 (F)
Verification of Eligibility for Fee Waivers, Harper, W. . . . .	HB 183 (P)

### **STATE BOARD OF REGENTS**

Economic Development Initiative for Higher Education, Holdaway, K. . . . .	HB 313 (P)
-------------------------------------------------------------------------------	------------

### **STATE BOARDS, COMMISSIONS, AND COUNCILS**

Capitol Preservation Board Amendments, Evans, B. . . . .	SB 163 (P)
Commission on Racial and Ethnic Fairness, Bourdeaux, D. . . . .	HB 292 (F)
Concurrent Resolution Honoring Utah Foundation, Mansell, L. A. . . . .	SCR 10 (P)
Joint Resolution Related to the Utah Athletic Foundation, Ure, D. . . . .	HJR 16 (F)
Permanent Community Impact Fund – Board Membership, Mathis, J. . . . .	HB 224 (P)
Utah Athletic Foundation Resolution, Ure, D. . . . .	HCR 4 (F)

### **STATE BUILDINGS**

Access to High Speed Internet At State Capitol Complex, Killpack, S. . . . .	SB 100 (P)
---------------------------------------------------------------------------------	------------

### **STATE LANDS**

State Land Use Management Plans Amendments, Noel, M. . . . .	HB 264 (P)
--------------------------------------------------------------	------------

### **STATE OFFICERS AND EMPLOYEES**

Compensation of Executive Officers, Christensen, L. . . . .	HB 128 (P)
Compensation of Lieutenant Governor and Other State Officers, Madsen, M. . . . .	SB 231 (F)
Election Requirements for County Candidates, Romero, R. . . . .	HB 158 (F)
Executive Compensation Amendments, Alexander, J. . . . .	HB 288 (F)
Joint Resolution Approving Appointment of Legislative Auditor General, Valentine, J. . . . .	SJR 1 (P)
Office of Legislative Auditor – Access to Information, Waddoups, M. . . . .	SB 20 (P)
Resolution Amending State Auditor Qualifications, Romero, R. . . . .	HJR 7 (F)

Resolution Honoring Hollace (Holly) Parker, Holdaway, K. . . . .	HR 12 (P)
Retirement Office Amendments, Hardy, A. . . . .	HB 180 (P)
State Benefit Provider Revisions, Ray, P. . . . .	HB 237 (F)
State Employee Amendments, Hardy, A. . . . .	HB 173 (P)
Unused Sick Leave At Retirement Amendments, Clark, D. . . . .	HB 213 (P)

### STATE TAX COMMISSION

Calculation of Interest on Tax Overpayments, Stephenson, H. . . . .	SB 128 (P)
Individual Income Tax – Electronic Filing Requirements, Clark, S. . . . .	HB 190 (P)
Individual Income Tax – Return Filing Requirements, Stephenson, H. . . . .	SB 133 (P)
Property Tax Confidentiality Amendments, Stephenson, H. . . . .	SB 54 (P)
State Tax Commission Collection and Licensing Practices, Bramble, C. . . . .	SB 170 (P)

### SUBPOENA POWERS

Arbitration – Use of Subpoena Authorized, Eastman, D. . . . .	SB 116 (P)
---------------------------------------------------------------	------------

### SUBSTANCE ABUSE

County Officers Serving on Boards of County Mental Health and Substance Abuse Providers, Thomas, D. . . . .	SB 90 (P)
----------------------------------------------------------------------------------------------------------------	-----------

### SUNSET LEGISLATION

Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels, Hunsaker, F. . . . .	HB 96 (P)
Amendments to Taxes, Fees, or Charges, Harper, W. . . . .	HB 107 (P)
Extension of Sunset Date on Resource Development Coordinating Committee, Evans, B. . . . .	SB 79 (P)
Occupational and Professional Licensing Sunset Amendment, Lockhart, R. . . . .	HB 13 (P)
Sunset of Township Provision, Lawrence, M. S. . . . .	HB 40 (P)
Sunset Reauthorizations, Mansell, L. A. . . . .	SB 27 (P)

### TASK FORCE / COMMITTEES

Divorce Task Force, Wallace, P. . . . .	HB 56 (F)
Education Achievement Gap Task Force, Litvack, D. . . . .	HB 175 (F)
Education Technology Task Force, Hutchings, E. . . . .	HB 373 (F)
Government Efficiency and Effectiveness Review Committee, Wallace, P. . . . .	HB 58 (F)

Government Records Access and Management	
Task Force, Aagard, D. . . . .	HB 75 (P)
Higher Education Tuition and Residency Legislative	
Task Force, Donnelson, G. . . . .	HB 239 (F)
Privately Owned Health Care Organization	
Task Force, Waddoups, M. . . . .	SB 61 (P)
Reauthorization of Energy Policy Task Force, Eastman, D. . . . .	SB 28 (F)
Task Force on Legislative Reforms, Hansen, N. . . . .	HB 281 (F)
Tax Reform Task Force, Bramble, C. . . . .	SB 153 (P)
Tourism Task Force, Ure, D. . . . .	HB 57 (P)
Transportation Amendments and Highway Jurisdictional	
Transfer Task Force, Walker, C. . . . .	SB 25 (P)

### TECHNOLOGY

Access to High Speed Internet At State Capitol Complex,	
Killpack, S. . . . .	SB 100 (P)
Education Technology Task Force, Hutchings, E. . . . .	HB 373 (F)
Emerging Technologies and Open Government, Clark, D. . . . .	HB 214 (F)
Global Positioning Reference Network, Holdaway, K. . . . .	HB 216 (P)
High Technology Economic Development	
Appropriation, Mansell, L. A. . . . .	SB 192 (P)
Information Technology Governance Amendments, Clark, D. . . . .	HB 109 (P)
Spyware Control Act Revisions, Urquhart, S. . . . .	HB 104 (P)
Telecommunications Amendments, Urquhart, S. . . . .	HB 35 (F)
Utah Technology Commission Membership, Dougall, J. . . . .	HB 238 (F)

### TELECOMMUNICATIONS

Amendments to Hearing and Speech Impaired	
Telecommunications Program, Goodfellow, B. . . . .	HB 145 (P)
Amendments to the Multi-channel Video or Audio	
Service Tax Act, Hatch, T. . . . .	SB 185 (F)
Do Not Call Registry Amendments, Thomas, D. . . . .	SB 84 (F)
Tax, Fee, or Charge Amendments, Hillyard, L. . . . .	SB 127 (P)
Telecommunications Amendments, Urquhart, S. . . . .	HB 35 (F)
Telecommunications Revisions, Bramble, C. . . . .	SB 108 (P)

### TELEPHONE

Do Not Call Registry Amendments, Thomas, D. . . . .	SB 84 (F)
Electronic Communication Harassment, Dougall, J. . . . .	HB 221 (P)
Telecommunications Amendments, Urquhart, S. . . . .	HB 35 (F)

**TELEVISION**

## Amendments to the Multi-channel Video or Audio

- Service Tax Act, Hatch, T. . . . . SB 185 (F)  
 Motion Picture Incentive Fund, Allen, S. . . . . HB 17 (P)

**TOBACCO**

- Amendments to Indoor Clean Air Act, Waddoups, M. . . . . SB 77 (F)  
 Credit or Refund for Tax Paid on Cigarette or Tobacco Product  
   Destroyed or Returned to the Manufacturer, Hutchings, E. . . . . HB 247 (P)  
 Nonparticipating Tobacco Manufacturer Amendments,  
   Killpack, S. . . . . SB 206 (P)

**TOBACCO TAX**

- Credit or Refund for Tax Paid on Cigarette or Tobacco Product  
   Destroyed or Returned to the Manufacturer, Hutchings, E. . . . . HB 247 (P)

**TOWNSHIPS**

- Sunset of Township Provision, Lawrence, M. S. . . . . HB 40 (P)

**TRANSPORTATION**

- Abandoned Vehicles Amendments, Gowans, J. . . . . HB 67 (P)  
 Alcohol Restricted Drivers, Walker, C. . . . . SB 42 (P)  
 Amendments Relating to Clean Fuels and Vehicles Using  
   Clean Fuels, Hunsaker, F. . . . . HB 96 (P)  
 Amendments to Driver License and Identification Cards, Oda, C. . . . . HB 223 (P)  
 Bicycle Safety Provisions, McGee, R. . . . . HB 49 (P)  
 Classifying Off-highway Vehicles as Allowed on  
   Designated Roads, Hatch, T. . . . . SB 188 (F)  
 Driver Education Amendments, Hatch, T. . . . . SB 151 (F)  
 Driver License and Commercial Driver License  
   Amendments, Bowman, D. . . . . HB 65 (P)  
 Driver License Qualifications Amendments, Donnelson, G. . . . . HB 330 (F)  
 Driver License Requirements for Illegal Aliens, Tilton, A. . . . . HB 316 (F)  
 Driving with Any Measurable Controlled Substance  
   in the Body Revisions, Noel, M. . . . . HB 314 (F)  
 Emission Inspection Amendments, Gibson, K. . . . . HB 93 (P)  
 Golf Carts Allowed on Certain Highways, Moss, C. . . . . HB 337 (F)  
 Insurance Arbitration Amendments, Urquhart, S. . . . . HB 235 (P)  
 License Plate for Disabled Veterans, Bigelow, R. . . . . HB 91 (P)  
 Limitation of Landowner Liability for Public Recreation, Bell, G. . . . . SB 32 (P)

- Local Corridor Preservation Funding, Killpack, S. . . . . SB 8 (P)
- Master Highway Designation Amendments, Murray, J. . . . . HB 6 (P)
- Motor Assisted Scooter and Mini-motorcycle Amendments,  
Dee, B. . . . . HB 159 (P)
- Motor Vehicle Business Licensing Amendments, Ray, P. . . . . HB 299 (P)
- Motor Vehicle Business Regulation Act  
Amendments, Eastman, D. . . . . SB 37 (P)
- Motor Vehicle Enforcement Division Amendments, Ray, P. . . . . HB 68 (P)
- Motor Vehicle Insurance – Property Damage Limit, Jenkins, S. . . . SB 124 (F)
- Motor Vehicle Insurance Coverage Amendments, Eastman, D. . . . . SB 207 (P)
- Motor Vehicle Liability Coverage Amendments, Eastman, D. . . . . SB 49 (F)
- Motor Vehicle Registration and Safety Inspection Amendments,  
Daw, B. . . . . HB 48 (F)
- Motor Vehicle Registration and Title Amendments, Killpack, S. . . . SB 98 (P)
- Motor Vehicle Repairs – Consumer Rights, Kiser, T. . . . . HB 322 (F)
- Motor Vehicle Stops At Port-of-entry, Knudson, P. . . . . SB 144 (P)
- Motorboat Liability Insurance Amendments, Gibson, K. . . . . HB 261 (F)
- New Automobile Franchise Act Amendments, Urquhart, S. . . . . HB 47 (P)
- New Motor Vehicle Franchise Act Amendments, Eastman, D. . . . . SB 51 (P)
- Penalties for False Driver Licenses and Identification  
Cards, Walker, C. . . . . SB 167 (P)
- Person with a Disability Motorcycle Parking, Kiser, T. . . . . HB 5 (P)
- Powersport Vehicle Franchise Act, Eastman, D. . . . . SB 134 (P)
- Property Tax Treatment of Tangible Personal Property,  
Bramble, C. . . . . SB 23 (P)
- Public Lands Policy Coordination, Hatch, T. . . . . SB 239 (P)
- Public Safety Driving Privilege and Identification Card  
Amendments, Bramble, C. . . . . SB 227 (P)
- Public Transit District Annexation and Funding  
Amendments, Bell, G. . . . . SB 183 (F)
- Resolution Approving Settlement of Lawsuit, Knudson, P. . . . . SCR 5 (P)
- Resolution Encouraging Managed Lanes Study, Walker, C. . . . . SCR 1 (P)
- Restrictions on High Occupancy Vehicle Lane, Litvack, D. . . . . HB 367 (F)
- Restrictions on Riders in the Back of Open Vehicle, Buttars, C. . . . HB 265 (F)
- Safety Belt Enforcement, Hale, K. . . . . SB 109 (F)
- Safety Belt Law Requirement Amendments, Noel, M. . . . . HB 92 (F)
- State Fleet Vehicle Classification, Hutchings, E. . . . . HB 99 (F)
- Tax Treatment of Personal Property, Shurtliff, L. . . . . HB 53 (P)
- Temporary Road Closures, Noel, M. . . . . HB 270 (F)
- Traffic Code Amendments, Dunnigan, J. . . . . HB 24 (P)
- Traffic Code Recodification and Revisions, Killpack, S. . . . . SB 5 (P)

