

STATE OF UTAH
SENATE JOURNAL
FIFTH SPECIAL SESSION

The Senate was called to order at 11:00 a.m., with President Al Mansell presiding.

Prayer - Senator Carlene Walker

Pledge of Allegiance - Senator Leonard Blackham

Roll Call - All Senators present except Senators Suazo, Spencer, and Bramble excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 5)

COMMUNICATIONS FROM THE HOUSE

Mr. President: July 9, 2002
The House passed, as amended, **H.J.R. 501**, RESOLUTION APPROVING FEDERAL - UTAH STATE TRUST LANDS CONSOLIDATION AGREEMENT, by Representative B. Johnson, with the following amendments:

1. Page 1, Line 7:
After "approves the" delete "'2002 Federal - Utah State Trust Lands'"
2. Page 1, Line 8:
Delete "Consolidation Agreement'" and insert "'Agreement for Exchange of Lands, 2002 Federal - Utah State Trust Lands Consolidation'"
3. Page 1, Line 20:
After "entitled" delete "'2002 Federal - Utah State Trust Lands Consolidation Agreement'" and insert "'Agreement for Exchange of Lands, 2002 Federal - Utah State Trust Lands Consolidation'"
4. Page 1, Line 26:
After "approves the" delete "'2002 Federal - Utah State Trust Lands Consolidation Agreement'" and insert "'Agreement for Exchange of

Lands, 2002 Federal - Utah State Trust Lands Consolidation””
and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H. J.R. 501** were read the first time and referred to the Rules Committee.

On motion of Senator Waddoups **H.J.R. 501** was placed on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Evans, under suspension of the rules, **H.J.R. 501**, RESOLUTION APPROVING FEDERAL-UTAH STATE TRUST LANDS CONSOLIDATION AGREEMENT, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8

Voting in the affirmatives were: Senators

| | | | |
|----------|----------|----------|----------|
| E. Allen | R. Allen | Blackham | Buttars |
| Davis | Dmitrich | Eastman | Evans |
| Gladwell | Hillyard | Jenkins | Julander |
| Knudson | Mayne | Peterson | Poulton |
| Steele | Waddoups | Walker | Wright |
| Mansell | | | |

Absent or not voting were: Senators

| | | | |
|---------|------------|-----------|-----------|
| Bramble | Hale | Hellewell | Hickman |
| Spencer | Stephenson | Suazo | Valentine |

H.J.R. 501 was signed by the President of the Senate in open session and returned to the House.

INTRODUCTION OF BILLS

SURCHARGE ON TRAFFIC VIOLATIONS AMENDMENTS

S.B. 5002

D. Chris Buttars

THIS ACT MODIFIES THE DISPOSITION OF SPECIFIC AMOUNTS OF THE SURCHARGES IMPOSED ON FINES AND DEPOSITED INTO THE GENERAL FUND. THE ACT ADDS TO THE USES FOR WHICH AMOUNTS DEPOSITED TO THE CRIME VICTIM REPARATION FUND MAY BE

APPLIED. THIS ACT TAKES EFFECT IMMEDIATELY, was read for the first time and referred to the Rules Committee.

TRANSPORTATION FUND TRANSFERS

S.B. 5003

Scott K. Jenkins

THIS ACT MODIFIES THE TRANSPORTATION CODE TO AMEND THE AMOUNT OF TRANSFERS ALLOWED FROM THE TRANSPORTATION FUND TO OTHER AGENCIES. THIS ACT ALLOWS ADDITIONAL TRANSFERS FROM THE TRANSPORTATION FUND TO THE STATE TAX COMMISSION FOR COLLECTION COSTS NOT TO EXCEED 2.5% OF THE TOTAL ANNUAL TRANSPORTATION FUND REVENUE. THIS ACT EXCLUDES THE STATE TAX COMMISSION FROM THE \$10.6 MILLION TRANSFER LIMITATION AND REDUCES THE LIMITATION TO \$5.6 MILLION. THIS ACT CLARIFIES THAT REVENUES FOR THE MOTORCYCLE RIDER EDUCATION PROGRAM ARE EXCLUDED FROM THE TRANSFER LIMITATION, was read for the first time and referred to the Rules Committee.

ELIMINATION OF ANNUAL LEAVE CONVERSION

S.B. 5004

Beverly Ann Evans

THIS ACT REPEALS CODE PROVISIONS RELATING TO STATE OFFICER AND EMPLOYEE BENEFITS. THIS ACT REPEALS CERTAIN PROVISIONS THAT AUTHORIZED CONVERSION OF ANNUAL LEAVE TO A DEFERRED COMPENSATION PLAN. THIS ACT HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

* * *

On motion of Senator Waddoups, under suspension of the rules, **S.B. 5002**, **S.B. 5003**, and **S.B. 5004** were placed on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Buttars, under suspension of the rules, **S.B. 5002**, **SURCHARGE ON TRAFFIC VIOLATIONS AMENDMENTS**, was considered read the second and third times. Senator Buttars explained the bill. Senators Hillyard and Poulton commented. The bill passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8

Voting in the affirmative were: Senators

| | | | |
|----------|----------|----------|----------|
| E. Allen | R. Allen | Blackham | Buttars |
| Davis | Dmitrich | Eastman | Evans |
| Gladwell | Hillyard | Jenkins | Julander |
| Knudson | Mayne | Peterson | Poulton |
| Steele | Waddoups | Walker | Wright |
| Mansell | | | |

Absent or not voting were: Senators

| | | | |
|---------|------------|-----------|-----------|
| Bramble | Hale | Hellewell | Hickman |
| Spencer | Stephenson | Suazo | Valentine |

S.B. 5002 was transmitted to the House.

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On motion of Senator Jenkins, under suspension of the rules, **S.B. 5003**, TRANSPORTATION FUND TRANSFERS, was considered read the second and third times. Senator Jenkins explained the bill. Senators Waddoups and Peterson commented. The bill failed on the following roll call:

Yeas, 10; Nays, 12; Absent, 7.

Voting in the affirmative were: Senators

| | | | |
|----------|---------|---------|----------|
| Buttars | Eastman | Evans | Gladwell |
| Hillyard | Jenkins | Knudson | Poulton |
| Walker | Wright | | |

Voting in the negative were: Senators

| | | | |
|----------|-----------|----------|----------|
| E. Allen | R. Allen | Blackham | Davis |
| Dmitrich | Julander | Mayne | Peterson |
| Steele | Valentine | Waddoups | Mansell |

Absent or not voting were: Senators

| | | | |
|---------|------------|-----------|---------|
| Bramble | Hale | Hellewell | Hickman |
| Spencer | Stephenson | Suazo | |

S.B. 5003 was filed.

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On motion of Senator Evans, under suspension of the rules, **S.B. 5004**, ELIMINATION OF ANNUAL LEAVE CONVERSION, was considered read the second and third times. Senator Evans explained the bill. Senator Dmitrich commented. The bill passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8

Voting in the affirmative were: Senators

| | | | |
|-----------|----------|---------|----------|
| E. Allen | R. Allen | Buttars | Davis |
| Dmitrich | Eastman | Evans | Gladwell |
| Hellewell | Hickman | Jenkins | Knudson |
| Mayne | Peterson | Poulton | Steele |
| Valentine | Waddoups | Walker | Wright |
| Mansell | | | |

Absent or not voting were: Senators

| | | | |
|----------|---------|------------|----------|
| Blackham | Bramble | Hale | Hillyard |
| Julander | Spencer | Stephenson | Suazo |

S.B. 5004 was transmitted to the House.