Traffic Enforcement Amendments, McGee, R. . . . .	HB 219 (F)
Traffic Violations by Diplomats, Hogue, D. . . . .	HB 212 (P)
Transportation Amendments and Highway Jurisdictional Transfer Task Force, Walker, C. . . . .	SB 25 (P)
Transportation Investment Act, Lockhart, R. . . . .	HB 18 (F)
Uninsured Motorist Property Damage Coverage Amendments, Eastman, D. . . . .	SB 4 (P)
Vehicle Identification Number Inspectors, Frank, C. . . . .	HB 149 (P)
Weights and Measures Amendments, Ure, D. . . . .	HB 83 (P)

### **TRAVEL AND TOURISM**

Funding for Tourism, Jenkins, S. . . . .	SB 7 (F)
Tourism Task Force, Ure, D. . . . .	HB 57 (P)
Tourism, Recreation, Cultural, and Convention Facilities Tax Amendments, Stephenson, H. . . . .	SB 137 (P)

### **TRUST LANDS**

Allocation of Profits from School and Institutional Trust Lands, Hatch, T. . . . .	SB 120 (P)
Resolution Approving Utah Recreational Land Exchange, Evans, B. . . . .	SCR 4 (P)
Rights-of-Way Across School and Institutional Trust Lands, Evans, B. . . . .	SB 208 (F)
School and Institutional Trust Lands Amendments, Hutchings, E. . . . .	HB 154 (P)
School and Institutional Trust Lands Management Act Revisions, Dmitrich, M. . . . .	SB 41 (P)
School Land Trust Program Funding Amendments, Urquhart, S. . . .	HB 43 (P)

### **UNCLAIMED PROPERTY**

Unclaimed Property Amendments, Ray, P. . . . .	HB 208 (P)
------------------------------------------------	------------

### **UNEMPLOYMENT COMPENSATION**

Employment Security Act Amendments, Cox, D. . . . .	HB 10 (P)
-----------------------------------------------------	-----------

### **UNIFORM LAWS**

Uniform Parentage Act, Hillyard, L. . . . .	SB 14 (P)
---------------------------------------------	-----------



**UTAH MUNICIPAL CODE**

- Amendments to Facilities with Regional Impact, Hughes, G. . . . . HB 126 (F)  
 Authority for Design–build Construction, Morley, M. . . . . HB 289 (F)  
 Brownfields Revision, Mansell, L. A. . . . . SB 173 (P)  
 Business License Fees, Waddoups, M. . . . . SB 152 (P)  
 Consolidation of City and County Library, Bell, G. . . . . SB 97 (P)  
 County and Municipal Zoning Regarding Billboards,  
   Waddoups, M. . . . . SB 114 (P)  
 County Contracted Services, Holdaway, K. . . . . HB 329 (F)  
 Density Credit for Land Donated to School District, Cox, D. . . . . HB 333 (F)  
 Disconnecting Territory from a Municipality, Frank, C. . . . . HB 335 (F)  
 Electronic Payments to Local Government Entities, Murray, J. . . . . HB 51 (P)  
 Government Boundary Changes, Holdaway, K. . . . . HB 113 (P)  
 Justice Court Operations Amendments, Mayne, E. . . . . SB 136 (F)  
 Local Government Amendments, Thomas, D. . . . . SB 31 (F)  
 Local Government Authority, Hardy, A. . . . . HB 256 (P)  
 Local Land Use Development and Management  
   Amendments, Bell, G. . . . . SB 60 (P)  
 Municipal Abatement of Weeds and Other Neglected  
   Items on Property, Morley, M. . . . . HB 162 (P)  
 Municipal Authority to Use Collection Agencies, Walker, M. . . . . HB 361 (F)  
 Municipal Budget Amendments, Walker, M. . . . . HB 309 (P)  
 Municipal Electrical Entities Amendments, Tilton, A. . . . . HB 312 (F)  
 Political Subdivisions – Truth in Government Competition,  
   Allen, R. . . . . SB 191 (F)  
 Search and Rescue Advisory Board – Amendments, Adams, J. S. . . . . HB 90 (P)  
 Student Housing Built by Higher Education Institutions,  
   Clark, S. . . . . HB 103 (P)  
 Sunset of Township Provision, Lawrence, M. S. . . . . HB 40 (P)

**UTAH TECHNOLOGY COMMISSION**

- Emerging Technologies and Open Government, Clark, D. . . . . HB 214 (F)  
 Information Technology Governance Amendments, Clark, D. . . . . HB 109 (P)  
 Utah Technology Commission Membership, Dougall, J. . . . . HB 238 (F)

**UTAH TOMORROW (STATE PLANNING)**

- Repeal of Utah Tomorrow Strategic Planning Committee,  
   Waddoups, M. . . . . SB 117 (P)

**VOLUNTEER WORKERS**

- Resolution Honoring Searchers, Hillyard, L. . . . . SCR 3 (P)

**WAGES**

- Family Sustaining Wage Amendments, Fife, F. . . . . SB 69 (F)  
 Wage Provisions, Stephenson, H. . . . . SB 139 (P)

**WATER AND IRRIGATION**

- Sales and Use Tax Diversions, Peterson, D. . . . . SB 204 (F)  
 State Engineer's Powers and Duties Amendments, Clark, D. . . . . HB 29 (P)  
 Water Enforcement Procedures and Penalties, Ure, D. . . . . HB 157 (P)  
 Water Law – Criminal Penalties Amendments, Ferry, B. . . . . HB 38 (P)  
 Water Rights Fees, Gowans, J. . . . . HB 150 (P)  
 Water Rights in Irrigation Companies, Painter, P. . . . . HB 229 (F)

**WEAPONS**

- Division of Criminal Investigation and Technical Services  
 Amendments, Oda, C. . . . . HB 276 (P)  
 Possession of a Dangerous Weapon in a Vehicle, Morley, M. . . . . H 0332 (F)  
 Public Safety Officers – Critical Incident Shooting Provisions,  
 Ray, P. . . . . HB 134 (F)  
 Weapons Amendments, Madsen, M. . . . . SB 175 (F)

**WORKERS' COMPENSATION**

- Assessment Offset for Donations Promoting Occupational  
 Health and Safety, Mayne, E. . . . . SB 159 (P)  
 Disease Testing of Individuals Exposed to Blood Borne  
 Pathogens, Arent, P. . . . . SB 19 (P)  
 Permanent Total Disability Amendments, Mayne, E. . . . . SB 115 (P)  
 Workers Compensation – Competitive Bid Requirements,  
 Waddoups, M. . . . . SB 180 (F)  
 Workers' Compensation Coverage of Fire Department  
 Employees, Murray, J. . . . . HB 81 (F)

**WORKFORCE SERVICES CODE**

- Department of Workforce Services – Access to Financial  
 Records, Jenkins, S. . . . . SB 16 (P)  
 Department of Workforce Services – Work Experience and  
 Training Programs, Cox, D. . . . . HB 23 (P)  
 Department of Workforce Services Amendments, Jenkins, S. . . . . SB 12 (P)  
 Employment Security Act Amendments, Cox, D. . . . . HB 10 (P)  
 Federal Health Care Tax Credit Program Act, Oda, C. . . . . HB 69 (P)

Premium Assistance Program for Covered-at-work,  
 Holdaway, K. . . . . HB 304 (F)  
 Residential Mortgages Practices – Employment  
 Security Revisions, Walker, M. . . . . HB 210 (F)

**YOUTH CORRECTIONS**

Youth Corrections Amendments, Moss, C. . . . . HB 94 (F)

**ZONING**

County and Municipal Zoning Regarding Billboards,  
 Waddoups, M. . . . . SB 114 (P)  
 Local Land Use Development and Management  
 Amendments, Bell, G. . . . . SB 60 (P)  
 Student Housing Built by Higher Education Institutions, Clark, S. . HB 103 (P)



**JOURNAL**  
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**FIFTY–SIXTH LEGISLATURE**  
**2005 FIRST SPECIAL SESSION**

Commencing April 19, 2005 and  
Ending April 20, 2005

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# **CERTIFICATION**

The undersigned, as the duly appointed committee on the revision of the House Journal of the 2005 First Special Session of the Fifty–sixth Legislature of the State of Utah, do hereby certify that the contents published herein are a full, true and correct record of the proceedings of the session commencing on Wednesday, April 19, 2005 and ending Thursday, April 20, 2005.

**COMMITTEE ON REVISION  
OF THE HOUSE JOURNAL**

**CAROLE E. PETERSON**  
Chief Clerk

**JANICE A. GADD**  
Journal Clerk





**HOUSE JOURNAL**  
**of the**  
**FIFTY-SIXTH LEGISLATURE**  
**of the**  
**STATE OF UTAH**  
**FIRST SPECIAL SESSION**

\* \* \*

House Chamber  
State Capitol Complex  
Salt Lake City, Utah  
Tuesday, April 19, 2005

The House was called to order by Speaker Greg J. Curtis at 2:30 p.m.

Roll call showed all members present, except Representative LaVar Christensen, excused.

Pledge of Allegiance and prayer by Representative Paul Ray.

On motion of Representative Jeff Alexander, the House voted to continue with the same organization for the 2005 First Special Session of the 56th Legislature as set up and constituted during the 2005 Annual General Session of the Legislature insofar as it pertains to the Speakership, Majority Leadership and Minority Leadership.

Speaker Curtis appointed Carole E. Peterson as Chief Clerk.

The Chief Clerk read the following:

**COMMUNICATIONS FROM THE GOVERNOR**

Dear Ms. Fisher,

April 19, 2005

It is my pleasure to appoint you to the Utah State Legislature, to fill the seat in Legislative District 29 that was vacated by Brent Goodfellow. I am confident that as a legislator you will server our state and the citizens in your district with discernment and decorum.

Jon M. Huntsman, Jr.  
Governor

Communication filed.

Speaker Curtis administered the oath of office to Janice M. Fisher.

The Chief Clerk read the following:

### **CERTIFICATION**

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued on the 14th day of April, 2005 and signed by Governor Jon M. Huntsman, Jr., and the attached modifying Proclamation issued on the 18th day of April, 2005, are true and correct copies of the original Proclamations calling the Fifty–Sixth Legislature of the State of Utah into the First Special Session at the Capitol Complex at Salt Lake City, Utah on the 19th day of April, 2005, at 2:00 p.m., for the purposes named in the Proclamations.

I FURTHER CERTIFY THAT the membership of the Utah State House of Representatives has not changed from that of the Certification of the 2005 General Session, with the following exceptions:

TWENTY–NINTH DISTRICT: County of Salt Lake  
Janice Fisher

THIRTY–FIRST DISTRICT: County of Salt Lake  
Larry B. Wiley

SIXTY–EIGHTH DISTRICT: Counties of Juab, Millard, Sanpete  
Richard Wheeler

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah, at Salt  
Lake City, this 19th day of  
April, 2005.