INTRODUCTION OF BILLS

CAPITAL IMPROVEMENT AMENDMENTS

S.B. 5005

Leonard M. Blackham

THIS ACT AFFECTS THE PROCESS FOR CAPITAL DEVELOPMENTS AND CAPITAL IMPROVEMENTS BY ALLOWING THE LEGISLATURE TO REDUCE THE PERCENTAGE OF REPLACEMENT COSTS OF EXISTING STATE FACILITIES THAT MUST BE APPROPRIATED TO CAPITAL IMPROVEMENTS WHEN AN OPERATING DEFICIT EXISTS. THIS ACT TAKES EFFECT IMMEDIATELY, was read for the first time and referred to the Rules Committee.

2002 CAPITAL FACILITIES BONDING

S.B. 5006

Beverly Ann Evans

THIS ACT MODIFIES THE BONDING CODE BY AUTHORIZING THE ISSUANCE AND SALE OF ADDITIONAL GENERAL OBLIGATION BONDS BY THE STATE BONDING COMMISSION FOR ADDITIONAL CAPITAL FACILITIES AND BY ADOPTING INTENT LANGUAGE. THIS ACT TAKES EFFECT IMMEDIATELY, was read for the first time and referred to the Rules Committee.

* * *

On motion of Senator Waddoups, under suspension of the rules, **S.B. 5005** and **S.B. 5006** were placed on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Blackham, under suspension of the rules, **S.B. 5005**, CAPITAL IMPROVEMENT AMENDMENTS, was considered read the second and third times. Senator Blackham explained the bill. The bill passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

| | | | |
|-----------|----------|----------|-----------|
| R. Allen | Blackham | Buttars | Dmitrich |
| Eastman | Evans | Gladwell | Hale |
| Hellewell | Hickman | Jenkins | Knudson |
| Mayne | Peterson | Poulton | Valentine |
| Waddoups | Walker | Wright | Mansell |

Absent or not voting were: Senators

| | | | |
|----------|---------|--------|------------|
| E. Allen | Bramble | Davis | Hillyard |
| Julander | Spencer | Steele | Stephenson |
| Suazo | | | |

S.B. 5005 was transmitted to the House.

* * *

On motion of Senator Evans, under suspension of the rules, **S.B. 5006**, 2002 CAPITAL FACILITIES BONDING, was considered read the second and third times. Senator Evans explained the bill. Senator Ron Allen commented. The bill passed on the following roll call:

Yeas, 19; Nays, 4; Absent, 6.

Voting in the affirmative were: Senators

| | | | |
|-----------|----------|----------|-----------|
| E. Allen | R. Allen | Blackham | Davis |
| Dmitrich | Eastman | Evans | Hale |
| Hellewell | Hickman | Jenkins | Knudson |
| Mayne | Peterson | Poulton | Valentine |
| Waddoups | Walker | Mansell | |

Voting in the negative were: Senators

| | | | |
|---------|----------|------------|--------|
| Buttars | Gladwell | Stephenson | Wright |
|---------|----------|------------|--------|

Absent or not voting were: Senators

| | | | |
|---------|----------|----------|---------|
| Bramble | Hillyard | Julander | Spencer |
| Steele | Suazo | | |

S.B. 5006 was transmitted to the House.

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

AFTERNOON SESSION

The Senate reassembled at 1:45 p.m., with President Mansell presiding.

COMMUNICATIONS FROM THE GOVERNOR

CERTIFICATION

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Supplemental Proclamation issued under date of July 9th, 2002, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Supplemental Proclamation adding to the purposes of the Fifth Special Session of the Fifty-Fourth Legislature of the State of Utah at the State Capitol at Salt Lake City.

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 9th day of July,
2002.

Olene S. Walker
Lieutenant Governor

SUPPLEMENTAL PROCLAMATION

PURSUANT to Item 7 of the Proclamation issued June 19, 2002, calling the Legislature into special session, I add the following items to the agenda for the special session:

1. To clarify statutory authority for collecting DNA specimens.
2. To consider creating a task force to study revenue sources for water.

3. For the Senate to advise and consent to appointments made by the governor.

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 9th day of July,
2002.

Michael O. Leavitt
Governor

COMMUNICATIONS FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: June 4, 2002

In accordance with Sections 67-1-1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointments:

JUDICIAL CONDUCT COMMISSION

Rod Orton appointed as a member of the Judicial Conduct Commission for a term to expire June 30, 2006. Section 78-8-102, Utah Code Annotated 1953, as amended. Mr. Orton is a republican.

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

Michael O. Leavitt
Governor

COMMUNICATIONS FROM THE JUDICIAL CONFIRMATION COMMITTEE

Mr. President: July 8, 2002

The Judicial Confirmation Committee recommends that the Senate confirm the appointment of Mr. Rodney K. Orton to the Judicial Conduct Commission.

Chris Buttars, Chair

Senator Buttars moved to consent to the appointment. Senators Hillyard and Waddoups commented. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

| | | | |
|----------|-----------|------------|-----------|
| E. Allen | R. Allen | Buttars | Davis |
| Dmitrich | Eastman | Evans | Gladwell |
| Hale | Hellewell | Hickman | Hillyard |
| Jenkins | Julander | Mayne | Peterson |
| Poulton | Steele | Stephenson | Valentine |
| Waddoups | Walker | Wright | Mansell |

Absent or not voting were: Senators

| | | | |
|----------|---------|---------|---------|
| Blackham | Bramble | Knudson | Spencer |
| Suazo | | | |

INTRODUCTION OF BILLS

EMERGENCY MEDICAL SERVICES SURCHARGE AMENDMENTS

S.B. 5007

David H. Steele

THIS ACT AMENDS THE EMERGENCY MEDICAL SERVICES SYSTEMS ACT. THE ACT AMENDS THE EMERGENCY MEDICAL SERVICES GRANT PROGRAM BY DELETING THE 6% CAP ON THE FUNDS THAT MAY BE USED FOR ADMINISTRATIVE COSTS. THIS ACT PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

CIGARETTE TAX REVENUE DISTRIBUTION AMENDMENTS

S.B. 5008

David H. Steele

THIS ACT AMENDS THE REVENUE AND TAXATION CODE. THE ACT AMENDS THE DISTRIBUTION OF THE CIGARETTE TAX REVENUE DEPOSITED INTO THE CIGARETTE TAX RESTRICTED ACCOUNT FOR FISCAL YEAR 2002-03 ONLY. THE ACT SUNSETS ON JULY 1, 2003. THE ACT PROVIDES FOR RETROSPECTIVE OPERATION, was read for the first time and referred to the Rules Committee.

**STATUTORY AMENDMENTS FOR
MEDICAID BUDGET REDUCTIONS**

S.B. 5009

David H. Steele

THIS ACT MODIFIES THE HEALTH CODE AND THE PHARMACY PRACTICE ACT. THE ACT MAKES STATUTORY CHANGES TO

IMPLEMENT BUDGET REDUCTIONS IN THE MEDICAID PROGRAM. THE ACT AMENDS THE STATE'S MEDICAID FREEDOM OF CHOICE WAIVER. THE ACT REMOVES THE MANDATE FOR THE STATE TO MOVE CERTAIN PEOPLE INTO MANAGED CARE PLANS. THIS ACT ESTABLISHES THAT IT IS AN ACCEPTABLE PRACTICE FOR A PHARMACIST IN A NURSING HOME OR INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED TO ACCEPT BACK OR REDISTRIBUTE UNUSED DRUGS IN CERTAIN CIRCUMSTANCES. THE ACT REQUIRES THE DEPARTMENT OF HEALTH TO REIMBURSE FOR THE USE OF GENERIC DRUGS WHEN GENERIC DRUGS ARE AVAILABLE. THE ACT HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

On motion of Senator Waddoups, under suspension of the rules, **S.B. 5007**, **S.B. 5008**, and **S.B. 5009** were placed on the Second Reading Calendar.

COMMUNICATIONS FROM THE HOUSE

Mr. President: July 9, 2002

The House passed, as amended, **H.J.R. 502**, RESOLUTION CLOSING DISTRICT COURT IN ROY, by Representative A. L. Tyler, with the following amendment:

Page 1. Line 22:
after "effect" insert "no earlier than January 1, 2003"
and it is transmitted for consideration; and

The House passed **H.B. 5005**, REPEAL OF UNFUNDED CONSUMER HEARING PANEL, by Representative M. Throckmorton, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.J.R. 502** and **H.B. 5005** were read the first time and referred to the Rules Committee.

On motion of Senator Waddoups, under suspension of the rules, **H.J.R. 502** and **H.B. 5005** were placed on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Steele, under suspension of the rules, **S.B. 5007**, EMERGENCY MEDICAL SERVICES SURCHARGE AMENDMENTS, was considered read the second and third times. Senator Steele explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

| | | | |
|----------|-----------|------------|-----------|
| E. Allen | R. Allen | Buttars | Davis |
| Dmitrich | Eastman | Evans | Gladwell |
| Hale | Hellewell | Hickman | Hillyard |
| Jenkins | Julander | Mayne | Peterson |
| Poulton | Steele | Stephenson | Valentine |
| Waddoups | Walker | Wright | Mansell |

Absent or not voting were: Senators

| | | | |
|----------|---------|---------|---------|
| Blackham | Bramble | Knudson | Spencer |
| Suazo | | | |

S.B. 5007 was transmitted to the House.

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S.B. 5008, CIGARETTE TAX REVENUE DISTRIBUTION AMENDMENTS, was read the second time.

On motion of Senator Steele, the bill was circled.

* * *

On motion of Senator Steele, under suspension of the rules, **S.B. 5009, STATUTORY AMENDMENTS FOR MEDICAID BUDGET REDUCTIONS**, was considered read the second and third times. Senator Steele explained the bill. Senators Davis, Peterson, Ed Allen, and Valentine commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

| | | | |
|----------|----------|------------|-----------|
| E. Allen | R. Allen | Blackham | Buttars |
| Davis | Dmitrich | Eastman | Evans |
| Gladwell | Hale | Hellewell | Hickman |
| Jenkins | Julander | Mayne | Peterson |
| Poulton | Steele | Stephenson | Valentine |
| Waddoups | Walker | Wright | Mansell |

Absent or not voting were: Senators

| | | | |
|---------|----------|---------|---------|
| Bramble | Hillyard | Knudson | Spencer |
| Suazo | | | |

S.B. 5009 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: July 9, 2002
The House passed **H.B. 5007**, EXTENSION OF BASIC SKILLS COMPETENCY TEST, by Representative M. Dillree, and it is transmitted for consideration; and

The House passed **H.B. 5008**, CONSOLIDATION OF DIVISIONS OF MENTAL HEALTH AND SUBSTANCE ABUSE, by Representative J. Seitz, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 5007** and **H.B. 5008** were read the first time and referred to the Rules Committee.

On motion of Senator Waddoups, under suspension of the rules, **H.B. 5007** and **H.B. 5008** were placed on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Jenkins, under suspension of the rules, **H.J.R. 502**, RESOLUTION CLOSING DISTRICT COURT IN ROY, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

| | | | |
|-----------|------------|-----------|----------|
| E. Allen | R. Allen | Blackham | Dmitrich |
| Eastman | Evans | Gladwell | Hale |
| Hellewell | Hickman | Hillyard | Jenkins |
| Julander | Mayne | Peterson | Poulton |
| Steele | Stephenson | Valentine | Waddoups |
| Walker | Wright | Mansell | |

Absent or not voting were: Senators

| | | | |
|---------|---------|-------|---------|
| Bramble | Buttars | Davis | Knudson |
| Spencer | Suazo | | |

H.J.R. 502 was signed by the President of the Senate in open session and returned to the House.

* * *

H.B. 5005, REPEAL OF UNFUNDED CONSUMER HEARING PANEL, was read the second time.

On motion of Senator Davis, the bill was circled.

* * *

On motion of Senator Stephenson, under suspension of the rules, **H.B. 5007**, EXTENSION OF BASIC SKILLS COMPETENCY TEST, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

| | | | |
|----------|------------|-----------|----------|
| E. Allen | R. Allen | Blackham | Buttars |
| Davis | Dmitrich | Eastman | Gladwell |
| Hale | Hellewell | Hillyard | Jenkins |
| Julander | Mayne | Peterson | Poulton |
| Steele | Stephenson | Valentine | Waddoups |
| Walker | Wright | Mansell | |

Absent or not voting were: Senators

| | | | |
|---------|-------|---------|---------|
| Bramble | Evans | Hickman | Knudson |
| Spencer | Suazo | | |

H.B. 5007 was signed by the President of the Senate in open session and returned to the House.

INTRODUCTION OF BILLS

MINIMUM SCHOOL PROGRAM AMENDMENTS

S.B. 5010

Howard A. Stephenson

THIS ACT MODIFIES PROVISIONS RELATED TO THE STATE SYSTEM OF PUBLIC EDUCATION BY MODIFYING THE STATE CONTRIBUTIONS FOR THE SUPPORT OF PUBLIC SCHOOLS IN FISCAL YEAR 2002-03. THIS ACT REQUIRES SCHOOL DISTRICTS TO CERTIFY CERTAIN INFORMATION TO THE STATE BOARD OF EDUCATION PRIOR TO RECEIVING THE INCREASED VALUE OF THE WEIGHTED PUPIL UNIT FOR FISCAL YEAR 2002-03. THIS ACT HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

On motion of Senator Waddoups, under suspension of the rules, **S.B. 5010** was placed on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Blackham, under suspension of the rules, **H.B. 5008**, CONSOLIDATION OF DIVISIONS OF MENTAL HEALTH AND SUBSTANCE ABUSE, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

| | | | |
|-----------|-----------|---------|------------|
| Blackham | Buttars | Eastman | Evans |
| Gladwell | Hellewell | Hickman | Hillyard |
| Jenkins | Poulton | Steele | Stephenson |
| Valentine | Waddoups | Walker | Wright |
| Mansell | | | |

Voting in the negative were: Senators

| | | | |
|----------|----------|-------|----------|
| E. Allen | R. Allen | Davis | Dmitrich |
| Hale | Julander | Mayne | Peterson |

Absent or not voting were: Senators

| | | | |
|---------|---------|---------|-------|
| Bramble | Knudson | Spencer | Suazo |
|---------|---------|---------|-------|

H.B. 5008 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Davis, the circle was removed from **H.B. 5005**, REPEAL OF UNFUNDED CONSUMER HEARING PANEL, and it was before the Senate.