GARY R. HERBERT  
Lieutenant Governor

Communication filed.

### **PROCLAMATION**

WHEREAS, since the adjournment of the 2005 General Session of the Fifty–Sixth 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–Sixth Legislature of the State of Utah into a Special Session at the State Capitol Complex at Salt Lake City, Utah, on the 19th day of April, 2005, at 2:00 p.m. for the following purposes:

1. To consider a provision directing public education officials regarding the administration and implementation of federal educational programs;
2. To consider a provision authorizing funding for, and the construction of, a veterans nursing home;
3. To consider a provision authorizing a substance abuse screening, assessment, and treatment study;
4. To consider a provision modifying the conditions under which a health care provider may bring an action against a health maintenance organization or preferred provider organization for payment and to require objective provider contracting provisions;
5. To consider a provision requiring the State Court Administrator, subject to legislative appropriation, to provide grants to nonprofit legal assistance providers;
6. To consider a joint resolution supporting jail expansion in Beaver, Millard, and Sanpete Counties through a contract with the Utah Department of Corrections;
7. To consider modifying provisions relating to tourism advertising, marketing, and branding;
8. To consider a provision modifying notice and hearing provisions relating to property tax increases by participants in certain interlocal cooperation entities;
9. To consider a provision modifying existing law regarding property tax levy rates, or other methods of funding services, for county service areas;
10. To consider a provision regarding funding for convention facilities in counties of the first class;

11. To consider a provision modifying membership of legislative task forces;
12. To consider a provision regarding funding for transportation;
13. To consider a provision modifying existing law concerning the process of making boundary adjustments between municipalities;
14. To consider a provision to give certain executive officials a 4.5% compensation increase; and
15. To consider a provision amending election law to require the State to obtain voting equipment capable of producing an auditable record of votes cast.

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 14th  
day of April, 2005.

JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

### **SUPPLEMENTAL PROCLAMATION**

WHEREAS, the undersigned issued a Proclamation on April 14, 2005, calling the Legislature into a Special Session beginning on the 19th day of April, 2005; and

WHEREAS, the undersigned has since been informed of the need to modify paragraph nine of that Proclamation;

NOW, THEREFORE, I, Jon M. Huntsman, Hr., Governor of the State of Utah, do by this Proclamation amend paragraph nine of the Proclamation dated April 14, 2005, to read as follows: "To consider provisions modifying existing law regarding property tax levy rates, or other methods of funding services for unincorporated or previously unincorporated areas."

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 18th  
day of April, 2005.

JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

Communication filed.

### **MISCELLANEOUS BUSINESS**

On motion of Representative Lockhart, the House voted to adopt the same House Rules and Joint Rules for the 2005 First Special Session as adopted in the 2005 Annual General Session.

On motion of Representative Becker, the House voted to authorize the Speaker to appoint a committee to wait upon the Senate to inform that Honorable Body that the House is organized and ready to do business.

The Speaker appointed Representatives Douglas C. Aagard, Merlynn T. Newbold, and Neal B. Hendrickson.

On motion of Representative Urquhart, the House voted to authorize the Speaker to appoint a committee to meet with a like committee from the Senate to wait upon the Governor to inform Her Excellency that the House is organized and ready to receive any communication or message he may have to offer.

The Speaker appointed Representatives John Dougall, Julie Fisher, Mark A. Wheatley.

Senators Thomas, Christensen, and McCoy formally notified the House that the Senate was organized and ready to do business.

On motion of Representative Lockhart, the House voted to consider all House and Senate bills under suspension of the rules.

Representative Aagard informed the House of Representatives that his committee had waited upon the Senate and informed them that the House was organized and ready to do business.

Representative Dougall informed the House of Representatives that the joint committee had waited upon the Governor and informed him that the Legislature was organized and ready to do business.

### INTRODUCTION OF BILLS

**H.B. 1001, Implementing Federal Educational Programs** (M. Dayton), read the first time by short title, under suspension of the rules.

**H.B. 1002, Provider Contracting Amendments** (R. Lockhart), read the first time by short title, under suspension of the rules.

**H.B. 1003, Civil Legal Aid for Victims of Domestic Violence** (R. Romero), read the first time by short title, under suspension of the rules.

**H.B. 1004, Disconnecting Territory from a Municipality** (C. Frank), read the first time by short title, under suspension of the rules.

**H.B. 1005, Integrity of Election Results Amendments** (J. Dougall), read the first time by short title, under suspension of the rules.

**H.B. 1006, Changes in Task Force Membership** (J. Alexander), read the first time by short title, under suspension of the rules.

**H.B. 1007, Veterans' Nursing Home Authorization and Funding** (D. G. Buxton), read the first time by short title, under suspension of the rules.

**H.B. 1008, Transportation Investment Act** (R. Lockhart), read the first time by short title, under suspension of the rules.

**H.B. 1009, Executive Compensation** (J. Alexander), read the first time by short title, under suspension of the rules.

**H.J.R. 101, Joint Resolution Supporting Expansion of Correctional Facilities** (D. Hogue), read the first time by short title, under suspension of the rules.

\* \* \*

On motion of Representative Lockhart, under suspension of the rules, the House voted to consider **H.B. 1001, H.B. 1007, H.B. 1002, H.B. 1003, H.B. 1005, H.B. 1006, H.B. 1009, H.B. 1008, H.J.R. 101, and H.B. 1004**, read the second time by short title and placed on the calendar for third reading.

**THIRD READING CALENDAR**

**H.B. 1001, IMPLEMENTING FEDERAL EDUCATIONAL PROGRAMS,** read the third time by short title and placed on its final passage.

Representative Bourdeaux proposed the following amendment:

- 1. Page 9, Line 246

246 determine which program best meets the educational needs of the student.

(5) In implementing and administering the No Child Left Behind Act, the State Board of Education shall ensure that:

(a) student performance data is disaggregated with respect to race, ethnicity, gender, limited English proficiency, and those students who qualify for free or reduced price school lunch in accordance with Section 53A-1-603;

(b) each of the subgroups identified under Subsection (5)(a) that consists of 10 or more students is separately accounted for in both assessment and accountability provisions; and

(c) the state’s public education system complies with the requirements of the No Child Left Behind Act sufficiently to:

- (i) qualify to receive full federal funding; and
- (ii) not jeopardize loss of federal funds due to non-compliance.

Representative Bourdeaux’s motion to amend failed on a voice vote.

**H.B. 1001** then passed on the following roll call:

**Yeas, 66; Nays, 7; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Buxton	D. Clark
S. Clark	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Gibson	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Lockhart	Mascaro

Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheeler
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Bourdeaux	Cosgrove	J.M. Fisher	Litvack
Romero	Wheatley	Wiley	

**Absent or not voting were:** Representatives

Christensen	Frank
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**H.B. 1001** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 1007, VETERANS' NURSING HOME AUTHORIZATION AND FUNDING**, read the third time by short title and placed on its final passage.

**H.B. 1007** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	J.M. Fisher	Fowlke	Frank
Gibson	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			



**Absent or not voting were:** Representatives  
Bourdeaux Christensen

**H.B. 1007** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 1002, PROVIDER CONTRACTING AMENDMENTS,** read the third time by short title and placed on its final passage.

**H.B. 1002** then passed on the following roll call:

**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	J.M. Fisher	Fowlke
Frank	Gibson	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting was:** Representative  
Christensen

**H.B. 1002** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 1003, CIVIL LEGAL AID FOR VICTIMS OF DOMESTIC VIOLENCE,** read the third time by short title and placed on its final passage.

**H.B. 1003** then passed on the following roll call:

**Yeas, 73; Nays, 0; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	J.M. Fisher	Fowlke
Frank	Gibson	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Christensen            Tilton

**H.B. 1003** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 1005, INTEGRITY OF ELECTION RESULTS AMENDMENTS**, read the third time by short title and placed on its final passage.

Representative Dougall proposed the following amendment:

1. Page 3, Lines 77 through 78

77        (A) shall be available as an official record for any recount or  
election contest conducted with respect to an

78        election where the voting equipment is used.

2. Page 4, Lines 91 through 93:

91 (b) {~~H~~} For the purposes of a recount or an election  
contest, if the permanent paper record contains a conflict or  
inconsistency between the  
92 human readable printing and the machine readable printing, the  
human readable printing shall  
93 supercede the machine readable printing when determining the  
intent of the voter.

Representative Dougall’s motion to amend passed on a voice vote.

**H.B. 1005**, as amended, then passed on the following roll call:

**Yeas, 71; Nays, 1; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	J.M. Fisher	Frank
Gibson	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative was:** Representative  
Kiser

**Absent or not voting were:** Representatives

Christensen	Fowlke	Tilton
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**H.B. 1005**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 1006, CHANGES IN TASK FORCE MEMBERSHIP**, read the third time by short title and placed on its final passage.

Representative Hogue proposed the following amendment:

1. Page 2, Line 34:  
Delete "12" and insert "14"
2. Page 2, Line 55:  
Delete "12" and insert "14"

Representative Hogue's motion to amend passed on a voice vote.

**H.B. 1006**, as amended, then passed on the following roll call:

**Yeas, 74; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	J.M. Fisher	Fowlke
Frank	Gibson	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting was:** Representative Christensen

**H.B. 1006**, as amended, transmitted to the Senate for its consideration.

\* \* \*

**H.B. 1009**, EXECUTIVE COMPENSATION, read the third time by short title and placed on its final passage.

Representative Ray proposed the following amendment:

- 1. Page 3, Line 81:  
Delete the new language and reinstate the old language.
- 2. Page 7, Line 189:  
Delete the new language and reinstate the old language.

Representative Ray’s motion to amend failed on a voice vote.

**H.B. 1009** then passed on the following roll call:

**Yeas, 61; Nays, 11; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Donnelson	Dougall	Dunnigan
Ferrin	Ferry	Fisher	Frank
Gibson	Hardy	Harper	Hogue
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morgan	Morley
Moss	Murray	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Duckworth	J.M. Fisher	Fowlke	Gowans
Hansen	Hendrickson	Holdaway	Kiser
Newbold	Ure	Wiley	

**Absent or not voting were:** Representatives

Becker	Christensen	Dayton
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**H.B. 1009** transmitted to the Senate for its consideration.

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**H.B. 1008**, TRANSPORTATION INVESTMENT ACT, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle **H.B. 1008**.

\* \* \*

**H.J.R. 101**, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES, read the third time by short title and placed on its final passage.

**H.J.R. 101** then passed on the following roll call:

**Yeas, 65; Nays, 8; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dee	Donnelson	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	J.M. Fisher
Fowlke	Frank	Gibson	Gowans
Hansen	Hardy	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Mascaro
Mathis	McGee	Menlove	Morgan
Moss	Murray	Noel	Oda
Painter	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

**Voting in the negative were:** Representatives

Alexander	Dougall	Harper	Lockhart
Morley	Newbold	Ray	Curtis

**Absent or not voting were:** Representatives

Christensen	Dayton
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**H.J.R. 101** transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Lockhart, the House voted to uncircle **H.B. 1008**.

**H.B. 1008**, TRANSPORTATION INVESTMENT ACT, was before the House on its final passage.

Representative Lockhart proposed the following amendment:

1. Page 2, Lines 37 through 41

37       ▶       requires the Executive Appropriations Committee to notify the Division of Finance,

38       the State Tax Commission, and the Department of Transportation when all highway

39       projects have been completed and all general highway  
      {~~general~~} obligation bonds

40       have been paid off that are intended to be paid from revenues deposited in the

41       Centennial Highway Fund Restricted Account;

2. Page 2, Lines 45 through 49:

45       Monies Appropriated in this Bill:

46       This bill appropriates:

47       ▶       {~~(\$89,594,700)~~}       (\$110,607,700) from the General Fund and the Centennial Highway Fund to the Centennial Highway Program;

48       ▶       {~~\$59,594,700~~}       \$80,607,700 to the Centennial Highway Program from {~~the Centennial Highway~~

49       Fund and } the Centennial Highway Fund Restricted Account; and

3. Page 27, Lines 823 through 832:

823       To Department of Transportation – Centennial Highway Program

824	<u>From General Fund</u>	(59,594,700)
825	<u>From General Fund, One-time</u>	(30,000,000)
	<u>From Centennial Highway Fund</u>	<u>(21,013,000)</u>
826	<u>Schedule of Programs:</u>	
827	<u>Centennial Highway Program</u>	{ <del>(89,594,700)</del> }
		<u>(110,607,700)</u>
828	<u>To Department of Transportation – Centennial Highway Program</u>	
829	{ <del>From Centennial Highway Fund</del>	<del>(21,013,000)</del> }
830	<u>From Centennial Highway Fund Restricted Account</u>	
	<u>80,607,700</u>	
831	<u>Schedule of Programs:</u>	
832	<u>Centennial Highway Program</u>	
	{ <del>59,594,700</del> }	<u>80,607,700</u>

Representative Snow proposed the following substitute motion to amend:

1. Page 1, Lines 24–26:  
Delete line 24–26
2. Page 13, Line 371:  
Line 371 delete “Subsections (6)(b) and (9)” and insert “Subsection (6)(b)”
3. Page 13, Lines 377–94:  
Delete lines 377–94
4. Page 21, Line 632:  
Line 632 delete “Subsections (6)(b) and (9)” and insert “Subsection (6)(b)”
5. Pages 21–22, Line 638–655:  
Delete lines 638 through 655.
6. Page 26, Line 795:  
After “highways;” insert “and”
7. Page 26, Line 796:  
After “Legislature” delete “; and” and insert a period.
8. Page 26, Line 797:  
Delete line 797.



On motion of Representative Hughes, the House voted on Previous Question on the motion to amend. The motion failed on the following roll call:

**Yeas, 35; Nays, 35; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	Biskupski	Buttars
Buxton	D. Cox	Daw	Dayton
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fowlke	Frank
Hansen	Harper	Hughes	E. Hutchings
King	Lockhart	Mascaro	McGee
Murray	Newbold	Noel	Painter
Tilton	Urquhart	Walker	Wallace
Wheeler	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Adams	S. Allen	Becker	Bowman
D. Clark	S. Clark	Cosgrove	Dee
Fisher	J.M. Fisher	Gibson	Gowans
Hardy	Hendrickson	Hogue	Holdaway
Hunsaker	B. Johnson	Jones	Kiser
Lawrence	Litvack	Mathis	Menlove
Morgan	Morley	Moss	Oda
Ray	Romero	Shurtliff	G. Snow
Ure	Wheatley	Wiley	

**Absent or not voting were:** Representatives

Barrus	Bigelow	Bourdeaux	Christensen
Last			

Representative Snow's substitute motion to amend passed on the following roll call:

**Yeas, 42; Nays, 31; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

S. Allen	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Cosgrove	Donnelson
Duckworth	Dunnigan	J.M. Fisher	Fowlke
Gibson	Gowans	Hansen	Hendrickson
Hogue	Holdaway	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Lawrence

Litvack	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Ray
Romero	Shurtliff	G. Snow	Ure
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

**Voting in the negative were:** Representatives

Aagard	Adams	Alexander	Barrus
Buttars	D. Clark	S. Clark	D. Cox
Daw	Dayton	Dee	Dougall
Ferrin	Ferry	Fisher	Frank
Hardy	Harper	Hughes	Kiser
Last	Lockhart	Morley	Murray
Newbold	Noel	Oda	Painter
Tilton	Urquhart	Curtis	

**Absent or not voting were:** Representatives

Buxton	Christensen
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On motion of Representative Dougall, the House voted to circle **H.B. 1008**.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: April 19, 2005  
 The Senate passed, as amended, **S.B. 1001**, AMENDMENTS TO PROPERTY TAX PUBLIC NOTICE AND HEARING PROVISIONS, by Senator C. Bramble, and it is transmitted for consideration.

Annette B. Moore  
 Secretary of the Senate

Communication filed. **S.B. 1001**, under suspension of the rules, read the first time by short title. On motion of Representative Lockhart, the House voted to consider **S.B. 1001** read the second time by short title, under suspension of the rules, and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: April 19, 2005  
 The Senate passed, **H.B. 1001**, IMPLEMENTING FEDERAL EDUCATIONAL PROGRAMS, by Representative M. Dayton, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
 Secretary of the Senate

Communication filed. **H.B. 1001** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### THIRD READING CALENDAR

**H.B. 1004**, DISCONNECTING TERRITORY FROM A MUNICIPALITY, read the third time by short title and placed on its final passage.

Representative Hughes proposed the following amendment:

1. Page 7, Lines 187 through 191

187 (ii) Each petition under Subsection (6)(d)(i) shall be filed with:

188 (A) {~~in a~~} the commission, if the county  
 {~~that~~} has created a commission under Section 10-2-409  
 {~~, the~~

189 commission} ; or

190 (B) {~~in a county that has not created a commission,~~} the  
clerk of the county in which the

191 area that is the subject of the proposed boundary adjustment is  
located , if the county has not created a commission .

Representative Hughes' motion to amend passed on a voice vote.

###

Representative Becker proposed the following amendment:

1. Page 1, Lines 15 through 16

15 • authorizes a municipality seeking to adjust a common  
 boundary with another

16 municipality {~~in the same county~~} to request the other  
 municipality to adjust the

2. Page 6, Lines 173 through 174:

173 (6) (a) The legislative body of a municipality that has a common  
boundary with another

174 municipality {~~located within the same county~~} may request  
the legislative body of the other

## 3. Page 7, Lines 184 through 186:

184 (6)(c), a requesting municipality may file a petition  
 {~~requesting~~} to adjust the common boundary with the  
boundary commission of the  
 185 county in which the {~~requesting municipality and the other~~  
municipality are} area that is the subject of the proposed boundary  
adjustment is located {~~to adjust the~~  
 186 common boundary} .

Representative Becker's motion to amend failed on a voice vote.

**H.B. 1004**, as amended, then failed to pass on the following roll call:

**Yeas, 14; Nays, 59; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Alexander	D. Clark	S. Clark	Daw
Dayton	Frank	E. Hutchings	B. Johnson
King	Lockhart	Morley	Noel
Urquhart	Curtis		

**Voting in the negative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	Cosgrove
D. Cox	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Ferry	Fisher
J.M. Fisher	Fowlke	Gibson	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
Jones	Kiser	Last	Lawrence
Litvack	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Christensen	Duckworth
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**H.B. 1004**, as amended, was filed.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to adjourn until April 20, 2005, at 1:30 p.m.

## SECOND DAY

\* \* \*

### MORNING SESSION

The House was called to order by Speaker Curtis at 1:30 p.m.

Roll call showed all members present except Representatives LaVar Christensen and Bradley M. Daw, excused.

Pledge of Allegiance and prayer by Representative Joe Murray.

#### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: April 19, 2005  
The Senate passed, as amended, **S.B. 1003**, PROPERTY TAX – COUNTY SERVICE AREAS, by Senator M. Waddoups, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 1003**, under suspension of the rules, read the first time by short title. On motion of Representative Alexander, the House voted to consider **S.B. 1003** read the second time by short title, under suspension of the rules, and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: April 19, 2005  
The Senate passed, **H.B. 1003**, CIVIL LEGAL AID FOR VICTIMS OF DOMESTIC VIOLENCE, by Representative R. Romero, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 1003** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

#### INTRODUCTION OF BILLS

**H.B. 1010**, Uses of Money in Municipal-type Services Fund (M. Walker), read the first time by short title, under suspension of the rules.

**H.B. 1011, Funding for Convention Facilities** (D. Clark), read the first time by short title, under suspension of the rules.

On motion of Representative Alexander, the House voted to consider **H.B. 1010** and **H.B. 1011**, read the second time by short title, under suspension of the rules, and placed on the calendar for third reading.

**THIRD READING CALENDAR**

**H.B. 1011, FUNDING FOR CONVENTION FACILITIES**, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **H.B. 1011**.

\* \* \*

**H.B. 1010, USES OF MONEY IN MUNICIPAL–TYPE SERVICES FUND**, read the third time by short title and placed on its final passage.

Representative Walker proposed the following amendment:

- 1. Page 2, Line 42:  
After the word “city” insert “which is incorporated after January 1, 2004.”

Representative Walker’s motion to amend passed on a voice vote.

**H.B. 1010**, as amended, then passed on the following roll call:

**Yeas, 68; Nays, 1; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	S. Clark
Cosgrove	D. Cox	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	J.M. Fisher
Fowlke	Frank	Gibson	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Lockhart
Mascaro	Mathis	McGee	Menlove

Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Curtis

**Voting in the negative was:** Representative  
Ure

**Absent or not voting were:** Representatives

Buxton	Christensen	D. Clark	Daw
Litvack	Wyatt		

**H.B. 1010**, as amended, transmitted to the Senate for its consideration.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the Senate Third Reading Calendar.

### THIRD READING CALENDAR

**S.B. 1001**, AMENDMENTS TO PROPERTY TAX PUBLIC NOTICE AND HEARING PROVISIONS, read the third time by short title and placed on its final passage.

**S.B. 1001** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
D. Clark	S. Clark	Cosgrove	D. Cox
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	J.M. Fisher	Fowlke	Frank
Gibson	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan



Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Christensen	Daw	Walker
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**S.B. 1001** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 1003**, PROPERTY TAX – COUNTY SERVICE AREAS, read the third time by short title and placed on its final passage.

Representative Ferry proposed the following amendment:

1. Page 2, Line 32 (goldenrod copy):  
Delete “.0023” and insert “.0021”

Representative Ferry’s motion to amend passed on a voice vote.

**S.B. 1003**, as amended, then passed on the following roll call:

**Yeas, 69; Nays, 1; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	D. Clark
S. Clark	Cosgrove	D. Cox	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
J.M. Fisher	Fowlke	Frank	Gibson
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter

Ray	Romero	Shurtliff	G. Snow
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Voting in the negative was:** Representative Tilton

**Absent or not voting were:** Representatives

Buxton	Christensen	Daw	Hughes
B. Johnson			

**S.B. 1003**, as amended, returned to the Senate for further consideration.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: April 20, 2005

The Senate passed **S.B. 1004**, DRUG OFFENDER REFORM ACT – PILOT PROGRAM, by Senator S. Killpack, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 1004**, read the first time by short title, under suspension of the rules. On motion of Representative Alexander, the House voted to consider **S.B. 1004** read the second time by short title, under suspension of the rules, and placed on the calendar for third reading.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

### UNFINISHED BUSINESS

On motion of Representative D. Clark, the House voted to uncircle **H.B. 1011**.

**H.B. 1011**, FUNDING FOR CONVENTION FACILITIES, was before the House on its final passage.

Representative D. Clark proposed the following amendment:

- 1. Page 1, Lines 21 through 22

21       ▶       for fiscal year 2004–05 only, \$4,000,000 from the General Fund to the Division of

22 Finance to be transferred to Salt Lake County under certain circumstances and provides that the appropriation is nonlapsing .

- 2. Page 1, Line 24:

24       This bill {~~–takes effect on July 1, 2005–~~} provides an effective date .

- 3. Page 6, Lines 166 through 169:

166       (ii) complete the expansion or renovation of the convention facility described in

167 Subsection (2)(c)(i).

(3) It is the intent of the Legislature that the appropriation required by Subsection (1) is nonlapsing.