On motion of Senator Davis, under suspension of the rules, **H.B. 5005**, REPEAL OF UNFUNDED CONSUMER HEARING PANEL, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

| | | | |
|----------|-----------|------------|-----------|
| E. Allen | R. Allen | Buttars | Davis |
| Dmitrich | Eastman | Evans | Gladwell |
| Hale | Hellewell | Hickman | Hillyard |
| Jenkins | Julander | Mayne | Peterson |
| Poulton | Steele | Stephenson | Valentine |
| Waddoups | Walker | Wright | Mansell |

Absent or not voting were: Senators

Blackham Bramble Knudson Spencer
Suazo

H.B. 5005 was signed by the President of the Senate in open session and returned to the House.

* * *

On motion of Senator Stephenson, under suspension of the rules, **S.B. 5010**, MINIMUM SCHOOL PROGRAM AMENDMENTS, was considered read the second and third times. Senator Stephenson explained the bill. Senators Evans, Ron Allen, Hale, Hillyard, Steele, Poulton, Ed Allen, Dmitrich, Mansell, and Walker commented.

On motion of Senator Stephenson, the bill was amended as follows:

1. Page 4, Line 93:

After "sizes" add " " and delete "or directly reduce expenditures for classroom instruction."

The bill passed on the following roll call:

Yeas, 17; Nays, 8; Absent, 4

Voting in the affirmative were: Senators

Blackham Buttars Eastman Evans
Gladwell Hellewell Hickman Hillyard
Jenkins Poulton Steele Stephenson
Valentine Waddoups Walker Wright
Mansell

Voting in the negative were: Senators

E. Allen R. Allen Davis Dmitrich
Hale Julander Mayne Peterson

Absent or not voting were: Senators

Bramble Knudson Spencer Suazo

S.B. 5010 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

July 9, 2002

The House passed, **S.B. 5001**, CANVASS FOR PROVISIONAL BALLOT, by Senator J. Hickman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 5004**, ELIMINATION OF ANNUAL LEAVE CONVERSION, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 5005**, CAPITAL IMPROVEMENT AMENDMENTS, by Senator L. Blackham, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 5001, **S.B. 5004**, and **S.B. 5005** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President: July 9, 2002

The House passed, as substituted, **2nd Sub. H.B. 5004**, SALARIES FOR LEGISLATORS AND CONSTITUTIONAL OFFICES, by Representative J. Murray, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **2nd Sub. H.B. 5004** was read the first time and referred to the Rules Committee.

On motion of Senator Waddoups, under suspension of the rules, **2nd Sub. H.B. 5004** was placed on the Second Reading Calendar.

On motion of Senator Poulton, and at 3:35 p.m., the Senate sauntered.

The Senate was called to order at 5:50 p.m., with President Mansell presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: July 9, 2002

The House passed, **S.B. 5007**, EMERGENCY MEDICAL SERVICES SURCHARGE AMENDMENTS, by Senator D. Steele, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 5009**, STATUTORY AMENDMENTS FOR MEDICAID BUDGET REDUCTIONS, by Senator D. Steele, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 5007 and **S.B. 5009** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

INTRODUCTION OF BILLS**STATUTORY AMENDMENTS TO IMPLEMENT BUDGET CUTS****S.B. 5011***Leonard M. Blackham*

THIS ACT MODIFIES THE BUDGETARY PROCEDURES ACT BY AUTHORIZING THE LEGISLATURE TO APPROPRIATE MONIES FROM A RESTRICTED ACCOUNT TO CURE AN OPERATING DEFICIT. THIS ACT EXPANDS THE USES OF THE STATEWIDE CONTINGENCY RESERVE AND CAPITAL PROJECTS RESERVE FUND TO ALLOW THEM TO BE SPENT FOR DFCM ADMINISTRATIVE COSTS. THIS ACT TAKES EFFECT IMMEDIATELY, was read for the first time and referred to the Rules Committee.

**GUBERNATORIAL AND LEGISLATIVE TASK FORCE ON
ALTERNATIVE REVENUE SOURCES FOR WATER FUNDING****S.B. 5012***Leonard M. Blackham*

THIS ACT CREATES THE GUBERNATORIAL AND LEGISLATIVE ALTERNATIVE REVENUE SOURCES FOR WATER FUNDING TASK FORCE. THE ACT PROVIDES FOR THE TASK FORCE MEMBERSHIP, TASK FORCE CHAIRS, COMPENSATION OF TASK FORCE MEMBERS, VOTING, STAFF SUPPORT, TASK FORCE DUTIES AND RESPONSIBILITIES, AND TASK FORCE REPORTING RESPONSIBILITIES. THE ACT APPROPRIATES \$17,700 FROM THE GENERAL FUND FOR FISCAL YEAR 2002-03. THE ACT PROVIDES AN IMMEDIATE EFFECTIVE DATE. THE ACT IS REPEALED NOVEMBER 30, 2003, was read for the first time and referred to the Rules Committee.

On motion of Senator Waddoups, under suspension of the rules, **S.B. 5011** and **S.B. 5012** will be placed on the Second Reading Calendar.

SECOND READING CALENDAR

2nd Sub. H.B. 5004, SALARIES FOR LEGISLATORS AND CONSTITUTIONAL OFFICERS, was read the second time. Senators Hillyard and Blackham commented.

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

SALARIES FOR LEGISLATORS**3rd Sub. H.B. 5004**

THIS ACT MODIFIES STATUES GOVERNING SALARIES FOR THE LEGISLATURE BY REDUCING LEGISLATIVE SALARIES TO 2000

LEVELS FROM JULY 1, 2002 THROUGH DECEMBER 31, 2002, AND BY DIRECTING THAT THE RESULTING SAVINGS BE DEPOSITED INTO THE GENERAL FUND. THIS ACT TAKES EFFECT IMMEDIATELY AND HAS RETROSPECTIVE OPERATION TO JULY 1, 2002.

On motion of Senator Knudson, under suspension of the rules, **3rd Sub. H.B. 5004**, SALARIES FOR LEGISLATORS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

| | | | |
|------------|-----------|-----------|---------|
| E. Allen | R. Allen | Blackham | Buttars |
| Davis | Dmitrich | Eastman | Evans |
| Gladwell | Hale | Hellewell | Hickman |
| Hillyard | Jenkins | Julander | Knudson |
| Mayne | Peterson | Poulton | Steele |
| Stephenson | Valentine | Waddoups | Walker |
| Wright | Mansell | | |

Absent or not voting were: Senators

| | | |
|---------|---------|-------|
| Bramble | Spencer | Suazo |
|---------|---------|-------|

3rd Sub. H.B. 5004, as substituted, was returned to the House.

* * *

On motion of Senator Blackham, the Senate voted to reconsider its action on **S.B. 5003**.

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

TRANSPORTATION FUND TRANSFERS

1st Sub. S.B. 5003

THIS ACT MODIFIES THE TRANSPORTATION CODE TO AMEND THE AMOUNT OF TRANSFERS ALLOWED FROM THE TRANSPORTATION FUND TO OTHER AGENCIES FROM \$10.6 MILLION TO \$11.6 MILLION. THIS ACT CLARIFIES THAT REVENUES FOR THE MOTORCYCLE RIDER EDUCATION PROGRAM ARE EXCLUDED FROM THE TRANSFER LIMITATION.

On motion of Senator Jenkins, under suspension of the rules, **1st Sub. S.B. 5003**, TRANSPORTATION FUND TRANSFERS, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

| | | | |
|-----------|----------|-----------|---------|
| E. Allen | R. Allen | Blackham | Buttars |
| Davis | Dmitrich | Eastman | Evans |
| Gladwell | Hale | Hellewell | Hickman |
| Hillyard | Jenkins | Julander | Knudson |
| Mayne | Peterson | Poulton | Steele |
| Valentine | Waddoups | Walker | Wright |
| Mansell | | | |

Voting in the negative was: Senator
Stephenson

Absent or not voting were: Senators

| | | |
|---------|---------|-------|
| Bramble | Spencer | Suazo |
|---------|---------|-------|

1st Sub. S.B. 5003, as substituted, was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2002

The House substituted and passed, **1st Sub. S.B. 5006**, 2002 CAPITAL FACILITIES BONDING, by Senator B. Evans, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Evans, the Senate voted to concur in the House amendments to **1st Sub. S.B. 5006**, CAPITAL FACILITIES BONDING. The bill, as amended, passed on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators

| | | | |
|----------|----------|-----------|----------|
| E. Allen | R. Allen | Blackham | Buttars |
| Davis | Dmitrich | Eastman | Evans |
| Gladwell | Hale | Hellewell | Hickman |
| Jenkins | Julander | Knudson | Mayne |
| Peterson | Poulton | Valentine | Waddoups |
| Walker | Mansell | | |

Voting in the negative were: Senators

Hillyard Steele Stephenson Wright

Absent or not voting were: Senators

Bramble Spencer Suazo

1st Sub. S.B. 5006 was returned to the House.

INTRODUCTION OF BILLS**HIGHER EDUCATION BUDGET AUTHORITY****S.B. 5013***Lyle W. Hillyard*

THIS ACT MODIFIES THE STATE SYSTEM OF HIGHER EDUCATION CODE BY AUTHORIZING THE PRESIDENTS OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF REGENTS TO REALLOCATE DESIGNATED APPROPRIATIONS BETWEEN LINE ITEMS. THIS ACT HAS AN IMMEDIATE EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

On motion of Senator Waddoups, under suspension of the rules, **S.B. 5013** was placed on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Blackham, under suspension of the rules, **S.B. 5011**, STATUTORY AMENDMENTS TO IMPLEMENT BUDGET CUTS, was considered read the second and third times. Senator Blackham explained the bill.

On motion of Senator Blackham, the bill was amended as follows:

1. Page 1, Line 22:
After "exixts" insert "unless prohibited by federal law or court order."

Senators Valentine, Jenkins, and Dmitrich commented. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4

Voting in the affirmative were: Senators

| | | | |
|----------|----------|-----------|---------|
| E. Allen | R. Allen | Blackham | Buttars |
| Davis | Dmitrich | Eastman | Evans |
| Gladwell | Hale | Hellewell | Hickman |

| | | | |
|-----------|----------|----------|------------|
| Hillyard | Jenkins | Julander | Knudson |
| Mayne | Peterson | Steele | Stephenson |
| Valentine | Waddoups | Walker | Wright |
| Mansell | | | |

Absent or not voting were: Senators

| | | | |
|---------|---------|---------|-------|
| Bramble | Poulton | Spencer | Suazo |
|---------|---------|---------|-------|

S.B. 5011 as amended, was transmitted to the House.

* * *

On motion of Senator Blackham, under suspension of the rules, **S.B. 5012**, GUBERNATORIAL AND LEGISLATIVE TASK FORCE ON ALTERNATIVE REVENUE SOURCES FOR WATER FUNDING, was considered read the second and third times. Senator Blackham explained the bill. Senator Hickman commented. The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4

Voting in the affirmative were: Senators

| | | | |
|-----------|----------|-----------|------------|
| E. Allen | R. Allen | Blackham | Buttars |
| Davis | Dmitrich | Eastman | Evans |
| Gladwell | Hale | Hellewell | Hickman |
| Hillyard | Jenkins | Julander | Knudson |
| Mayne | Peterson | Steele | Stephenson |
| Valentine | Waddoups | Walker | Mansell |

Voting in the negative was: Senator

Wright

Absent or not voting were: Senators

| | | | |
|---------|---------|---------|-------|
| Bramble | Poulton | Spencer | Suazo |
|---------|---------|---------|-------|

S.B. 5012 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.B. 5013**, HIGHER EDUCATION BUDGET AUTHORITY, was considered read the second and third times. Senator Hillyard explained the bill. Senators Hickman, Steele, and Blackham commented. The bill passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 4

Voting in the affirmative were: Senators

| | | | |
|----------|-----------|------------|-----------|
| E. Allen | R. Allen | Buttars | Davis |
| Dmitrich | Eastman | Evans | Gladwell |
| Hale | Hellewell | Hillyard | Jenkins |
| Julander | Knudson | Mayne | Peterson |
| Poulton | Steele | Stephenson | Valentine |
| Waddoups | Walker | Wright | |

Voting in the negative were: Senators

| | |
|----------|---------|
| Blackham | Mansell |
|----------|---------|

Absent or not voting were: Senators

| | | | |
|---------|---------|---------|-------|
| Bramble | Hickman | Spencer | Suazo |
|---------|---------|---------|-------|

S.B. 5013 was transmitted to the House.

* * *

On motion of Senator Valentine, and at 6:30, the Senate sauntered.

The Senate was called to order at 8:40 p.m., with President Mansell presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: July 9, 2002

The Speaker of the House has signed **1st Sub. S.B. 5006**, 2002 CAPITAL FACILITIES BONDING, by Senator B. Evans, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 5006 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

Mr. President: July 9, 2002

The House passed, as amended, **H.B. 5014**, APPROPRIATION TO GENERAL FUND FROM PERMANENT STATE TRUST FUND, by Representative J. Alexander, with the following amendments:

1. Page 1, Line 6:
Delete "\$17,000,000" and insert "\$17,800,000"
2. Page 1, Line 12:
Delete "\$17,000,000" and insert "\$17,800,000"
and it is transmitted for consideration; and

The House passed **H.B. 5015**, CORRECTIONS - PROCEDURES AND FEES, by Representative G. Way, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 5014** and **H.B. 5015** were read the first time and referred to the Rules Committee.

On motion of Senator Waddoups, under suspension of the rules, **H.B. 5014** and **H.B. 5015** were placed on the Second Reading Calendar.

Mr. President:

July 9, 2002

The House passed, as amended, **S.B. 5010**, MINIMUM SCHOOL PROGRAM AMENDMENTS, by Senator H. Stephenson, with the following amendments:

1. Page 1, Lines 6 - 8:
Delete "This act requires school districts to certify certain information to the State Board of Education prior to receiving the increased value of the weighted pupil unit for fiscal year 2002-03."
2. Page 1, Line 14:
Delete line 14
3. Page 1, Line 19:
Delete "\$1,586,482,794" and insert "\$1,581,482,794"
4. Page 3, Line 68:
Delete "\$1,586,482,794" and insert "\$1,581,482,794"
5. Pages 3 and 4, Lines 88 - 94,:
Delete Lines 88 - 94
and renumber remaining section
and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Stephenson, the Senate refused to concur in the House amendments. **S.B. 5010** was returned to the House.