168       Section 4. Effective date.

169       {~~–This bill takes~~} (1) Except as provided in Subsection (2), 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.

(2) Sections 59–12–352(Effective 07/01/05) and 59–12–1603(Effective 07/01/05) take effect on July 1, 2005.

Representative D. Clark’s motion to amend passed on a voice vote.

**H.B. 1011**, as amended, then passed on the following roll call:

**Yeas, 60; Nays, 13; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Dayton
Dee	Duckworth	Ferry	J.M. Fisher
Fowlke	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway

Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
McGee	Menlove	Morgan	Moss
Murray	Newbold	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Ure	Urquhart	Walker	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Voting in the negative were:** Representatives

Barrus	Donnelson	Dougall	Dunnigan
Ferrin	Fisher	Frank	Gibson
Mathis	Morley	Noel	Tilton
Wallace			

**Absent or not voting were:** Representatives

Christensen	Daw
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**H.B. 1011**, as amended, transmitted to the Senate for its consideration.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: April 20, 2005

The Senate substituted and passed, **Senate 2nd Sub. H.B. 1009**, EXECUTIVE COMPENSATION, by Representative Alexander, and it is transmitted for further consideration; and

The Senate substituted and passed, **Senate 1st Sub. H.B. 1006**, CHANGES IN TASK FORCE MEMBERSHIP, by Representative J. Alexander, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **2nd Sub. H.B. 1009** and **1st Sub. H.B. 1006**, placed on the calendar for concurrence.

\* \* \*

Mr. Speaker: April 20, 2005

The Senate passed, **H.B. 1002**, PROVIDER CONTRACTING AMENDMENTS, by Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 1007**, VETERANS' NURSING HOME AUTHORIZATION AND FUNDING, by Representative D. G. Buxton, which

has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 1002** and **H.B. 1007** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### UNFINISHED BUSINESS

On motion of Representative Lockhart, the House voted to uncircle **H.B. 1008**.

**H.B. 1008**, TRANSPORTATION INVESTMENT ACT, was before the House on its final passage.

On motion of Representative Walker, the House voted to reconsider its action on Amendment 1 proposed and passed on motion by Representative Snow

The motion failed to pass on the following roll call:

**Yeas, 36; Nays, 37; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Buttars	Buxton	D. Clark	S. Clark
D. Cox	Dayton	Dee	Donnelson
Dougall	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Hardy
Harper	Hughes	Kiser	Last
Lockhart	Morley	Murray	Newbold
Noel	Oda	Painter	Tilton
Urquhart	Walker	Wallace	Curtis

**Voting in the negative were:** Representatives

S. Allen	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Cosgrove	Duckworth
Dunnigan	J.M. Fisher	Gowans	Hansen
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Moss

Ray  
Ure  
Wyatt

Romero  
Wheatley

Shurtliff  
Wheeler

G. Snow  
Wiley

**Absent or not voting were:** Representatives  
Christensen          Daw

###

Representative Lockhart proposed the following amendment:

- 1. Page 2, Lines 37 through 41

37       ▶       requires the Executive Appropriations Committee to  
notify the Division of Finance,  
38   the State Tax Commission, and the Department of Transportation  
when all highway  
39   projects have been completed and all general highway  
      {~~general~~} obligation bonds  
40   have been paid off that are intended to be paid from revenues  
deposited in the  
41   Centennial Highway Fund Restricted Account;

- 2. Page 2, Lines 45 through 49:

45   Monies Appropriated in this Bill:  
46       This bill appropriates:  
47       ▶       {~~-\$89,594,700-~~}    (\$110,607,700)   from the  
General Fund   and the Centennial Highway Fund   to the Centennial  
Highway Program;  
48       ▶       {~~-\$59,594,700-~~}    \$80,607,700       to   the  
Centennial Highway Program from   {~~the Centennial Highway~~  
49   Fund and-}   the Centennial Highway Fund Restricted Account;  
and

- 3. Page 27, Lines 823 through 832:

823   To Department of Transportation – Centennial Highway  
Program  
824   From General Fund                    (59,594,700)

825     From General Fund, One-time (30,000,000)  
          From Centennial Highway Fund (21,013,000)

826             Schedule of Programs:

827             Centennial Highway Program  
          { ~~(89,594,700)~~ }     (110,607,700)

828     To Department of Transportation – Centennial Highway  
Program

829             { ~~From Centennial Highway Fund (21,013,000)~~ }

830             From Centennial Highway Fund Restricted Account  
          80,607,700

831             Schedule of Programs:

832             Centennial Highway Program  
          { ~~59,594,700~~ }     80,607,700

Representative Lockhart’s motion to amend passed on a voice vote.

###

Representative Lockhart proposed the following amendment:

1. Page 12, Line 368

368 the taxes described in Subsections (2)(a)(i) {~~and~~ } <sup>±</sup>  
(2)(b)(i) (A), and (2)(b)(ii)(A) into the Centennial Highway Fund

Representative Lockhart’s motion to amend passed on a voice vote.

**H.B. 1008**, as amended, then passed on the following roll call:

**Yeas, 61; Nays, 12; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bowman	Buttars
Buxton	D. Clark	S. Clark	D. Cox
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones

Kiser	Last	Lawrence	Lockhart
Mascaro	Mathis	Menlove	Morgan
Morley	Murray	Newbold	Noel
Oda	Painter	Ray	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheeler	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Cosgrove
J.M. Fisher	King	Litvack	McGee
Moss	Romero	Wheatley	Wiley

**Absent or not voting were:** Representatives

Christensen	Daw
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**H.B. 1008**, as amended, transmitted to the Senate for its consideration.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to move to the Senate Third Reading Calendar.

### THIRD READING CALENDAR

**S.B. 1004**, DRUG OFFENDER REFORM ACT – PILOT PROGRAM, read the third time by short title and placed on its final passage.

**S.B. 1004** then passed on the following roll call:

**Yeas, 68; Nays, 4; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	D. Clark	S. Clark
Cosgrove	D. Cox	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro



Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt

**Voting in the negative were:** Representatives

Alexander	Bigelow	Ferrin	Curtis
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**Absent or not voting were:** Representatives

Christensen	Daw	Hendrickson
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**S.B. 1004** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### CONCURRENCE CALENDAR

Representative Alexander proposed that the House concur in the Senate amendments to **H.B. 1009**, EXECUTIVE COMPENSATION. The motion failed on a voice vote.

On motion of Representative Alexander, the House voted to refuse to concur with the Senate Amendments and to request the Senate recede.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: April 20, 2005

The Senate passed, **H.B. 1005**, INTEGRITY OF ELECTION RESULTS AMENDMENTS, by Representative J. Dougall, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 1011**, FUNDING FOR CONVENTION FACILITIES, by Representative D. Clark, et al, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.J.R. 101**, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES, by Representative D. Hogue, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 1005**, **H.B. 1011**, and **H.J.R. 101** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: April 20, 2005  
The Senate passed, as amended, **H.B. 1010**, USES OF MONEY IN MUNICIPAL-TYPE SERVICES FUND, by Representative M. Walker, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 1010**, placed on the calendar for concurrence.

\* \* \*

Mr. Speaker: April 20, 2005  
The Senate passed, as substituted, and amended **1st Sub. S.B. 1002**, FUNDING FOR TOURISM, by Senator S. Jenkins, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **Sub. S.B. 1002**, read the first time by short title, under suspension of the rules. On motion of Representative Alexander, the House voted to consider **Sub. S.B. 1002**, read the second time by short title, under suspension of the rules, and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: April 20, 2005  
The Senate refuses to concur with the House Amendments to **S.B. 1003**, PROPERTY TAX – COUNTY SERVICE AREAS, by Senator M. Waddoups, and requests the House recede from its amendments.

Annette B. Moore  
Secretary of the Senate

Communication filed. On motion of Representative Hutchings, the House voted to refuse to recede from its amendments to **S.B. 1003**. The Speaker was authorized to appoint a conference committee. The Speaker appointed Representatives Hutchings, Ferry, and Litvack.

### CONCURRENCE CALENDAR

On motion of Representative Walker, the House voted to concur in the Senate amendments to **H.B. 1010**, USES OF MONEY IN MUNICIPAL-TYPE SERVICES FUND.

**H.B. 1010**, as amended by the Senate, then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
D. Clark	S. Clark	Cosgrove	D. Cox
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Ferry	Fisher
J.M. Fisher	Fowlke	Frank	Gibson
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	B. Johnson	Jones	King
Kiser	Last	Lawrence	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Christensen	Daw	Duckworth	E. Hutchings
Litvack	Lockhart		

**H.B. 1010**, as amended by the Senate, transmitted to the Senate for signature of the president.

\* \* \*

On motion of Representative Alexander, the House voted to concur in the Senate amendments to **Sub. H.B. 1006**, CHANGES IN TASK FORCE MEMBERSHIP.

**Sub. H.B. 1006**, as amended by the Senate, then passed on the following roll call:

**Yeas, 56; Nays, 10; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bourdeaux	Bowman
Buttars	D. Clark	S. Clark	D. Cox
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Fisher	Fowlke
Frank	Gibson	Gowans	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	B. Johnson	King
Kiser	Last	Lawrence	Mascaro
Mathis	Menlove	Morley	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wyatt	Curtis

**Voting in the negative were:** Representatives

Biskupski	Cosgrove	J.M. Fisher	Hansen
Jones	McGee	Morgan	Moss
Shurtliff	Wiley		

**Absent or not voting were:** Representatives

Becker	Buxton	Christensen	Daw
Duckworth	Ferry	E. Hutchings	Litvack
Lockhart			

**Sub. H.B. 1006**, as amended by the Senate, transmitted to the Senate for signature of the president.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker:

April 20, 2005

The Senate refuses to recede from its amendments to **2nd Sub. H.B. 1009**, EXECUTIVE COMPENSATION, by Representative J. Alexander, and has appointed a Conference Committee consisting of Senators D. Eastman, T. Hatch, and Goodfellow to meet with a like committee from the House on this bill.

Annette B. Moore  
Secretary of the Senate

Communication filed. On motion of Representative Alexander, the House voted to authorize the Speaker to appoint a Conference Committee. The Speaker appointed Representatives Alexander, Shurtliff, and Hughes.

### THIRD READING CALENDAR

**Sub. S.B. 1002**, FUNDING FOR TOURISM, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **Sub. S.B. 1002**.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to recess.

Speaker Curtis called the House to order.

### COMMUNICATION FROM THE SENATE

Mr. Speaker: April 20, 2005

The President of the Senate has appointed a Conference Committee consisting of Senators M. Waddoups, D. Thomas, and G. Davis to meet with a like committee from the House of Representatives to consider or amend **S.B. 1003**, PROPERTY TAX – COUNTY SERVICE AREAS, by Senator M. Waddoups.

Annette B. Moore  
Secretary of the Senate

Communication filed.

### CONFERENCE COMMITTEE REPORT

Mr. Speaker: April 20, 2005

The Joint Conference Committee comprised of Senators Waddoups, Thomas, and Davis, and Representatives Hutchings, Ferry, and Litvack, recommends **S.B. 1003**, PROPERTY TAX – COUNTY SERVICE AREAS, by Senator M. Waddoups, with the following amendments:

1. Page 2, Line 32:  
House Floor Amendments 4–20–2005:  
Reinstate “.0023” and delete “.0021”

Report filed. On motion of Representative Hutchings, the House voted to adopt the Joint Conference Committee Report.

**S.B. 1003** then passed on the following roll call:

**Yeas, 66; Nays, 2; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
D. Clark	S. Clark	Cosgrove	D. Cox
Dayton	Dee	Donnelson	Dunnigan
Ferrin	Ferry	Fisher	J.M. Fisher
Fowlke	Frank	Gibson	Gowans
Hansen	Harper	Hendrickson	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Hughes	Kiser
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**Absent or not voting were:** Representatives

Christensen	Daw	Dougall	Duckworth
Hardy	Last	Tilton	

**S.B. 1003**, as amended by the Conference Committee Report, transmitted to the Senate for further consideration.

**UNFINISHED BUSINESS**

On motion of Representative Ferry, the House voted to uncircle **Sub. S.B. 1002**.

**Sub. S.B. 1002**, FUNDING FOR TOURISM, was before the House on its final passage.

**Sub. S.B. 1002** then passed on the following roll call:

**Yeas, 51; Nays, 17; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	S. Allen	Barrus	Becker
Biskupski	Bourdeaux	Bowman	Buttars

D. Clark	S. Clark	Cosgrove	D. Cox
Dunnigan	Ferry	Fisher	J.M. Fisher
Fowlke	Gibson	Hansen	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Litvack	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Ray	Romero
Shurtliff	G. Snow	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Adams	Alexander	Bigelow	Buxton
Dayton	Dee	Donnelson	Dougall
Ferrin	Frank	Gowans	Harper
Kiser	Lawrence	Lockhart	Morley
Oda			

**Absent or not voting were:** Representatives

Christensen	Daw	Duckworth	Hardy
Last	Painter	Tilton	

**Sub. S.B. 1002** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: April 20, 2005

The Senate adopted the Joint Conference Committee Report dated April 20, 2005, and passed **H.B. 1009**, EXECUTIVE COMPENSATION, by Representative J. Alexander, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed.

### CONFERENCE COMMITTEE REPORT

Mr. Speaker: April 20, 2005

The Joint Conference Committee comprised of Senators Eastman, Hatch, and Goodfellow, and Representatives Alexander, Hughes, and Shurtliff, recommends

that the Senate recede from its amendments to **2nd Sub. H.B. 1009**, EXECUTIVE COMPENSATION, by Representative J. Alexander, and adopt **H.B. 1009**, EXECUTIVE COMPENSATION, by Representative J. Alexander.

Senator Dan R. Eastman

Representative Jeff Alexander

Report filed. On motion of Representative Alexander, the House voted to adopt the Conference Committee Report.

**H.B. 1009** then passed on the following roll call:

**Yeas, 59; Nays, 4; Absent or not voting, 12.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
D. Clark	S. Clark	Cosgrove	D. Cox
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Ferry	Fisher
Frank	Gibson	Goodfellow	Harper
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	Jones	King	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morley	Moss
Murray	Noel	Oda	Painter
Ray	Romero	Shurtliff	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Fowlke	Gowans	Hendrickson	Kiser
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**Absent or not voting were:** Representatives

Christensen	Daw	Duckworth	Hansen
Hardy	B. Johnson	Last	Morgan
Newbold	G. Snow	Tilton	Ure

**H.B. 1009** transmitted to the Senator for signature of the President.

#### **INTENT LANGUAGE TO H.B. 1009**

On motion of Representative Alexander, the House voted to print the following intent language to **H.B. 1009** in the House Journal.



It is the intent of the Legislature that staff prepare a letter to the Executive and Judicial Compensation Commission to be signed by the Speaker and President requesting that the Commission review the salary ranges for executive branch officers and consider whether or not all cabinet level officers be assigned to the same salary range.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: April 20, 2005

The Senate adopted the Joint Conference Committee Report dated April 20, 2005, and passed **S.B. 1003**, PROPERTY TAX – COUNTY SERVICE AREAS, by Senator M. Waddoups, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 1003** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

Mr. Speaker: April 20, 2005

The President of the Senate has signed **1st Sub. H.B. 1006**, CHANGES IN TASK FORCE MEMBERSHIP, by Representative J. Alexander, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 1008**, TRANSPORTATION INVESTMENT ACT, by Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 1009**, EXECUTIVE COMPENSATION, by Representative J. Alexander, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 1010**, USES OF MONEY IN MUNICIPAL–TYPE SERVICES FUND, by Representative M. Walker, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. H.B. 1006**, **H.B. 1008**, **H.B. 1009**, and **H.B. 1010** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House authorized the Speaker to appoint a committee to meet with a like committee from the Senate to wait upon the Governor and inform His Excellency that the Legislature has completed its business and is prepared to adjourn sine die. The Speaker appointed Representatives Aagard, Ferrin, and Biskupski.

On motion of Representative Alexander, the House authorized the Speaker to appoint a committee to wait upon the Senate and inform that Honorable Body that the House was prepared to adjourn sine die. The Speaker appointed Representatives Holdaway, Julie Fisher, and Litvack.

Senators Parley Hellewell, Mark Madsen, and Gene Davis formally notified the House of Representatives that the Senate had completed its business and was prepared to adjourn sine die.

Representative Litvack notified the House that his committee had waited upon the Senate and informed that Honorable Body that the House was ready to adjourn sine die.

Representative Holdaway reported that the Joint Committee had waited upon the Governor and informed him that the Legislature had completed its business and was prepared to adjourn sine die.

On motion of Representative Alexander, and at 7:24 p.m., the House of Representatives of the Fifty–Sixth Legislature of the state of Utah, First Special Session, adjourned sine die.

## SECOND DAY

\* \* \*

### MORNING SESSION

The House was called to order by Speaker Curtis at 1:30 p.m.

Roll call showed all members present except Representatives LaVar Christensen and Bradley M. Daw, excused.

Pledge of Allegiance and prayer by Representative Joe Murray.

#### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: April 19, 2005  
The Senate passed, as amended, **S.B. 1003**, PROPERTY TAX – COUNTY SERVICE AREAS, by Senator M. Waddoups, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 1003**, under suspension of the rules, read the first time by short title. On motion of Representative Alexander, the House voted to consider **S.B. 1003** read the second time by short title, under suspension of the rules, and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: April 19, 2005  
The Senate passed, **H.B. 1003**, CIVIL LEGAL AID FOR VICTIMS OF DOMESTIC VIOLENCE, by Representative R. Romero, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 1003** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

#### INTRODUCTION OF BILLS

**H.B. 1010, Uses of Money in Municipal-type Services Fund** (M. Walker), read the first time by short title, under suspension of the rules.

**H.B. 1011, Funding for Convention Facilities** (D. Clark), read the first time by short title, under suspension of the rules.

On motion of Representative Alexander, the House voted to consider **H.B. 1010** and **H.B. 1011**, read the second time by short title, under suspension of the rules, and placed on the calendar for third reading.

**THIRD READING CALENDAR**

**H.B. 1011, FUNDING FOR CONVENTION FACILITIES**, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **H.B. 1011**.

\* \* \*

**H.B. 1010, USES OF MONEY IN MUNICIPAL–TYPE SERVICES FUND**, read the third time by short title and placed on its final passage.

Representative Walker proposed the following amendment:

- 1. Page 2, Line 42:  
After the word “city” insert “which is incorporated after January 1, 2004.”

Representative Walker’s motion to amend passed on a voice vote.

**H.B. 1010**, as amended, then passed on the following roll call:

**Yeas, 68; Nays, 1; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	S. Clark
Cosgrove	D. Cox	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	J.M. Fisher
Fowlke	Frank	Gibson	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Lockhart
Mascaro	Mathis	McGee	Menlove

Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Curtis

**Voting in the negative was:** Representative  
Ure

**Absent or not voting were:** Representatives  
Buxton Christensen D. Clark Daw  
Litvack Wyatt

**H.B. 1010**, as amended, transmitted to the Senate for its consideration.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the Senate Third Reading Calendar.

### THIRD READING CALENDAR

**S.B. 1001**, AMENDMENTS TO PROPERTY TAX PUBLIC NOTICE AND HEARING PROVISIONS, read the third time by short title and placed on its final passage.

**S.B. 1001** then passed on the following roll call:

**Yeas, 72; Nays, 0; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
D. Clark	S. Clark	Cosgrove	D. Cox
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	J.M. Fisher	Fowlke	Frank
Gibson	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan

Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Christensen	Daw	Walker
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**S.B. 1001** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 1003**, PROPERTY TAX – COUNTY SERVICE AREAS, read the third time by short title and placed on its final passage.

Representative Ferry proposed the following amendment:

1. Page 2, Line 32 (goldenrod copy):  
Delete “.0023” and insert “.0021”

Representative Ferry’s motion to amend passed on a voice vote.

**S.B. 1003**, as amended, then passed on the following roll call:

**Yeas, 69; Nays, 1; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	D. Clark
S. Clark	Cosgrove	D. Cox	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
J.M. Fisher	Fowlke	Frank	Gibson
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Moss	Murray
Newbold	Noel	Oda	Painter

Ray	Romero	Shurtliff	G. Snow
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Voting in the negative was:** Representative  
Tilton

**Absent or not voting were:** Representatives  
Buxton                      Christensen                      Daw                      Hughes  
B. Johnson

**S.B. 1003**, as amended, returned to the Senate for further consideration.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: April 20, 2005

The Senate passed **S.B. 1004**, DRUG OFFENDER REFORM ACT – PILOT PROGRAM, by Senator S. Killpack, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 1004**, read the first time by short title, under suspension of the rules. On motion of Representative Alexander, the House voted to consider **S.B. 1004** read the second time by short title, under suspension of the rules, and placed on the calendar for third reading.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

### UNFINISHED BUSINESS

On motion of Representative D. Clark, the House voted to uncircle **H.B. 1011**.

**H.B. 1011**, FUNDING FOR CONVENTION FACILITIES, was before the House on its final passage.

Representative D. Clark proposed the following amendment:

1. Page 1, Lines 21 through 22
 

21       ▶       for fiscal year 2004–05 only, \$4,000,000 from the  
General Fund to the Division of

22 Finance to be transferred to Salt Lake County under certain  
circumstances and provides that the appropriation is nonlapsing .
2. Page 1, Line 24:
 

24       This bill { ~~–takes effect on July 1, 2005–~~ } provides an  
effective date .
3. Page 6, Lines 166 through 169:
 

166       (ii) complete the expansion or renovation of the convention  
facility described in

167 Subsection (2)(c)(i).  
(3) It is the intent of the Legislature that the appropriation  
required by Subsection (1) is nonlapsing.

168       Section 4. Effective date.

169       { ~~This bill takes~~ } (1) Except as provided in Subsection  
(2), 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.  
(2) Sections 59–12–352(Effective 07/01/05) and  
59–12–1603(Effective 07/01/05) take effect on July 1, 2005.

Representative D. Clark’s motion to amend passed on a voice vote.

**H.B. 1011**, as amended, then passed on the following roll call:

**Yeas, 60; Nays, 13; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Buxton	D. Clark
S. Clark	Cosgrove	D. Cox	Dayton
Dee	Duckworth	Ferry	J.M. Fisher
Fowlke	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway



Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
McGee	Menlove	Morgan	Moss
Murray	Newbold	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Ure	Urquhart	Walker	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Voting in the negative were:** Representatives

Barrus	Donnelson	Dougall	Dunnigan
Ferrin	Fisher	Frank	Gibson
Mathis	Morley	Noel	Tilton
Wallace			

**Absent or not voting were:** Representatives

Christensen	Daw
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**H.B. 1011**, as amended, transmitted to the Senate for its consideration.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: April 20, 2005

The Senate substituted and passed, **Senate 2nd Sub. H.B. 1009**, EXECUTIVE COMPENSATION, by Representative Alexander, and it is transmitted for further consideration; and

The Senate substituted and passed, **Senate 1st Sub. H.B. 1006**, CHANGES IN TASK FORCE MEMBERSHIP, by Representative J. Alexander, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **2nd Sub. H.B. 1009** and **1st Sub. H.B. 1006**, placed on the calendar for concurrence.