SECOND READING CALENDAR

On motion of Senator Blackham, under suspension of the rules, **H.B. 5014**, APPROPRIATION TO GENERAL FUND FROM PERMANENT STATE TRUST FUND, was considered read the second time. Senator Buttars commented.

On motion of Senator Buttars, the bill was circled.

* * *

On motion of Senator Stephenson, under suspension of the rules, **H.B. 5015, CORRECTIONS - PROCEDURES AND FEES**, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

| | | | |
|------------|-----------|-----------|---------|
| E. Allen | R. Allen | Blackham | Buttars |
| Davis | Dmitrich | Eastman | Evans |
| Gladwell | Hale | Hellewell | Hickman |
| Hillyard | Jenkins | Julander | Knudson |
| Mayne | Peterson | Poulton | Steele |
| Stephenson | Valentine | Waddoups | Walker |
| Wright | Mansell | | |

Absent or not voting were: Senators

| | | |
|---------|---------|-------|
| Bramble | Spencer | Suazo |
|---------|---------|-------|

H.B. 5015 was signed by the President of the Senate in open session and returned to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: July 9, 2002

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 5004, SALARIES FOR LEGISLATORS**, by Representative J. Murray, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

3rd Sub. H.B. 5004 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

On motion of Senator Poulton, and at 9:00 p.m., the Senate sauntered.

The Senate was called to order at 10:40 p.m., with President Mansell presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: July 9, 2002

The House passed, **S.B. 5002**, SURCHARGE ON TRAFFIC VIOLATIONS AMENDMENTS, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 5002 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President: July 9, 2002

The House refuses to recede from its amendments to **S.B. 5010**, MINIMUM SCHOOL PROGRAM AMENDMENTS, by Senator H. Stephenson, and has appointed a Conference Committee consisting of Representative M. Dillree, Representative P. Arent, and Representative B. King to meet with a like committee from the Senate on this bill.

Carole E. Peterson, Chief Clerk

A conference committee consisting of Senators Stephenson, Poulton, and Hale was appointed to meet with a like committee from the House.

SECOND READING CALENDAR

On motion of Senator Blackham, the circle was removed from **H.B. 5014**, APPROPRIATION TO GENERAL FUND FROM PERMANENT STATE TRUST FUND, and it was before the Senate.

On motion of Senator Blackham, under suspension of the rules, **H.B. 5014**, APPROPRIATION TO GENERAL FUND FROM PERMANENT STATE TRUST FUND,, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

| | | | |
|-----------|----------|-----------|---------|
| E. Allen | R. Allen | Blackham | Buttars |
| Davis | Dmitrich | Eastman | Evans |
| Gladwell | Hale | Hellewell | Hickman |
| Hillyard | Jenkins | Julander | Knudson |
| Mayne | Peterson | Poulton | Steele |
| Valentine | Waddoups | Walker | Wright |
| Mansell | | | |

| | | | |
|------------|-----------|-----------|---------|
| Gladwell | Hale | Hellewell | Hickman |
| Hillyard | Jenkins | Julander | Knudson |
| Mayne | Peterson | Poulton | Steele |
| Stephenson | Valentine | Waddoups | Walker |
| Wright | Mansell | | |

Absent or not voting were: Senators

| | | |
|---------|---------|-------|
| Bramble | Spencer | Suazo |
|---------|---------|-------|

S.B. 5012 was returned to the House.

Mr. President:

March 9, 2002

The House passed, as amended, **H.B. 5009**, SUPPLEMENTAL APPROPRIATIONS ACT IV, by Representative J. Alexander, with the following amendments:

1. Page 2, Line 47:
After line 47 insert:
"ITEM 9 To Governor's Office - Commission on Criminal and Juvenile Justice
From General Fund (1,508,400)
From Crime Victims' Reparations Trust Fund 1,508,400"

Renumber remaining items accordingly.

2. Page 2, Line 61:
Delete "(3,474,400)" and insert "(2,674,400)"
3. Page 2, Line 64:
Delete Line 64
4. Pages 11-12, Lines 426-444:
Delete lines 426-444
5. Page 12, Line 467:
After "From General Fund" delete "(608,500)" and insert "(658,500)"
6. Page 12, Line 469:
After line 469 insert:
"Developmental Disability and Mental Retardation Waiver (50,000)"
7. Page 14, Line 514:
After "From General Fund" delete "(1,005,400)" and insert "20,640,900"

8. Page 14, Line 514:
After line 514 insert:
“From Income Tax Revenue (21,646,300)”
9. Page 14, Line 546:
After “From General Fund” delete “(542,000)” and insert
“18,542,600”
10. Page 14, Line 546:
After line 546 insert:
“From Income Tax Revenue (19,084,600)”
11. Page 15, Line 585:
After “From General Fund” delete “(313,200)” and insert
“10,140,500”
12. Page 15, Line 585:
After line 585 insert:
“From Income Tax Revenue (10,453,700)”
13. Page 16, Line 594:
After “From General Fund” delete “(148,000)” and insert “4,498,700”
14. Page 16, Line 594:
After line 594 insert:
“From Income Tax Revenue (4,646,700)”
15. Page 16, Line 607:
After “From General Fund” delete “(68,400)” and insert “1,652,400”
16. Page 16, Line 607:
After line 607 insert:
“From Income Tax Revenue (1,720,800)”
17. Page 16, Line 620:
After “From General Fund” delete “(90,700)” and insert “2,542,100”
18. Page 16, Line 620:
After line 620 insert:
“From Income Tax Revenue (2,632,800)”
19. Page 16, Line 633:
After “From General Fund” delete “(226,700)” and insert “9,074,900”

20. Page 16, Line 633:
After line 633 insert:
"From Income Tax Revenue (9,301,600)"
 21. Page 17, Line 642:
After "From General Fund" delete "(282,800)" and insert
"11,679,100"
 22. Page 17, Line 642:
After line 642 insert:
 23. Page 17, Line 652:
After line 652 insert:
"COLLEGE OF EASTERN UTAH
ITEM 110
To College of Eastern Utah - Education and General
From General Fund 1,953,900
From Income Tax Revenue (1,953,900)"
- Renumber remaining items accordingly.
24. Page 20, Line 767:
After line 767 insert:
"From Federal Funds \$700,000"
 25. Page 20, Line 770:
After "Planning and Project Services" delete "\$1,835,000" and insert
"\$2,535,000"
 26. Page 20, Line 771:
After line 771 insert:
"It is the intent of the Legislature that the State Office of Education use
\$500,000 of appropriated state funds to support a District Online
Testing Pilot Program."

and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk
Communications filed. **H.B. 5009** were read the first time and referred to the
Rules Committee.

On motion of Senator Waddoups, under suspension of the rules, **H.B. 5009**
was placed on the Second Reading Calendar

SECOND READING CALENDAR

On motion of Senator Blackham, under suspension of the rules, **H.B. 5009**, SUPPLEMENTAL APPROPRIATIONS ACT IV, was considered read the second and third times. Senator Steele commented. Senator Steele declared a conflict of interest.