\* \* \*

Mr. Speaker: April 20, 2005

The Senate passed, **H.B. 1002**, PROVIDER CONTRACTING AMENDMENTS, by Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 1007**, VETERANS' NURSING HOME AUTHORIZATION AND FUNDING, by Representative D. G. Buxton, which

has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 1002** and **H.B. 1007** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### UNFINISHED BUSINESS

On motion of Representative Lockhart, the House voted to uncircle **H.B. 1008**.

**H.B. 1008**, TRANSPORTATION INVESTMENT ACT, was before the House on its final passage.

On motion of Representative Walker, the House voted to reconsider its action on Amendment 1 proposed and passed on motion by Representative Snow

The motion failed to pass on the following roll call:

**Yeas, 36; Nays, 37; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	Barrus
Buttars	Buxton	D. Clark	S. Clark
D. Cox	Dayton	Dee	Donnelson
Dougall	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Hardy
Harper	Hughes	Kiser	Last
Lockhart	Morley	Murray	Newbold
Noel	Oda	Painter	Tilton
Urquhart	Walker	Wallace	Curtis

**Voting in the negative were:** Representatives

S. Allen	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Cosgrove	Duckworth
Dunnigan	J.M. Fisher	Gowans	Hansen
Hendrickson	Hogue	Holdaway	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Lawrence	Litvack	Mascaro	Mathis
McGee	Menlove	Morgan	Moss

Ray  
Ure  
Wyatt

Romero  
Wheatley

Shurtliff  
Wheeler

G. Snow  
Wiley

**Absent or not voting were:** Representatives  
Christensen          Daw

###

Representative Lockhart proposed the following amendment:

1. Page 2, Lines 37 through 41

37       ▶       requires the Executive Appropriations Committee to  
notify the Division of Finance,  
38   the State Tax Commission, and the Department of Transportation  
when all highway  
39   projects have been completed and all general highway  
   {~~general~~} obligation bonds  
40   have been paid off that are intended to be paid from revenues  
deposited in the  
41   Centennial Highway Fund Restricted Account;

2. Page 2, Lines 45 through 49:

45   Monies Appropriated in this Bill:  
46    This bill appropriates:  
47    ▶        {~~(\$89,594,700)~~}    (\$110,607,700)   from the  
General Fund   and the Centennial Highway Fund   to the Centennial  
Highway Program;  
48    ▶        {~~-\$59,594,700~~}    \$80,607,700       to   the  
Centennial Highway Program from   {~~the Centennial Highway~~  
49   Fund and—}   the Centennial Highway Fund Restricted Account;  
and

3. Page 27, Lines 823 through 832:

823   To Department of Transportation – Centennial Highway  
Program  
824   From General Fund                    (59,594,700)

825     From General Fund, One-time (30,000,000)  
           From Centennial Highway Fund (21,013,000)

826             Schedule of Programs:

827             Centennial Highway Program  
           { ~~(89,594,700)~~ }     (110,607,700)

828     To Department of Transportation – Centennial Highway  
Program

829             { ~~From Centennial Highway Fund (21,013,000)~~ }

830             From Centennial Highway Fund Restricted Account  
80,607,700

831             Schedule of Programs:

832             Centennial Highway Program  
           { ~~59,594,700~~ }     80,607,700

Representative Lockhart’s motion to amend passed on a voice vote.

###

Representative Lockhart proposed the following amendment:

1. Page 12, Line 368

368 the taxes described in Subsections (2)(a)(i) {~~and~~ } <sup>±</sup>  
(2)(b)(i) (A), and (2)(b)(ii)(A) into the Centennial Highway Fund

Representative Lockhart’s motion to amend passed on a voice vote.

**H.B. 1008**, as amended, then passed on the following roll call:

**Yeas, 61; Nays, 12; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bowman	Buttars
Buxton	D. Clark	S. Clark	D. Cox
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones

Kiser	Last	Lawrence	Lockhart
Mascaro	Mathis	Menlove	Morgan
Morley	Murray	Newbold	Noel
Oda	Painter	Ray	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheeler	Wyatt
Curtis			

**Voting in the negative were:** Representatives

Becker	Biskupski	Bourdeaux	Cosgrove
J.M. Fisher	King	Litvack	McGee
Moss	Romero	Wheatley	Wiley

**Absent or not voting were:** Representatives

Christensen	Daw
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**H.B. 1008**, as amended, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to move to the Senate Third Reading Calendar.

**THIRD READING CALENDAR**

**S.B. 1004**, DRUG OFFENDER REFORM ACT – PILOT PROGRAM, read the third time by short title and placed on its final passage.

**S.B. 1004** then passed on the following roll call:

**Yeas, 68; Nays, 4; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Agard	Adams	S. Allen	Barrus
Becker	Biskupski	Bourdeaux	Bowman
Buttars	Buxton	D. Clark	S. Clark
Cosgrove	D. Cox	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro

Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt

**Voting in the negative were:** Representatives

Alexander	Bigelow	Ferrin	Curtis
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**Absent or not voting were:** Representatives

Christensen	Daw	Hendrickson
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**S.B. 1004** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### CONCURRENCE CALENDAR

Representative Alexander proposed that the House concur in the Senate amendments to **H.B. 1009**, EXECUTIVE COMPENSATION. The motion failed on a voice vote.

On motion of Representative Alexander, the House voted to refuse to concur with the Senate Amendments and to request the Senate recede.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: April 20, 2005

The Senate passed, **H.B. 1005**, INTEGRITY OF ELECTION RESULTS AMENDMENTS, by Representative J. Dougall, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 1011**, FUNDING FOR CONVENTION FACILITIES, by Representative D. Clark, et al, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.J.R. 101**, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES, by Representative D. Hogue, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **H.B. 1005**, **H.B. 1011**, and **H.J.R. 101** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

\* \* \*

Mr. Speaker: April 20, 2005  
The Senate passed, as amended, **H.B. 1010**, USES OF MONEY IN MUNICIPAL-TYPE SERVICES FUND, by Representative M. Walker, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 1010**, placed on the calendar for concurrence.

\* \* \*

Mr. Speaker: April 20, 2005  
The Senate passed, as substituted, and amended **1st Sub. S.B. 1002**, FUNDING FOR TOURISM, by Senator S. Jenkins, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **Sub. S.B. 1002**, read the first time by short title, under suspension of the rules. On motion of Representative Alexander, the House voted to consider **Sub. S.B. 1002**, read the second time by short title, under suspension of the rules, and placed on the calendar for third reading.

\* \* \*

Mr. Speaker: April 20, 2005  
The Senate refuses to concur with the House Amendments to **S.B. 1003**, PROPERTY TAX – COUNTY SERVICE AREAS, by Senator M. Waddoups, and requests the House recede from its amendments.

Annette B. Moore  
Secretary of the Senate

Communication filed. On motion of Representative Hutchings, the House voted to refuse to recede from its amendments to **S.B. 1003**. The Speaker was authorized to appoint a conference committee. The Speaker appointed Representatives Hutchings, Ferry, and Litvack.

### CONCURRENCE CALENDAR

On motion of Representative Walker, the House voted to concur in the Senate amendments to **H.B. 1010**, USES OF MONEY IN MUNICIPAL-TYPE SERVICES FUND.

**H.B. 1010**, as amended by the Senate, then passed on the following roll call:

**Yeas, 69; Nays, 0; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
D. Clark	S. Clark	Cosgrove	D. Cox
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Ferry	Fisher
J.M. Fisher	Fowlke	Frank	Gibson
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	B. Johnson	Jones	King
Kiser	Last	Lawrence	Mascaro
Mathis	McGee	Menlove	Morgan
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

Christensen	Daw	Duckworth	E. Hutchings
Litvack	Lockhart		

**H.B. 1010**, as amended by the Senate, transmitted to the Senate for signature of the preside

\* \* \*

On motion of Representative Alexander, the House voted to concur in the Senate amendments to **Sub. H.B. 1006**, CHANGES IN TASK FORCE MEMBERSHIP.

**Sub. H.B. 1006**, as amended by the Senate, then passed on the following roll call:



**Yeas, 56; Nays, 10; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Bigelow	Bourdeaux	Bowman
Buttars	D. Clark	S. Clark	D. Cox
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Fisher	Fowlke
Frank	Gibson	Gowans	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	B. Johnson	King
Kiser	Last	Lawrence	Mascaro
Mathis	Menlove	Morley	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wyatt	Curtis

**Voting in the negative were:** Representatives

Biskupski	Cosgrove	J.M. Fisher	Hansen
Jones	McGee	Morgan	Moss
Shurtliff	Wiley		

**Absent or not voting were:** Representatives

Becker	Buxton	Christensen	Daw
Duckworth	Ferry	E. Hutchings	Litvack
Lockhart			

**Sub. H.B. 1006**, as amended by the Senate, transmitted to the Senate for signature of the president.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker:

April 20, 2005

The Senate refuses to recede from its amendments to **2nd Sub. H.B. 1009**, EXECUTIVE COMPENSATION, by Representative J. Alexander, and has appointed a Conference Committee consisting of Senators D. Eastman, T. Hatch, and Goodfellow to meet with a like committee from the House on this bill.

Annette B. Moore  
Secretary of the Senate

Communication filed. On motion of Representative Alexander, the House voted to authorize the Speaker to appoint a Conference Committee. The Speaker appointed Representatives Alexander, Shurtliff, and Hughes.

### THIRD READING CALENDAR

**Sub. S.B. 1002**, FUNDING FOR TOURISM, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **Sub. S.B. 1002**.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to recess.

Speaker Curtis called the House to order.

### COMMUNICATION FROM THE SENATE

Mr. Speaker: April 20, 2005

The President of the Senate has appointed a Conference Committee consisting of Senators M. Waddoups, D. Thomas, and G. Davis to meet with a like committee from the House of Representatives to consider or amend **S.B. 1003**, PROPERTY TAX – COUNTY SERVICE AREAS, by Senator M. Waddoups.

Annette B. Moore  
Secretary of the Senate

Communication filed.

### CONFERENCE COMMITTEE REPORT

Mr. Speaker: April 20, 2005

The Joint Conference Committee comprised of Senators Waddoups, Thomas, and Davis, and Representatives Hutchings, Ferry, and Litvack, recommends **S.B. 1003**, PROPERTY TAX – COUNTY SERVICE AREAS, by Senator M. Waddoups, with the following amendments:

1. Page 2, Line 32:  
House Floor Amendments 4–20–2005:  
Reinstate “.0023” and delete “.0021”

Report filed. On motion of Representative Hutchings, the House voted to adopt the Joint Conference Committee Report.

**S.B. 1003** then passed on the following roll call:

**Yeas, 66; Nays, 2; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
D. Clark	S. Clark	Cosgrove	D. Cox
Dayton	Dee	Donnelson	Dunnigan
Ferrin	Ferry	Fisher	J.M. Fisher
Fowlke	Frank	Gibson	Gowans
Hansen	Harper	Hendrickson	Hogue
Holdaway	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morgan	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Hughes	Kiser
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**Absent or not voting were:** Representatives

Christensen	Daw	Dougall	Duckworth
Hardy	Last	Tilton	

**S.B. 1003**, as amended by the Conference Committee Report, transmitted to the Senate for further consideration.

**UNFINISHED BUSINESS**

On motion of Representative Ferry, the House voted to uncircle **Sub. S.B. 1002**.