On motion of Senator Stephenson, the bill was amended as follows:

1. Page 20, Line 771
Amendment #26
Lilac Copy dated
July 9, 2002:
After line 771 insert the following underlined language as amendments:
“It is the intent of the Legislature that the State Office of Education use up to \$500,000 of appropriated state funds to support a District Online Testing Pilot Program until federal funds become available.”

The bill passed on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators

| | | | |
|------------|-----------|----------|----------|
| Blackham | Buttars | Eastman | Evans |
| Gladwell | Hellewell | Hickman | Hillyard |
| Jenkins | Knudson | Poulton | Steele |
| Stephenson | Valentine | Waddoups | Walker |
| Wright | Mansell | | |

Voting in the negative were: Senators

| | | | |
|----------|----------|-------|----------|
| E. Allen | R. Allen | Davis | Dmitrich |
| Hale | Julander | Mayne | Peterson |

Absent or not voting were: Senators

| | | |
|---------|---------|-------|
| Bramble | Spencer | Suazo |
|---------|---------|-------|

H.B. 5009 as amended, was returned to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: July 9, 2002

The House passed, **1st Sub. S.B. 5003**, TRANSPORTATION FUND TRANSFERS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 5011**, STATUTORY AMENDMENTS TO IMPLEMENT BUDGET CUTS, by Senator L. Blackham, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 5013**, HIGHER EDUCATION BUDGET AUTHORITY, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 5003, S.B. 5011 and S.B. 5013 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President: July 9, 2002

The House adopted the Joint Conference Committee Report dated July 9, 2002, and passed **1st Sub. S.B. 5010**, MINIMUM SCHOOL PROGRAM AMENDMENTS, by Senator H. Stephenson, and it is transmitted for further consideration.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: July 9, 2002

The Joint Conference Committee comprised of Sens. Stephenson, Poulton, and Hale, and Reps. Dillree, Ferrin, and King, recommends **S.B. 5010**, MINIMUM SCHOOL PROGRAM AMENDMENTS, by Senator H. Stephenson, be replaced and favorably recommends **1st Sub. S.B. 5010** MINIMUM SCHOOL PROGRAM AMENDMENTS.

Sen. Stephenson, Senate Chair

Rep. Dillree, House Chair

On motion of Senator Stephenson, the Senate voted to concur in the House substitution to **1st Sub. S.B. 5010**, MINIMUM SCHOOL PROGRAM AMENDMENTS. The bill, as substituted, passed on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators

| | | | |
|------------|-----------|----------|----------|
| Blackham | Buttars | Eastman | Evans |
| Gladwell | Hellewell | Hickman | Hillyard |
| Jenkins | Knudson | Poulton | Steele |
| Stephenson | Valentine | Waddoups | Walker |
| Wright | Mansell | | |

Voting in the negative were: Senators

| | | | |
|----------|----------|-------|----------|
| E. Allen | R. Allen | Davis | Dmitrich |
| Hale | Julander | Mayne | Peterson |

Absent or not voting were: Senators

| | | |
|---------|---------|-------|
| Bramble | Spencer | Suazo |
|---------|---------|-------|

1st Sub. S.B. 5010 was returned to the House.

* * *

Senator Ed Allen requested leave of the body to change his vote from “yes” to “no” on **H.B. 5009**. On voice vote of the body, the vote was allowed to be changed.

* * *

Mr. President:

July 9, 2002

The House substituted, amended, and passed, **1st Sub. S.B. 5004**, ANNUAL LEAVE CONVERSION, by Senator B. Evans, with the following amendment:

- Page 1, Line 16:
After “authorizes” insert “and fully funds the estimated costs of”
and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Evans, the Senate voted to concur in the House amendments to **1st Sub. S.B. 5004**, ANNUAL LEAVE CONVERSION. The bill, as amended, passed on the following roll call:

Yeas, 22; Nays, 3; Absent, 4

Voting in the affirmative were: Senators

| | | | |
|----------|-----------|----------|----------|
| R. Allen | Blackham | Buttars | Davis |
| Dmitrich | Eastman | Evans | Gladwell |
| Hale | Hellewell | Hickman | Jenkins |
| Julander | Knudson | Mayne | Peterson |
| Poulton | Valentine | Waddoups | Walker |
| Wright | Mansell | | |

Voting in the negative were: Senators

| | | |
|----------|--------|------------|
| E. Allen | Steele | Stephenson |
|----------|--------|------------|

Absent or not voting were: Senators

| | | | |
|---------|----------|---------|-------|
| Bramble | Hillyard | Spencer | Suazo |
|---------|----------|---------|-------|

1st Sub. S.B. 5004 was returned to the House.

* * *

Mr. President: July 9, 2002

The Speaker of the House has signed **1st Sub. S.B. 5004**, ANNUAL LEAVE CONVERSION, by Senator B. Evans, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 5010**, MINIMUM SCHOOL PROGRAM AMENDMENTS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 5012**, GUBERNATORIAL AND LEGISLATIVE TASK FORCE ON ALTERNATIVE REVENUE SOURCES FOR WATER FUNDING, by Senator L. Blackham, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 5004, **1st Sub. S.B. 5010**, and **S.B. 5012** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: July 9, 2002

The House concurred in the Senate amendments and passed **H.B. 5009**, SUPPLEMENTAL APPROPRIATIONS ACT IV, by Representative J. Alexander, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 5009 was signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

President Mansell appointed Senators Carlene Walker, Bill Wright, and Ed Allen to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Mansell appointed Senators David Steele, Lyle Hillyard, and Millie Peterson to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Walker reported that the Governor has been notified.

Senator Steele reported that the House has been notified.

On motion of Senator Poulton, and at 11:50 p.m., the Fifth Special Session of the Fifty-Fourth Legislature adjourned sine die.

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| Returned to the House | 28 |
| Signed by the President and transmitted to the Governor | 34 |
| H.B. 5005 -- REPEAL OF UNFUNDED CONSUMER HEARING PANEL (<i>M. Throckmorton</i>) | |
| Read for the first time and referred to the Rules Committee | 20 |
| Placed on calendar | 20 |
| Read the second time | 22 |
| Circled | 23 |
| Uncircled | 24 |
| Read the second and third time | 24 |
| Signed by the President and returned to the House | 25 |
| H.B. 5007 -- EXTENSION OF BASIC SKILLS COMPETENCY TEST (<i>M. Dillree</i>) | |
| Read for the first time and referred to the Rules Committee | 22 |
| Placed on calendar | 22 |
| Read the second and third time | 23 |
| Signed by the President and returned to the House | 23 |
| H.B. 5008 -- CONSOLIDATION OF DIVISIONS OF MENTAL HEALTH AND SUBSTANCE ABUSE (<i>J. Seitz</i>) | |
| Read for the first time and referred to the Rules Committee | 22 |
| Placed on calendar | 22 |
| Read the second and third time | 24 |
| Signed by the President and returned to the House | 24 |
| H.B. 5009 -- SUPPLEMENTAL APPROPRIATIONS ACT IV (<i>J. Alexander</i>) | |
| Read for the first time and referred to the Rules Committee | 39 |
| Placed on calendar | 39 |
| Read the second and third time | 40 |
| Returned to the House | 40 |
| Signed by the President and transmitted to the Governor | 43 |
| H.B. 5014 -- APPROPRIATION TO GENERAL FUND FROM PERMANENT STATE TRUST FUND (<i>J. Alexander</i>) | |
| Read for the first time and referred to the Rules Committee | 33 |
| Placed on calendar | 33 |
| Read the second time | 33 |
| Uncircled | 35 |
| Read the second and third time | 35 |
| Substituted | 34 |
| Signed by the President and returned to the House | 36 |
| H.B. 5015 -- CORRECTIONS - PROCEDURES AND FEES (<i>G. Way</i>) | |
| Read for the first time and referred to the Rules Committee | 33 |

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| | Placed on calendar | 33 |
| | Read the second and third time | 34 |
| | Signed by the President and returned to the House | 34 |
| H.J.R. 501 | -- RESOLUTION APPROVING FEDERAL - UTAH STATE TRUST LANDS CONSOLIDATION AGREEMENT (<i>B. Johnson</i>) | |
| | Amendments | 11 |
| | Read for the first time and referred to the Rules Committee | 11 |
| | Placed on calendar | 12 |
| | Read the second and third time | 12 |
| | Signed by the President and returned to the House | 12 |
| H.J.R. 502 | -- RESOLUTION CLOSING DISTRICT COURT IN ROY (<i>A. L. Tyler</i>) | |
| | Read for the first time and referred to the Rules Committee | 20 |
| | Placed on calendar | 20 |
| | Read the second and third time | 22 |
| | Signed by the President and returned to the House | 22 |
| S.B. 5001 | -- CANVASS FOR PROVISIONAL BALLOT (<i>J. Hickman</i>) | |
| | Read for the first time and referred to the Rules Committee | 5 |
| | Placed on calendar | 5 |
| | Read the second and third time | 5 |
| | Transmitted to the House | 6 |
| | Signed by the President and transmitted to the Governor | 26 |
| S.B. 5002 | -- SURCHARGE ON TRAFFIC VIOLATIONS AMENDMENTS (<i>D. C. Buttars</i>) | |
| | Read for the first time and referred to the Rules Committee | 12 |
| | Placed on calendar | 13 |
| | Read the second and third time | 13 |
| | Transmitted to the House | 14 |
| | Signed by the President and transmitted to the Governor | 35 |
| S.B. 5003 | -- TRANSPORTATION FUND TRANSFERS (<i>S. Jenkins</i>) | |
| | Read for the first time and referred to the Rules Committee | 12 |
| | Placed on calendar | 13 |
| | Read the second and third time | 14 |
| | Failed | 14 |
| | Filed | 14 |
| | Reconsideration | 28 |
| | Substituted | 28 |
| 1st Sub. S.B. 5003 | -- TRANSPORTATION FUND TRANSFERS (<i>S. Jenkins</i>) | |
| | Read the second and third time | 29 |
| | Transmitted to the House | 29 |
| | Signed by the President and transmitted to the Governor | 41 |
| S.B. 5004 | -- ELIMINATION OF ANNUAL LEAVE CONVERSION (<i>B. Evans</i>) | |
| | Read for the first time and referred to the Rules Committee | 13 |
| | Placed on calendar | 13 |
| | Read the second and third time | 14 |
| | Transmitted to the House | 15 |
| | Returned to the House | 36 |
| | Signed by the President and transmitted to the Governor | 26 |
| 1st Sub. S.B. 5004 | -- ANNUAL LEAVE CONVERSION (<i>B. Evans</i>) | |
| | Concurrence | 42 |
| | Returned to the House | 43 |
| | Signed by the President and transmitted to the Governor | 43 |
| S.B. 5005 | -- CAPITAL IMPROVEMENT AMENDMENTS (<i>L. Blackham</i>) | |
| | Read for the first time and referred to the Rules Committee | 15 |
| | Placed on calendar | 15 |
| | Read the second and third time | 15 |
| | Transmitted to the House | 16 |
| | Signed by the President and transmitted to the Governor | 26 |
| S.B. 5006 | -- 2002 CAPITAL FACILITIES BONDING (<i>B. Evans</i>) | |
| | Read for the first time and referred to the Rules Committee | 15 |
| | Placed on calendar | 15 |
| | Read the second and third time | 16 |
| | Transmitted to the House | 16 |
| 1st Sub. S.B. 5006 | -- 2002 CAPITAL FACILITIES BONDING (<i>B. Evans</i>) | |
| | Concurrence | 29 |
| | Returned to the House | 30 |
| | Signed by the President and transmitted to the Governor | 32 |
| S.B. 5007 | -- EMERGENCY MEDICAL SERVICES SURCHARGE AMENDMENTS (<i>D. Steele</i>) | |
| | Read for the first time and referred to the Rules Committee | 19 |
| | Placed on calendar | 20 |
| | Read the second and third time | 20 |
| | Transmitted to the House | 21 |
| | Signed by the President and transmitted to the Governor | 26 |

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| S.B. 5008 -- CIGARETTE TAX REVENUE DISTRIBUTION AMENDMENTS (<i>D. Steele</i>) | |
| Read for the first time and referred to the Rules Committee | 19 |
| Placed on calendar | 20 |
| Read the second time | 21 |
| Circled | 21 |
| S.B. 5009 -- STATUTORY AMENDMENTS FOR MEDICAID BUDGET REDUCTIONS (<i>D. Steele</i>) | |
| Read for the first time and referred to the Rules Committee | 19 |
| Placed on calendar | 20 |
| Read the second and third time | 21 |
| Transmitted to the House | 22 |
| Signed by the President and transmitted to the Governor | 26 |
| S.B. 5010 -- MINIMUM SCHOOL PROGRAM AMENDMENTS (<i>H. Stephenson</i>) | |
| Read for the first time and referred to the Rules Committee | 23 |
| Placed on calendar | 23 |
| Read the second and third time | 25 |
| Amendments | 25 |
| Transmitted to the House | 25 |
| Refuse to Concur | 33 |
| Returned to the House | 33 |
| 1st Sub. S.B. 5010 -- MINIMUM SCHOOL PROGRAM AMENDMENTS (<i>H. Stephenson</i>) | |
| Concurrence | 41 |
| Returned to the House | 42 |
| Signed by the President and transmitted to the Governor | 43 |
| S.B. 5011 -- STATUTORY AMENDMENTS TO IMPLEMENT BUDGET CUTS (<i>L. Blackham</i>) | |
| Read for the first time and referred to the Rules Committee | 27 |
| Placed on calendar | 27 |
| Read the second and third time | 30 |
| Amendments | 30 |
| Transmitted to the House | 31 |
| Signed by the President and transmitted to the Governor | 41 |
| S.B. 5012 -- GUBERNATORIAL AND LEGISLATIVE TASK FORCE ON ALTERNATIVE REVENUE SOURCES FOR WATER FUNDING (<i>L. Blackham</i>) | |
| Read for the first time and referred to the Rules Committee | 27 |
| Placed on calendar | 27 |
| Read the second and third time | 31 |
| Transmitted to the House | 31 |
| Returned to the House | 37 |
| Signed by the President and transmitted to the Governor | 43 |
| S.B. 5013 -- HIGHER EDUCATION BUDGET AUTHORITY (<i>L. Hillyard</i>) | |
| Read for the first time and referred to the Rules Committee | 30 |
| Placed on calendar | 30 |
| Read the second and third time | 31 |
| Transmitted to the House | 32 |
| Signed by the President and transmitted to the Governor | 41 |