**Sub. S.B. 1002**, FUNDING FOR TOURISM, was before the House on its final passage.

**Sub. S.B. 1002** then passed on the following roll call:

**Yeas, 51; Nays, 17; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	S. Allen	Barrus	Becker
Biskupski	Bourdeaux	Bowman	Buttars

D. Clark	S. Clark	Cosgrove	D. Cox
Dunnigan	Ferry	Fisher	J.M. Fisher
Fowlke	Gibson	Hansen	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Litvack	Mascaro	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Ray	Romero
Shurtliff	G. Snow	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Adams	Alexander	Bigelow	Buxton
Dayton	Dee	Donnelson	Dougall
Ferrin	Frank	Gowans	Harper
Kiser	Lawrence	Lockhart	Morley
Oda			

**Absent or not voting were:** Representatives

Christensen	Daw	Duckworth	Hardy
Last	Painter	Tilton	

**Sub. S.B. 1002** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: April 20, 2005

The Senate adopted the Joint Conference Committee Report dated April 20, 2005, and passed **H.B. 1009**, EXECUTIVE COMPENSATION, by Representative J. Alexander, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed.

### CONFERENCE COMMITTEE REPORT

Mr. Speaker: April 20, 2005

The Joint Conference Committee comprised of Senators Eastman, Hatch, and Goodfellow, and Representatives Alexander, Hughes, and Shurtliff, recommends

that the Senate recede from its amendments to **2nd Sub. H.B. 1009**, EXECUTIVE COMPENSATION, by Representative J. Alexander, and adopt **H.B. 1009**, EXECUTIVE COMPENSATION, by Representative J. Alexander.

Senator Dan R. Eastman

Representative Jeff Alexander

Report filed. On motion of Representative Alexander, the House voted to adopt the Conference Committee Report.

**H.B. 1009** then passed on the following roll call:

**Yeas, 59; Nays, 4; Absent or not voting, 12.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Buxton
D. Clark	S. Clark	Cosgrove	D. Cox
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Ferry	Fisher
Frank	Gibson	Goodfellow	Harper
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	Jones	King	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morley	Moss
Murray	Noel	Oda	Painter
Ray	Romero	Shurtliff	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Fowlke	Gowans	Hendrickson	Kiser
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**Absent or not voting were:** Representatives

Christensen	Daw	Duckworth	Hansen
Hardy	B. Johnson	Last	Morgan
Newbold	G. Snow	Tilton	Ure

**H.B. 1009** transmitted to the Senator for signature of the President.

#### **INTENT LANGUAGE TO H.B. 1009**

On motion of Representative Alexander, the House voted to print the following intent language to **H.B. 1009** in the House Journal.

It is the intent of the Legislature that staff prepare a letter to the Executive and Judicial Compensation Commission to be signed by the Speaker and President requesting that the Commission review the salary ranges for executive branch officers and consider whether or not all cabinet level officers be assigned to the same salary range.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: April 20, 2005

The Senate adopted the Joint Conference Committee Report dated April 20, 2005, and passed **S.B. 1003**, PROPERTY TAX – COUNTY SERVICE AREAS, by Senator M. Waddoups, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 1003** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

Mr. Speaker: April 20, 2005

The President of the Senate has signed **1st Sub. H.B. 1006**, CHANGES IN TASK FORCE MEMBERSHIP, by Representative J. Alexander, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 1008**, TRANSPORTATION INVESTMENT ACT, by Representative R. Lockhart, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 1009**, EXECUTIVE COMPENSATION, by Representative J. Alexander, and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 1010**, USES OF MONEY IN MUNICIPAL–TYPE SERVICES FUND, by Representative M. Walker, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **Sub. H.B. 1006**, **H.B. 1008**, **H.B. 1009**, and **H.B. 1010** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House authorized the Speaker to appoint a committee to meet with a like committee from the Senate to wait upon the Governor and inform His Excellency that the Legislature has completed its business and is prepared to adjourn sine die. The Speaker appointed Representatives Aagard, Ferrin, and Biskupski.

On motion of Representative Alexander, the House authorized the Speaker to appoint a committee to wait upon the Senate and inform that Honorable Body that the House was prepared to adjourn sine die. The Speaker appointed Representatives Holdaway, Julie Fisher, and Litvack.

Senators Parley Hellewell, Mark Madsen, and Gene Davis formally notified the House of Representatives that the Senate had completed its business and was prepared to adjourn sine die.

Representative Litvack notified the House that his committee had waited upon the Senate and informed that Honorable Body that the House was ready to adjourn sine die.

Representative Holdaway reported that the Joint Committee had waited upon the Governor and informed him that the Legislature had completed its business and was prepared to adjourn sine die.

On motion of Representative Alexander, and at 7:24 p.m., the House of Representatives of the Fifty–Sixth Legislature of the state of Utah, First Special Session, adjourned sine die.





**PAGE**  
**INDEX**

HOUSE BILLS

**2005 FIRST SPECIAL SESSION**



<b>H.B. 1001</b> — IMPLEMENTING FEDERAL EDUCATIONAL PROGRAMS ( <i>M. Dayton</i> )	
Read the first time by short title . . . . .	1382
Read the second time . . . . .	1382
Read the third time . . . . .	1383
Amendments . . . . .	1383
Transmitted to the Senate . . . . .	1384
Signed by the Speaker and transmitted to the Governor . . . . .	1395
<b>H.B. 1002</b> — PROVIDER CONTRACTING AMENDMENTS ( <i>R. Lockhart</i> )	
Read the first time by short title . . . . .	1382
Read the second time . . . . .	1382
Read the third time . . . . .	1385
Transmitted to the Senate . . . . .	1385
Signed by the Speaker and transmitted to the Governor . . . . .	1405
<b>H.B. 1003</b> — CIVIL LEGAL AID FOR VICTIMS OF DOMESTIC VIOLENCE ( <i>R. Romero</i> )	
Read the first time by short title . . . . .	1382
Read the second time . . . . .	1382
Read the third time . . . . .	1385
Transmitted to the Senate . . . . .	1386
Signed by the Speaker and transmitted to the Governor . . . . .	1398 , 1419
<b>H.B. 1004</b> — DISCONNECTING TERRITORY FROM A MUNICIPALITY ( <i>C. Frank</i> )	
Read the first time by short title . . . . .	1382
Read the second time . . . . .	1382
Read the third time . . . . .	1395
Amendments . . . . .	1395
Failed . . . . .	1397
<b>H.B. 1005</b> — INTEGRITY OF ELECTION RESULTS AMENDMENTS ( <i>J. Dougall</i> )	
Read the first time by short title . . . . .	1382
Read the second time . . . . .	1382
Read the third time . . . . .	1386
Amendments . . . . .	1386
Transmitted to the Senate . . . . .	1387
Signed by the Speaker and transmitted to the Governor . . . . .	1410 , 1431
<b>H.B. 1006</b> — CHANGES IN TASK FORCE MEMBERSHIP ( <i>J. Alexander</i> )	
Read the first time by short title . . . . .	1382
Read the second time . . . . .	1382
Read the third time . . . . .	1388
Amendments . . . . .	1388
Transmitted to the Senate . . . . .	1388
Placed on Concurrence Calendar . . . . .	1404

<b>1st Sub. H.B. 1006</b> — CHANGES IN TASK FORCE MEMBERSHIP ( <i>J. Alexander</i> )	
Concurrence . . . . .	1411 , 1432
Signed by the Speaker and transmitted to the Governor . . . . .	1417 , 1438
<b>H.B. 1007</b> — VETERANS' NURSING HOME AUTHORIZATION AND FUNDING ( <i>D. G. Buxton</i> )	
Read the first time by short title. . . . .	1382
Read the second time . . . . .	1382
Read the third time . . . . .	1384
Transmitted to the Senate . . . . .	1385
Signed by the Speaker and transmitted to the Governor . . . . .	1405
<b>H.B. 1008</b> — TRANSPORTATION INVESTMENT ACT ( <i>R. Lockhart</i> )	
Read the first time by short title. . . . .	1382
Read the second time . . . . .	1382
Read the third time . . . . .	1390
Circled . . . . .	1390 , 1394
Uncircled . . . . .	1391 , 1405 , 1426
Amendments . . . . .	1391 , 1405 , 1426
Transmitted to the Senate . . . . .	1408 , 1429
Signed by the Speaker and transmitted to the Governor . . . . .	1417 , 1438
<b>H.B. 1009</b> — EXECUTIVE COMPENSATION ( <i>J. Alexander</i> )	
Read the first time by short title. . . . .	1382
Read the second time . . . . .	1382
Read the third time . . . . .	1389
Amendments . . . . .	1389
Transmitted to the Senate . . . . .	1390
Placed on Concurrence Calendar . . . . .	1404
Refuse to Concur . . . . .	1409 , 1430
Conference Committee Appointed . . . . .	1412
Conference Committee Report . . . . .	1416 , 1437
Intent Language . . . . .	1416 , 1437
Signed by the Speaker and transmitted to the Governor . . . . .	1417 , 1438
<b>H.B. 1010</b> — USES OF MONEY IN MUNICIPAL-TYPE SERVICES FUND ( <i>M. Walker</i> )	
Read the first time by short title. . . . .	1398 , 1419
Read the second time . . . . .	1399 , 1420
Read the third time . . . . .	1399 , 1420
Amendments . . . . .	1399 , 1420
Transmitted to the Senate . . . . .	1400 , 1421
Placed on Concurrence Calendar . . . . .	1410 , 1431
Concurrence . . . . .	1411 , 1432
Signed by the Speaker and transmitted to the Governor . . . . .	1417 , 1438

**H.B. 1011** — FUNDING FOR CONVENTION FACILITIES (*D. Clark*)

Read the first time by short title . . . . .	1399 , 1420
Read the second time . . . . .	1399 , 1420
Read the third time . . . . .	1399 , 1420
Circled . . . . .	1399 , 1420
Uncircled . . . . .	1402 , 1423
Amendments . . . . .	1402 , 1423
Transmitted to the Senate . . . . .	1404 , 1425
Signed by the Speaker and transmitted to the Governor . . . . .	1410 , 1431

**H.J.R. 101** — JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES (*D. Hogue*)

Read the first time by short title. . . . .	1382
Read the second time . . . . .	1382
Read the third time . . . . .	1390
Transmitted to the Senate . . . . .	1391
Signed by the Speaker and transmitted to the Governor . . . . .	1410 , 1431

**PAGE**  
**INDEX**

SENATE BILLS

**2005 FIRST SPECIAL SESSION**





**S.B. 1001** — AMENDMENTS TO PROPERTY TAX PUBLIC NOTICE AND HEARING

PROVISIONS (*C. Bramble*)

Read the first time by short title and referred to Rules Committee . . . . . 1394

Read the second time . . . . . 1394

Read the third time . . . . . 1400 , 1421

Signed by the Speaker and returned to the Senate . . . . . 1401 , 1422

**1st Sub. S.B. 1002** — FUNDING FOR TOURISM (*S. Jenkins*)

Read the first time by short title . . . . . 1410 , 1431

Read the second time . . . . . 1410 , 1431

Read the third time . . . . . 1413 , 1434

Circled . . . . . 1413 , 1434

Uncircled . . . . . 1414 , 1435

Signed by the Speaker and returned to the Senate . . . . . 1415 , 1436

**S.B. 1003** — PROPERTY TAX – COUNTY SERVICE AREAS (*M. Waddoups*)

Read the first time by short title . . . . . 1398 , 1419

Read the second time . . . . . 1398 , 1419

Read the third time . . . . . 1401 , 1422

Returned to the Senate . . . . . 1402 , 1423

Appoint Conference Committee . . . . . 1410 , 1431

Conference Committee Report . . . . . 1413 , 1434

Amendments . . . . . 1401 , 1413 , 1422 , 1434

Signed by the Speaker and returned to the Senate . . . . . 1417 , 1438

**S.B. 1004** — DRUG OFFENDER REFORM ACT – PILOT PROGRAM (*S. Killpack*)

Read the first time by short title. . . . . 1402 , 1423

Read the second time . . . . . 1402 , 1423

Read the third time . . . . . 1408 , 1429

Signed by the Speaker and returned to the Senate . . . . . 1409 , 1430